

Ord. 25

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO MODIFY POWERS AND DUTIES; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY APPLICABILITY, EXEMPTIONS, STANDARDS AND MINOR DEVIATIONS; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY APPLICABILITY AND STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO MODIFY PROCEDURES AND REQUIREMENTS FOR AMENDMENTS OF APPROVED PLATS; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO MODIFY PROVISIONS FOR REVIEW OF TEMPORARY USE PERMITS; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION 155.4302., "GENERAL," TO MODIFY REQUIREMENTS FOR ACCESSORY USE STRUCTURES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AND ADDING CERTAIN COMMERCIAL USES; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO MODIFY LANDSCAPING REQUIREMENTS FOR EXISTING DEVELOPMENT AND DEMOLITION SITES; BY AMENDING SECTION 155.5301., "SCREENING," TO MODIFY SCREENING STANDARDS FOR NEW AND CERTAIN EXISTING DEVELOPMENT AND PROVIDING EXEMPTIONS; BY AMENDING SECTION 155.5603., "INDUSTRIAL DESIGN STANDARDS," BY MODIFYING INDUSTRIAL DESIGN STANDARDS FOR ENTRANCES AND FACADES OF BUILDINGS; BY AMENDING SECTION 155.5902., "MAINTENANCE," BY MODIFYING LANGUAGE TO CLARIFY GENERAL MAINTENANCE REQUIREMENTS; BY AMENDING APPENDIX C: FEE SCHEDULE, TO MODIFY FEES FOR CERTAIN DEVELOPMENT SERVICES APPLICATIONS FOR DEVELOPMENT IN THE CITY; 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 155.2205., "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)

...

B. POWERS AND DUTIES

The AAC shall have the following powers and duties under this Code:

1. Decide Applications for Development Permit

To review and decide the following applications for a development permit:

- a. Major Building Design (Sec. 155.2408);
- b. Master Sign Program (Sec. 155.2416); ~~and~~
- c. Appeal of a decision of the Development Services Director on an application for Minor Building Design (Sec. 155.2424); and
- d. Major Building Design - Vernacular or Superior Design Alternative.

...

SECTION 2. 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 development listed in Table 155.2407.B.1:

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY				
PROPERTY TYPE	RESIDENTIAL AND NONRESIDENTIAL USE			
Property owned by the city	All new free standing buildings and all new attached additions.			
	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
			Existing Development that is more than 7,500 sq ft gfa	One of the following, whichever is less: <ul style="list-style-type: none"> • An addition that adds more than 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%.
All Other Property Types	New Development	More than 10 new multifamily dwelling units	New Development	More than 5,000 sq ft gfa
	Existing Development	Addition of more than 10 new multifamily dwelling units	Existing Development that is 5,000 sq ft gfa or less:	An addition that results in development that contains more than 5,000 sq ft gfa
			Existing Development that is more than 5,000 sq ft gfa:	One of the following, whichever is less: <ul style="list-style-type: none"> • An addition that adds more than 25,000 sq ft gfa. • An addition that increases the amount of lot coverage of such existing development by more than 25%. • An addition that increases the gross floor area of the primary building of such existing development by more than 25%.

3. Exemptions

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

- a. Development of a single-family dwelling ~~on a single-family lot recorded on or before February 2, 1990;~~
- ~~b. Construction of a single-family dwelling on a lot that is part of a subdivision for which plat approval was obtained before January 1, 2013;~~
- b. Development of a two-family dwelling;
- c. Alteration or addition to an existing single-family dwelling;
- d. Alteration or addition to an existing two-family dwelling;
- ~~d e.~~ A change in use or alteration of an existing development that does not increase the size of a ~~structure~~ totally and permanently enclosed building or require ~~additional off-street parking or significant~~ modifications to parking, site landscaping, layout, or traffic circulation patterns;
- f. An alteration of an existing development, regardless of area and/or lot coverage, that involves the addition or replacement of mechanical rooms, equipment rooms, storage sheds, minor utility uses, and similar structures solely intended for utility purposes, subject to the discretion of the Development Services Director,
- ~~e. g.~~ Development requiring only a Tree Permit; and
- ~~f. h.~~ Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

...

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:

1. Is consistent with the comprehensive plan;

...

5. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;

...

H. MINOR DEVIATIONS

Subsequent applications for a Zoning Compliance Permit, or other development permits reviewed under this Code, for development authorized by a development order for a Site Plan, may include minor deviations from the approved plans and conditions without the need to amend the Site Plan. Such deviations, however, are limited to changes that the Development Services Director determines would not:

1. Increase or significantly decrease the density of residential development; ~~or gross square footage of nonresidential development;~~

...

5. Substantially affect the terms of the original approval; ~~or~~
6. Result in significant adverse impacts on the surrounding properties or the city at large; or
7. Increase or significantly decrease the intensity of non-residential development that affects the overall character of the project.

...

SECTION 3. 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:

...

B. Applicability

There are two types of development permits for Building Design authorized by this Code: Major Building Design and Minor Building Design.

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:

TABLE 155.2408.B.1: MAJOR BUILDING DESIGN APPLICABILITY

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. All new Institutional: Open Space Uses identified in section 155.4210, 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
			Existing Development that is 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%.
All Other Property Types	New Development	More than 10 new multifamily dwelling units	New Development	More than 5,000 sq ft gfa
	Existing Development	Addition of more than 10 new multifamily dwelling units	Existing Development that is 5,000 sq ft gfa or less:	An addition that results in development that contains more than 5,000 sq ft gfa
			Existing Development that is more than 5,000 sq ft gfa:	One of the following, whichever is less: <ul style="list-style-type: none"> • An addition that adds more than 25,000 sq ft gfa. • An addition that increases the amount of lot coverage of such existing development by more than 25%. • An addition that increases the gross floor area of the primary building of such existing development by more than 25%.

2. Minor Building Design

Unless exempted in accordance with subsection 3 below, a development order for Minor Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for a new building or structure, or any substantial change to the exterior of an existing building or structure, that is associated with any development other than those for which a development order for Major Building Design is required in accordance with subsection 1 above.

...

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;

...

- ~~4.~~ ~~Complies with the standards in Article 5, Part 10, if applicable;~~

- ~~5.~~ 4. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable; and

- ~~6.~~ 5. 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.

F. MAJOR BUILDING DESIGN - VERNACULAR OR SUPERIOR DESIGN ALTERNATIVE

1. In conjunction with approval of an application for Major Building Design, the AAC may grant requested deviations for buildings and development which, due to their vernacular design, may not be able to comply with the strict application

of the design standards listed in Sections 155.3703.F.7, 155.5601, 155.5602, and 155.5603. However, in no case shall the AAC grant a deviation from the following standards:

...

2. The applicant must present competent substantial evidence that the vernacular design achieves the purpose and intent of the applicable standards in Part 6 of Article 5 and in the adopted AAC Supplemental Criteria. Competent substantial evidence shall be supported by published material defining the design vernacular and style, or superior design.

...

I. EXPIRATION

A development order for Major Building Design or Minor Building Design shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within ~~one year~~ two years after the date of the development order, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

SECTION 4. 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

...

G. ~~MINOR DEVIATIONS TO/FROM APPROVED PLAT~~

An approved Plat may be revised to include—and subsequent applications for a Zoning Compliance Permit for development authorized by a development order for a Plat may include—~~minor deviations~~ amendments from the approved Plat, conditions of approval, and plat notes, ~~without the need to amend the Plat. Such deviations, however, are limited to changes the Development Services Director determines would not substantially affect the terms of the original application.~~

1. Minor Deviation

For all plat amendment applications and Findings of Adequacy (FOA) renewals authorized for administrative

approval, the Development Services Director shall have the authority to issue final approval of said applications, however the Director has the discretion and authority to require City Commission review and approval for any plat amendment for which administrative approval is authorized. The following plat amendment applications, which may or may not be in conjunction with an FOA renewal application, may be authorized for administrative approval by the Development Services Director:

- a. Plat note amendments with a decrease or no increase in the approved level of development.
- b. Plat note amendments for developments under 100 units and/or 100,000 square feet of non-residential gross floor area that increase the approved level of approved development by no more than 20%.
- c. Plat note amendments, which re-allocate non-residential mixed uses that result in an increase in total gross floor area of up to 10% for developments of 100,000 or greater, or an increase in total gross floor area of up to 20% for developments under 100,000 gross floor area.
- d. Plat note amendments which re-allocate residential and non-residential mixed uses (such as residential/commercial/office), which result in less than a 20% increase in residential units for an approved development of up to 100 units and/or total non-residential gross floor area for an approved development under 100,000 square feet; increases beyond the aforementioned thresholds shall correlate with a reduction in other approved uses to offset the impacts of the proposed amendment, as determined by the Development Services Director.
- e. Amendments to the approved Non-Vehicular Access Line subject to the inclusion in the application of a valid approval letter from the Florida Department of Transportation for plats located on a State Road, and subject to subsequent approval by Broward County.
- f. Amendments to previously approved conditions of approval required by Broward County in conjunction

with an amendment to the Non-Vehicular Access Line or a plat note amendment application.

2. Major Deviation

All other amendments Broward County determines would not require a new plat in accordance by the Broward County Administrative Rules shall be approved by Resolution.

H. AMENDMENT

Any modifications of an approved Plat other than the ~~minor~~ deviations authorized in Section 155.2410.G, Minor Deviations to/from Approved Plat, shall require amendment of the Plat approval in accordance with Section 155.2308.C, Modification or Amendment of Development Order.

SECTION 5. That Section 155.2412., "Temporary Use Permit," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.2412. TEMPORARY USE PERMIT

A. PURPOSE

The purpose of this subsection is to provide a uniform mechanism for reviewing temporary uses ~~and structures to ensure they of~~ buildings or lands in the city that do not comply with the standards in ~~Part 4 (Temporary Uses and Structures) of Article 4: Use Standards~~ Chapter 155, Zoning Code.

B. APPLICABILITY

There are two types of Temporary Use Permit authorized by this Code: Major Temporary Use Permits and Minor Temporary Use Permits.

1. Major Temporary Use Permits

A development order for a Major Temporary Use Permit in accordance with this section is required for any proposed temporary use of buildings or lands in the city set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, ~~that the Development Services Director~~

~~determines would have potential major impacts on neighboring properties or any temporary use that does not comply with the standards in Chapter 155 Zoning Code. Proposed temporary uses not set forth in Article 4: Part 4 are required to obtain a Major Temporary Use Permit.~~

...

SECTION 6. 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

Administrative Adjustments may be requested to the standards identified in Table 155.2421.B.1, Allowable Administrative Adjustments , up to the limit set forth in the table for the type of standard, the type of Administrative Adjustment (Major or Minor), and the zoning district within which the adjustment is requested.

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 Non-Residential Districts)
	Development Within Atlantic Boulevard Overlay District or Redevelopment of Brownfield Site Within Designated Brownfield Area	Other Development	
Minimum yard setback or minimum lot width	30%	20%	40%
Maximum lot coverage	n/a	20%	40%
Minimum pervious area of lot or minimum pervious area of required front yard	30%	20%	40%
Maximum yard encroachment	30%	20%	40%
TO: Maximum Block Length and Perimeter	N/A	N/A	10%
TO: Front Property Line Access: 1 Per 250 Feet	N/A <u>10%</u>	N/A <u>10%</u>	10% <u>15%</u>
TO: Minimum Lot Depth and Width	N/A	N/A	10%
TO: Floor Plate Size Above 5 th Floor	N/A <u>10%</u>	N/A <u>10%</u>	10% <u>15%</u>
TO: Ground Floor Active Use Liner Minimum Depth (20-feet)	N/A <u>10%</u>	N/A <u>10%</u>	20%
TO: Maximum Building Length of 300-feet	N/A <u>10%</u>	N/A <u>10%</u>	10% <u>20%</u>
TO/EOD: Active Use Required on Tertiary Streets in the Core and Center	N/A	N/A	20%

...

SECTION 7. That Section 155.4302., "General," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.4302. GENERAL

...

B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. Relationship to Principal Use or Structure

- a. Except as otherwise authorized in Section 155.4403.J, Temporary Use of an Accessory Structure as a Principal Dwelling, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
- b. If the principal use or structure is destroyed or removed, the accessory use or structure shall ~~no longer be allowed~~ be removed. This includes fences, except those allowed under section 155.5302.C.1., Fences Prohibited on Vacant Lots.

...

2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;

...

- h. Within 15 feet of a property line abutting a waterway or canal; and

...

SECTION 8. 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

...

C. GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

...

3. Location and Arrangement

a. Safe and Convenient Access

- i. Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

...

- v. The off-street parking facilities required under this chapter shall be located on the same lot or parcel of land the facilities are intended to serve, unless permissible in accordance with all applicable provisions of section 155.5102.J., Off-Street Parking Alternatives.

...

4. Markings

- a. Except for parking areas serving single-family, ~~two-family, triplex, fourplex and mobile home~~ dwellings, each required off-street parking area and space, and each off-street loading area and berth, shall be identified by double striping as well as other surface

markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

- b. ~~Each required off street parking area serving triplex and fourplex shall be identified with single striping.~~

...

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

Except as otherwise provided for multiple use developments (See Section 155.5102.D.3 below.), or new development within the Atlantic Boulevard Overlay district (See Section 155.3703.E.2.) or the Northwest Community Redevelopment Area (See Section 155.5102.D.4 below.), or as expressly exempted elsewhere in this Code, new development shall provide the minimum number of off-street parking spaces in accordance with Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space requirements for uses with variable parking demands or unlisted uses is provided in Section 155.5102.D.2, Uses with Variable Parking Demand Characteristics and Unlisted Uses.

...

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES

Use Category	Use Type	Minimum Number of Parking Spaces ^{1,2,3}
...		
Commercial Uses		
Motor Vehicle Sales and Service Uses	Automotive painting or body shop	1 per 500 sq ft
	Automotive parts sales without installation	1 per 300 sq ft
	Automotive parts sales with installation	
	Automotive repair and maintenance facility	1 per 500 sq ft
	Automotive wrecker service	
	Battery exchange station	
	Car wash or auto detailing	
	Gasoline filling station	2 spaces + 1 per gas pump
	New Automobile and Light Truck sales	1 per 400 sq ft of indoor sales display area and office space
	Used Automobile and Light Truck sales with indoor display only	
	Used Automobile and Light Truck sales with outdoor display	
	Automobile and Light Truck rental	
	Muffler/transmission sales and installation	1 per 500 sq ft
	Parking deck or garage (as principal use)	n/a
	Parking lot (as principal use)	n/a
	Taxi service facility	1 per 400 sq ft of office space
	Tire sales and mounting	1 per 500 sq ft
	Heavy Truck/recreational vehicle/trailer repair and servicing	
	Heavy Truck/recreational vehicle/trailer sales	1 per 400 sq ft of indoor sales display area and office space
	Heavy Truck/recreational vehicle/trailer rental	
	<u>Limited Auto Dealership - Fleet Automobile Sales</u>	
...

SECTION 9. 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

1. New Development

Except where expressly provided otherwise in this Code, the requirements in this section shall apply to all new development in the city.

...

2. Existing Development

a. Development Existing on or Before October 30, 1973 Without a Prior Landscape Plan Approved on Record, or Existing Prior to 1974

- i. Any development, other than a single-family dwelling, without an approved landscape plan on record, or that was existing on or before October 30, 1973 prior to 1974 shall comply with the following retroactive standards by August 24, 1999.

(A) Sod shall be provided within the right-of-way swale to the edge of the paved travel lane except where in areas the Development Service Director finds are developed as a loading area or provide necessary access to loading or parking areas. One street tree per 40 lineal feet of sodded swale area shall be provided. Placement of street trees is subject to prior approval of the City Engineer.

...

(C) A landscape strip with an average width of five feet shall be provided between any parking area or driveway and a front or street side lot line. The development shall provide the following landscaping within the planting strip:

(D) Ground-mounted mechanical equipment shall be screened in accordance with section 155.5301.A.2.

(E) Exterior commercial containers shall be screened in accordance with section 155.5301.C.1.b.

ii. No requirement in subsection a₂ above shall apply if the Development Services Director determines that compliance with the requirement will cause a property to be nonconforming or will increase an existing nonconformity with respect to the number of parking spaces or accessway requirements required under this Code.

iii. General and procedural requirements of this landscaping subchapter shall apply to the design and submittal of plans, installation of material and inspections. Submission and approval of a landscape plan shall be required for compliance with this section.

iv. Where full compliance with the requirements of this section is precluded by a lack of sufficient developable areas due to the size and layout of existing development or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Development Services Director.

...

3. Demolition Sites

a. If all or any existing structures on a lot are being, or have been, totally demolished drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and refilled to the undisturbed lot level with clean soil

before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall be subject to the standards of this section if conditions stated above are met; or

- b. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in accordance with Section 155.5203.B.2.e, Groundcover, may be installed and used during the construction period; and

...

SECTION 10. 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~~

- ~~i. The following exterior mechanical equipment and similar features shall be screened from view from adjacent streets and properties in accordance with the standards of this subsection:~~

~~(A) Electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back flow prevention devices);~~

~~(B) Heating, ventilating, and air conditioning equipment, tanks, and ductwork (e.g., air conditioning condensers and compressors, heat pump condensers and evaporators, bottled gas tanks);~~

~~ii. Roof or wall-mounted antennas, vent openings, tower and blades or a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.~~

~~b. Development Existing on or Before October 30, 1973~~

~~Notwithstanding the provisions elsewhere in this section, any development other than a single-family dwelling that existed on or before October 30, 1973, and does not conform to the standards in Section 155.5301.A, Screening of Mechanical Equipment, shall within 18 months after the city has inspected the development, confirmed applicability of this requirement, and notified the property owner of such applicability screen all mechanical equipment visible from a public right of way or more restrictive zoning district on three sides, or along 75 percent of its perimeter, with a hedge, berm, wood fence, or wall that is at least six inches higher than the equipment.~~

~~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.~~

2. Screening Standards

a. Roof Mounted Mechanical Equipment

~~Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened.~~

b. Ground Mounted Mechanical Equipment

~~Mechanical equipment mounted on ground level shall be screened by adjacent buildings, dense continuous hedges installed in accordance with Section 155.5203.B.2.g, Shrubs and Hedges, or decorative walls or fences incorporating at least one of the primary materials or colors of the nearest wall of the primary structure on the lot. The height of the vegetation, wall or fence, shall be at least six inches above the height of the mechanical equipment being screened.~~

A. MECHANICAL EQUIPMENT

1. Definition

Exterior mechanical equipment and similar features include electrical and gas-powered mechanical equipment and power systems equipment (e.g., permanent electrical generators, refrigeration equipment and ductwork, swimming pool pumps, back-flow prevention devices), heating, ventilating, and air conditioning equipment, tanks, and ductwork (e.g., air conditioning condensers and compressors, heat pump condensers and evaporators). Roof or wall-mounted antennas, vent openings, tower and blades, bottled gas tanks, a small wind energy system, or the solar panels or modules of a solar energy collection system shall not be considered exterior mechanical equipment for purposes of these screening standards.

2. New Development Screening Standards

a. Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device of a height equal to or

exceeding the height of the mechanical equipment being screened-

- b. Mechanical equipment mounted on ground level, or mounted within 3 feet from ground level, shall be screened by dense continuous hedges installed in accordance with Section 155.5203.B.2.g, Shrubs and Hedges, or semi-opaque fences or solid walls. The height of the vegetation, wall or fence, shall be maintained at least six inches above the height of the mechanical equipment being screened.

3. Existing Development Screening Standards

- a. Any lawfully established development that does not conform to the standards in Section 155.5301.A.2.a., New Development Screening Standards, shall not be required to screen any roof-mounted mechanical equipment, unless required to be upgraded as a nonconforming site feature under Article 7, Part 5 of this code.
- b. Notwithstanding the provisions elsewhere in this section, any lawfully established development that does not have an approved landscape plan on record and does not conform to the standards in Section 155.5301.A.2.b., New Development Screening Standards, shall screen all mechanical equipment mounted on ground level, or mounted within three feet from ground level, if the equipment is visible from a public right-of-way or more restrictive zoning district. Screening must be provided on three sides, using a hedge, berm, semi-opaque fence, or solid wall that is maintained or installed at least six inches higher than the equipment.

4. Exemptions

- a. The Development Services Director may waive all or part of the standards in this subsection, 155.5301.A. or 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. New Multifamily and Nonresidential Development

Except as otherwise provided in subsection c. below, on any multifamily and nonresidential properties, all exterior commercial containers—including, but not limited to, garbage dumpsters and compactors, cardboard receptacles and compactors, large recyclable containers, grease/oil tanks and garbage cans and carts—shall be screened from view from adjacent streets and properties in accordance with the standards in this subsection.

i. Commercial containers shall be screened on three sides by a durable, sight-obscuring walls constructed of brick, masonry, stone, or similar material, and on the fourth side by a wood or metal gate.

ii. No commercial container enclosure shall be placed in an area where the fence regulations would cause a conflict with this section.

iii. The height of the screening walls and gate shall be at least six inches higher than the height of the container.

iv. Where the container is located next to a building wall, the building wall may serve as a screening wall, and the other screening walls or fences shall incorporate at least one of the primary materials or colors of the adjacent building wall.

v. The external sides of walls screening a commercial container shall have a "finished" surface (e.g., textured or painted) and shall be landscaped to soften their visual impact in accordance with Section 155.5302.F.3, Fence and Wall Landscaping.

~~j. —Development Existing on or Before October 24, 1978~~

~~Notwithstanding the provisions elsewhere in this section, any development other than a single family~~

~~dwelling that existed on or before October 24, 1978, shall within 18 months after the city has inspected the development, confirmed applicability of this requirement, and notified the property owner of such applicability screen any dumpster visible from a public right of way or more restrictive zoning district in accordance with the following:~~

- ~~i. Unless legally located in a front or street side yard, the dumpster shall be screened on three sides with a solid view screening fence that is at least six feet high and on the fourth side with a solid view screening gate.~~
- ~~ii. A continuous hedge at least two feet high shall be provided around the dumpster enclosure.~~

b. Existing Multifamily and Nonresidential Development

Notwithstanding the provisions elsewhere in this section, any lawfully existing multifamily and nonresidential development shall screen any commercial container visible from a public right-of-way or more restrictive zoning district in accordance with the following:

- i. The commercial container shall be screened on three sides with a solid view-screening fence that is at least six feet high and on the fourth side with a solid view-screening gate.
- ii. A continuous hedge at least two feet high shall be provided around the commercial container enclosure.
- iii. Commercial containers shall be located so as to be substantially hidden from view from the adjacent property and the public rights-of-way.
- iv. Unless legally located in a front or street side yard, no commercial container enclosure shall be placed in an area where the fence regulations would cause a conflict with this section.

...

2. Location

Commercial containers shall not be placed in the following locations:

- a. Within five feet of any property line;
- ...
- f. Any location that blocks vehicular, bicycle, or pedestrian traffic; ~~and~~
- g. Any location that interferes with utilities; and
- h. Any platted or recorded easement.

3. ~~Screening of Commercial Containers~~

- ~~a. Commercial containers shall be screened on three sides by a durable, sight-obscuring walls constructed of brick, masonry, stone, or similar material, and on the fourth side by a wood or metal gate.~~
- ~~b. If a container is one regularly accessed by pedestrians, the required walls shall include an opening at least three feet wide for pedestrian access. This pedestrian opening shall be screened from view by an "L" shaped extension of a screening wall.~~
- ~~c. The height of the screening walls and gate shall be at least six inches higher than the height of the container.~~
- ~~d. Where the container is located next to a building wall, the building wall may serve as a screening wall, and the other screening walls or fences shall incorporate at least one of the primary materials or colors of the adjacent building wall.~~
- ~~e. The external sides of walls screening a commercial container shall have a "finished" surface (e.g., textured or painted) and shall be landscaped to soften their visual impact in accordance with Section 155.5302.F.3, Fence and Wall Landscaping.~~

...

SECTION 11. That Section 155.5603., "Industrial Design Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.5603. INDUSTRIAL DESIGN STANDARDS

...

F. ENTRANCE

1. Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons that incorporate at least one of the following design features to emphasize the importance of the entrance:

...

2. ~~Street-facing~~ Facades of the ground level floor facing an arterial street or collector street shall not include overhead doors, sliding glass doors, removable panels, or similar type of doors.

G. BUILDING FACADE MATERIALS

The use of vinyl siding aluminum siding, corrugated metal siding, any other metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior facade material shall be limited to those portions of ~~rear and side~~ building facades that are not visible from ~~the public right-of-way~~ an arterial or collector street or an adjacent residential; institutional, or commercial use.

...

SECTION 12. That Section 155.5902., "Maintenance," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.5902. MAINTENANCE

A. GENERAL MAINTENANCE REQUIREMENT

When the standards and procedures of this Code are required by a development order issued in accordance with this Code, or

conditions attached to any such development order require that any building or site feature be constructed or installed, the owner of the affected property shall be responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they die or are effectively destroyed after installation. In addition, property owners shall be responsible for each of the additional maintenance and replacement standards set forth in the various parts and sections of this article.

...

SECTION 13. That Appendix C: Fee Schedule of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

APPENDIX C: FEE SCHEDULE

...

The following are the applicable fees for Applications for Development in the city

....

TYPE OF APPLICATION	FEE
I. CONCURRENCY	
A. Preliminary Concurrency Review Letter	\$250
B. Concurrency Review Certificate, for all developments except single-family or duplex dwelling on a lot, or parcel recorded prior to March 1, 1989.	\$495
C. If the proposed development is exempt from the concurrency review pursuant to § 154.71(A)(1)-(7) the sum of \$250 will be returned to the applicant.	
D. Concurrency Review Certificate for single-family or duplex dwellings on a lot or parcel recorded prior to March 1, 1989.	\$225
E. Initial Deposit for Concurrency Traffic Study Review	\$1,175
II. OTHER DEVELOPMENT SERVICES APPLICATIONS	
A. Development of Regional Impact	\$7,525
B. Comprehensive Plan Amendment	
1. Local Amendment	\$3,290
2. Broward County	\$4,940
Applicant must also pay all advertising costs.	
C. Rezoning	
1. General and Site Specific Zoning Map Amendment	\$2,525
2. Master Plan	\$2,525
a. Residential	\$355 plus \$35 per acre plus \$20 per unit
b. Non-Residential	\$1,060 plus \$105 per acre
c. <u>Mixed Use</u>	<u>\$1,060 plus \$105 per acre plus \$20 per unit</u>
Applicant must pay for one required sign	\$60
Applicant must pay for additional required signs, per sign	\$30
D. Special Exception	\$1,070
E. Variances/Temporary Use Permits/Appeals from alleged error which requires a Public Hearing	
1. Single-family without outstanding zoning code violations	\$325
2. Single-family with outstanding related code violation	\$1,175
3. Multi-Family and Non-Residential without outstanding relate code violations	\$860
4. Multi-Family and Non-Residential with outstanding related code violations	\$1,715
5. Time extension for a variance or special exception	\$235

II. OTHER DEVELOPMENT SERVICES APPLICATIONS	
F. Plat	
1. Residential	\$350 plus \$25 per acre plus \$15 per unit
2. Non-Residential	\$705 plus \$70 per acre
<u>3. Mixed Use</u>	<u>\$705 plus \$70 per acre plus \$15 per unit</u>
G. Request to change any previously approved item on a plat	\$350
H. Appeals from alleged error which do not require a Public Hearing <u>Post-Decision Actions</u>	\$235
	\$115 plus \$25 per acre plus \$12 per unit
	\$705 plus \$70 per acre
I. Site Plan and Building Design	
1. Major Site Plan and Building Design	
a. Pre-Application Meeting	\$790
b. Residential/Multi Family	\$3,320 plus \$50 per acre plus \$25 per unit
c. Non-Residential	\$3,320 plus \$150 per acre plus \$45 per 1,000 sq. ft. of building area
<u>d. Mixed Use</u>	<u>\$3,320 plus \$50 per acre plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non-residential use</u>
2. Minor Site Plan	
a. Residential	\$1,780 plus \$50 per acre
b. Non-Residential	\$1,780 plus \$150 per acre
c. Outdoor Seating	\$130
3. Minor Building Design	
a. Residential	\$180 plus \$25 per unit
b. Non-Residential	\$180 plus \$45 per 1,000 sq. ft.
<u>c. Mixed Use</u>	<u>\$180 plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non-residential use</u>
<u>4. Transportation Study</u>	
<u>a. Trip Generation Review</u>	<u>\$600 City Fee + Cost Recovery Fee</u>

	<u>\$1,500 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments</u>
<u>b. Full Traffic Study</u>	<u>\$1,000 City Fee + Cost Recovery Fee</u> <u>\$5,000 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments</u>
<u>5. Air Park Obstruction</u>	<u>\$370 City fee + Cost Recovery</u> <u>\$5,000 Initial cost recovery deposit to cover consultant engineering fees for meetings, review, and staff report</u>
J. Revised Site Plan	\$1,780
K. Administrative Adjustment	
1. Major	\$965
2. Minor	\$150
L. Sidewalk Café Permit	Annual fee of \$20 for the first four tables; plus \$20 for each additional table
M. Interpretation	\$225
N. Interim Use Permit	\$1,095
O. Sign Permit Review	\$25
P. Abandonments	
1. Right-of-way abandonments	\$1,195
2. Utility Easement abandonment	\$350
III. LANDSCAPING.	
A. Tree Permit	\$25 plus \$5 per tree
1. Single-Family and Duplex	Exempt
2. Multi-Family Residential	\$45 plus \$7 per tree
3. Non-Residential	\$50 plus \$10 per tree
Fee shall double for work done without a permit.	
B. Tree Abuse	
1. For each abused tree	\$60
2. Second incident for each abused tree	\$120
3. Third incident for each abused tree	\$235

IV. FEES FOR CODE COPIES (Black and white copies, all fees are plus tax)	
A. Land use and zoning maps	
1 in. = 1,000 ft. Scale	\$7 plus tax
B. Planning (Ch. 154)	\$2
C. Zoning Code (Ch. 155)	\$58
D. Sign Code (Ch. 156)	\$3
V. REQUESTS FOR ZONING INFORMATION OR REVIEW	
A. A Zoning Use Certificate	\$30
<p>B. Zoning Letter. Any request for a written statement from the Planning and Zoning Division either confirming the land use plan designation and/or zoning classification of certain land within the city, or confirming that a proposed or existing use of land is in compliance with the requirements of that land use plan designation and/or zoning district, shall include:</p> <p>(1) A sketch of survey with legal description of the subject property;</p> <p>(2) A fee in the amount of \$60 <u>70</u> for each question or item to be verified over and above the second question or item to be verified (single-family exempt).</p>	\$70
...	

SECTION 6. 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 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 26th day of June, 2018.

PASSED SECOND READING this 10th day of July, 2018.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

MEB/jrm
7/2/18
L:ord/ch155/2018-203