

ORDINANCE NO. 2021- 61

**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 155.2401., "OVERVIEW," TO PROVIDE REQUIREMENTS FOR CERTAIN LAND DEVELOPMENT AGREEMENTS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO MODIFY DATES FOR REFERENCED BUILDING PERMITS; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO PROVIDE THE DEVELOPMENT SERVICES DIRECTOR WITH AUTHORIZATION TO GRANT MODIFICATIONS FOR LANDSCAPING BETWEEN VEHICULAR USE AREAS PROVIDED SPECIFIC STANDARDS ARE MET; AND BY AMENDING SECTION 155.5301., "SCREENING," TO PROVIDE SPECIFIC EXEMPTIONS FOR CERTAIN SCREENING REQUIREMENTS; 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 155.2401., "Overview," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2401. OVERVIEW

A. General

This section sets forth supplemental review procedures, standards, and related information for each of the applications for a development permit reviewed under this Code, as listed in Table 155.2101, Summary of Development Review Responsibilities. They apply in addition to, or instead of, the standard review procedures set forth in Part 3 (Standard Review Procedures) of this article.

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C. Unity of Title Agreement

In conjunction with the submittal of an application for a development permit when it is deemed necessary for compliance with standards in this Code for the owner of adjacent lots or parcels to execute an agreement whereby such lots or parcels shall be considered an undivided parcel for zoning purposes, a "unity of title agreement" or equivalent instrument shall be required to be executed by the owner and recorded in the public records of Broward County. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner.

D. Other Agreements Associated with Land Development

Any agreement or instrument executed to meet land development requirements as set forth in this Code, shall first be submitted to Development Services for review and approval. Certain agreements may require the city to be a party to same should the city determine its participation is necessary to ensure continued compliance with the conditions. Once approved by the City, any such agreement or instrument shall be executed by the Owner and recorded in the public records of Broward County and shall constitute a restriction running with the land, binding the heirs, successors and assigns of the owner - unless released by the Development Services Director or City Commission (as appropriate). Examples of such legal agreements include, but are not limited to, shared access agreements, ingress/egress easements, unity of control agreements, unified control agreements, maintenance agreements, developer's agreements, parking or shared parking agreements, landscape agreements, private utility easement agreements.

SECTION 2. That Section 155.3703., "Atlantic Boulevard Overlay District (AOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

A. Purpose

The Atlantic Boulevard Overlay district (AOD) is established and intended to serve as a center of activity for residents and visitors alike, a source of pride and identity for the community, and an attractive gateway to the city's beachfront areas. It is also intended to help implement the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District east of the Intracoastal Waterway. The purposes of these district standards are to stimulate economic revitalization, create a pedestrian-friendly environment, encourage beachfront beautification, and promote mixed-use development. To achieve these intents and purposes, district standards are based on the following core principles.

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E. Modified Development Standards

Irrespective of the generally applicable development standards established in Article 5: Development Standards, the following development standards shall apply in the Atlantic Boulevard Overlay district.

1. Access and Circulation

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2. Off-Street Parking

a. Minimum Number of Spaces Required

i. Multifamily Dwellings

No off-street parking spaces are required for any multifamily dwellings that are constructed by--or have a valid building permit as of--January 4, 2016. Multifamily dwellings permitted thereafter shall provide a minimum of one off-street parking space per 1,000 square feet of gross floor area.

- ii. **Selected Off-street Parking Reductions for Retail Sales and Service Uses, Eating and Drinking Establishments, Professional Office, or Hotel Uses Constructed by or Having a Valid Building Permit as of January 4, ~~2021~~ 2026.**

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- iii. **Selected Off-street Parking Reductions for Residential Uses Vertically Integrated within a Mixed Use Development Constructed by or Having a Valid Building Permit as of January 4, ~~2021~~ 2026.**

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SECTION 3. That Section 155.3709., "East Overlay District (EOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3709. EAST OVERLAY DISTRICT (EOD)

A. Purpose

The East Overlay District (EOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development in the area connecting the Downtown Pompano Beach Overlay District and the Atlantic Boulevard Overlay District. The purpose of the district standards is to stimulate economic revitalization, create a pedestrian-friendly environment and promote mixed-use development. It is also intended to help implement the Pompano Beach Transportation Corridor Study Transformation Plan and the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District.

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I. Building Typology and Placement Regulating Diagrams and Modified Dimensional Standards

1. Building Typology

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6. Additional EOD Standards

In addition to the Regulating Plans, the following standards apply to properties within the EOD.

- a. Reduced and/or Modified Off-Street Parking Standards
 - i. Properties developed in full compliance with the Use-Areas/Density Regulating Plan and the Density Regulating Plan are eligible for reduced parking. However, in no case shall a property be permitted to utilize one of the following parking reductions and a parking reduction found in Section 155.5102.K (Reduced Parking Requirements for Parking Demand Reduction Strategies) or Table 155.5803.A: Sustainability Bonuses.
 - (A) Multifamily dwellings in the core and center sub-area: No off-street parking spaces are required for any multifamily dwellings that are constructed by, or have a valid building permit as of, the adoption date of this ordinance. Multifamily dwellings permitted thereafter shall provide a minimum of one off-street parking space per unit or one off-street parking space per 1,000 square feet of gross floor area or fraction thereof, whichever is greater.

...
 - (D) Selected off-street parking reductions for residential uses vertically integrated within a mixed-use development constructed by or having a valid building permit as of January 4, ~~2024~~ 2026.

SECTION 4. 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.

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D. Vehicular Use Area Landscaping

1. Applicability

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5. Landscaping Between Vehicular Use Areas and Buildings

A landscaped area shall be provided between a vehicular use area and an abutting building in accordance with the following standards. No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks.

a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than 15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

b. The landscaped area shall include landscaping meeting the foundation planting standards in Section 155.5203.E.3.

c. The Development Services Director may grant modifications to the required landscaping between vehicular use areas and buildings for development that provide at least 50% of the required width, subject to providing superior landscape design that includes a minimum of trees or palms as follows within the subject area and must include one or more of the following elements:

- i. Palms must be provided in multiples (doubles or triples);
- ii. If palms and trees are combined, one row of shrubs can be provided;
- iii. If palms or trees are provided, shrubs must be included in layering or height tiering with a minimum of 2 layers or tiers;
- iv. If trees are provided, design must include a minimum of 2 species,
- v. Trees or palms must be a minimum of 14 feet in height;
- vi. Layered or height tiered shrubs are provided in variety with a minimum of 2 species;
- vii. Suspended pavements systems are provided for the adjacent vehicular use area.

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SECTION 5. 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. Mechanical Equipment

1. Applicability

a. New Development Screening Standards

- i. 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, unless exempted by Section 2 (155.5301. A. 2. Exemptions).
- ii. 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.f., 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.

b. Existing Development Screening Standards

- i. 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.
- ii. 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.

2. 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, City adopted Life Safety standards, City owned utility infrastructure as referenced in Article 5, Part 5, Environmental Protection/Infrastructure, or

maintenance requirements for mechanical equipment within the public right-of-way.

- b. If it is determined that the mechanical equipment is not visible from a street or at the ground level of a non-industrial zoning district new or existing industrial development, within an Industrial zoning, then the roof-mounted mechanical equipment does not need to be screened on a building, if any of the following conditions apply:
 - i. the building elevation faces another building on the same lot
 - ii. the rear building elevation faces non-buildable properties (example of a non-buildable property includes a railroad track, a water body, or similar properties).

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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 27th day of April, 2021.

PASSED SECOND READING this 25th day of May, 2021.

DocuSigned by:

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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:

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ASCELETA HAMMOND, CITY CLERK

MEB/jrm
5/5/21
L:ord/ch155/2021-123

