

ORDINANCE NO. 2020- 56

**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 155.5203., “LANDSCAPING,” TO PROVIDE FOR COMPLIANCE WITH APPROVED LANDSCAPE PLAN; BY AMENDING SECTION 155.7502., “APPLICABILITY,” TO REMOVE REQUIREMENTS TO UPGRADE EXTERIOR FOR INTERIOR RENOVATIONS ONLY; BY DELETING SECTION 155.7504., “INTERIOR AND EXTERIOR REMODELING OF STRUCTURES,” IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established as one of its strategic goals to further strengthen Pompano Beach as a “Preferred Place to do Business” and to enhance the City’s reputation as being “business friendly”; and

WHEREAS, the City has sponsored two round-table forums to obtain developer and development community input regarding its land development codes and processes and has identified beneficial improvements, including landscape-related changes and other housekeeping measures to clarify and to reflect current policies and interpretations; and

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

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

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

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

§ 155.5203. LANDSCAPING

A. APPLICABILITY

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 Without a Prior Landscape Plan Approved on Record, or Existing Prior to 1974

...

b. All Existing Development

Irrespective of the special requirements applicable to development existing before October 30, 1973, the landscaping requirements in this section may apply to existing development in accordance with the following.

i. Expansion

Except as otherwise provided in subsection iii below, if an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, seating capacity, or other size unit), additional landscaping shall be provided in accordance with the requirements of this section to serve the expanded or enlarged part of the structure or use.

ii. Upgrading Of Nonconforming Landscaping

Nonconforming landscaping on the site of a ~~remodeled structure or an~~ expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Part 5 (Nonconforming Site Features) of Article 7: Nonconformities.

iii. Minor or Major Site Plan Approval

Any proposed development subject to the review of a Minor or Major Site Plan approval shall demonstrate compliance with the approved Landscape Plan on file, in addition to any requirements necessitated by this code.

SECTION 2. That Section 155.7502., “Applicability,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.7502. APPLICABILITY

...

B. Nonconforming site features, as provided for in this section, shall be addressed for all two-family and multi-family developments ~~with five or more units~~ and non-residential development if the following conditions are met:

1. The development site contains one or more nonconforming site features identified in subsection A above; and
2. ~~An application is filed for a Building Permit for the remodeling or expansion of a structure and the value of the proposed improvement totals at least 25 percent of the current fair market or assessed value of the existing structure (at the option of the applicant); or~~
- 3-2. An application is filed for a Building Permit for an addition or expansion to a structure or use and the addition or expansion increases the gross square footage of the structure or use area by 15 percent in any continuous five-year period.

...

SECTION 3. That Section 155.7504., “Interior and Exterior Remodeling of Structures,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby deleted in its entirety.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

SECTION 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 28th day of April, 2020.

PASSED SECOND READING this 26th day of May, 2020.

DocuSigned by:
Rex Hardin
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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
773D4290510A490...
ASCELETA HAMMOND, CITY CLERK



MEB/jmz
2/26/20
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