

REQUESTED COMMISSION ACTION:

Consent      X      Ordinance      Resolution      Consideration/  
 \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      Discussion      \_\_\_\_\_  
 Presentation

SHORT TITLE

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155 "ZONING CODE", BY AMENDING ARTICLES 2,3,4,5, AND 9; PROVIDING AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

Staff is proposing a comprehensive group of text amendments to the City's Zoning Code. This is the first comprehensive group of amendments since January 28, 2014. The amendments include housekeeping items, such as revisions to clarify existing requirements, insertion of standards historically utilized by the city, and revisions to ensure consistency with the Comprehensive Plan. However there are several substantive changes including: granting the Development Services Director the authority to advise the City Commission of ZBA, P&Z, or AAC member absences; modifying the setback requirements for animal shelters; requiring vehicle stacking spaces in conjunction with valet operations; reducing the size of off-street parking spaces sizes citywide; permitting compact spaces in parking garages; and requiring guest parking spaces in conjunction with townhouse developments. Proposed amendments to Article 2 are described in Memos 15-069 and 15-224; to Article 3 are described in Memo 15-069; to Article 4 in Memos 14-586, 15-137, 15-179, and 15-241; and to Article 5 in Memos 13-451 and 15-194. The various amendments were reviewed by the Planning and Zoning Board at several hearings, listed below.

Per Motion at 1st Reading, §155.2205.J (AAC Supplemental Criteria) has been revised to add in requirement for City Commission approval

- (1) Origin of request for this action: Development Services Dept
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KB* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	05/28/2015	Approval	Memo #15-278 <i>[Signature]</i>
City Attorney	07/09/2015	Approval	Memo #2015-1259 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #13-071 (Hearing: 11/20/2013)
Memo #15-005 (Hearing: 01/28/2015)		Memo #15-012 (Hearing: 02/25/2015)	Memo #15-018 (Hearing: 03/25/2015)
Memo #15-031 (Hearing: 04/22/2015)		Memo #15-038 (Hearing: 05/27/2015)	Memo #15-040 (Hearing: 05/27/2015)
Memo #15-041 (Hearing: 05/27/2015)			
X City Manager <i>[Signature]</i>			<i>Dennis W. Beach</i>

Ordinance Workshop	Resolution	Consideration
1st Reading <u>7/28/15</u> Approved as <u>amended</u>	1st Reading _____	Results: _____
2nd Reading <u>9/8/15</u>	_____	_____
_____	_____	_____
_____	_____	_____





# MEMORANDUM

Development Services

2015 AUG 11 AM 10:23

**MEMORANDUM NO.** 15-402

**DATE:** August 7, 2015  
**TO:** Dennis W. Beach, City Manager  
**VIA:** Robin M. Bird, Development Services Director *RSB*  
**FROM:** Karen Friedman, AICP, Principal Planner *KBF*  
**SUBJECT:** Text Amendments Chapter 155 – Zoning.  
 Revision and Considerations for 2<sup>nd</sup> Reading  
 City Commission Hearing September 8, 2015

At the first reading for the proposed Ordinance, the City Commission approved a Motion to revise §155.2205.J to add in a requirement that the AAC's Supplemental Criteria is subject to approval by the City Commission. The Ordinance has been amended to reflect this Motion.

Also at the first reading for the proposed Ordinance, the City Commission directed Staff to review three issues of concern and to report back at the second reading. Below Staff has listed the specific concerns and Staff's findings.

**1) §155.3602.G – Striking of PD Agreement - Would the proposed striking of the PD Agreement result in a loss of the PD Agreement's requirements?**

The proposed text amendment strikes the PD Agreement's seven components currently listed in §155.3602.G. Four of the components have been converted into requirements of the PD Plan. Staff determined that the other three components do not need to be restated. Below are the seven components and their disposition:

Existing PD Agreement Standard	Disposition / Comment
1. Conditions related to approval of the application for the PD zoning district classification;	Not restated. The PD approval language clarifies that conditions are included in the PD Plan - § 155.2405.H
2. The PD Plan, including any density/intensity standards, dimensional standards, and development standards established in the PD Plan;	Not restated. This standard is 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;	Not restated. The PD approval language clarifies that conditions are included in the PD Plan - § 155.2405.H
4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;	To be included in new §155.3602.A.2.c
5. Provisions related to environmental protection and monitoring;	To be included in new §155.3602.A.2.d
6. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and	To be included in new §155.3602.A.2.e
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.	To be included in new §155.3602.A.2.h

### 2) §155.3602.G – Striking of PD Agreement - Can the PD Plan include plans demonstrating shading and view corridors?

While the Zoning Code does not have standards regulating view corridors or shading, the City may still require the applicant to demonstrate the various impacts of their proposed development. The authority for the city to requests various impacts to be demonstrated is currently included in PD Agreement component #7 (shown in the above table). This requirement, as mentioned above, is proposed to be relocated to the requirements of the PD Plan. This component refers to “*applicable standards and regulations*”. Applicable standards include Comprehensive Plan policies and Staff believes that the following two Comprehensive Plan policies support the City’s request for impacts to view corridors and shading to be demonstrated:

- Future Land Use Element Policy 01.06.01 requires policy makers to “*consider the impact that rezonings have on natural resources*”. The impacts that can be considered include access to natural resources and view of the natural resources.
- Comprehensive Plan (Future Land Use Element) Policy 01.16.02 states “*the city will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials*”. The PD Plan’s preservation of open space should be designed in such a manner that view corridors are likewise preserved.

### 3) §155.4214.B.3.e.i. Animal Shelter or Kennel, setback of outdoor runs from property lines abutting residential properties - What is the potential impact of increasing the proposed setback from 10 ft to 25 ft (for outdoor areas surrounded by a solid wall)?

Since Animal Shelters or Kennels are only permitted in B-4, I-1, I-1X, CF, and PCD Districts they will often not be in close proximity to residential properties. Nevertheless, Staff originally recommended the setback for outdoor play areas from residential property lines be reduced from 100 feet to 25 feet, provided the outdoor play area was completely surrounded by a solid wall. However, in order to as consistent as possible, Staff revised the recommendation to be reduced further to 10 feet (as this is the recommendation for all other property lines).

Staff has reviewed the 25 foot setback with a local business owner and determined that the 25 foot setback would not be detrimental to their operations. The 25 foot setback for outdoor play area remains less onerous than the 30 foot rear setback required for enclosed structures within these same Zoning Districts. Further this setback would provide additional noise buffering for the residential properties. Therefore Staff supports the setback at 25 feet.



**City Attorney's Communication #2015-1259**  
July 9, 2015

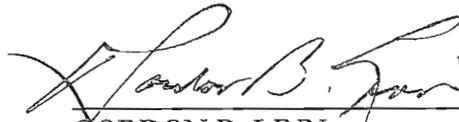
**TO:** Karen Friedman, AICP, Planner  
**FROM:** Gordon B. Linn, City Attorney  
**RE:** Ordinance Amending Chapter 155, "Zoning Code"

As requested, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**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.

Please feel free to contact me if I may be of further assistance.



GORDON B. LINN

/jrm  
l:cor/dev-srv/2015-1259

Attachment

**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.

...

**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~~ 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:

...

**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%.~~

**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 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY**

<b>PROPERTY TYPE</b>		<b>RESIDENTIAL AND NONRESIDENTIAL USE</b>		
<b>Property owned by the City</b>	All new free standing buildings and all new attached additions.			
	<b>RESIDENTIAL USE</b>		<b>NONRESIDENTIAL USE</b>	
<b>Designated Brownfield Area or Brownfield site</b>	<b>New Development</b>	More than 15 new multifamily dwelling units	<b>New Development</b>	More than 7,500 sq ft gfa
	<b>Existing Development</b>	Addition of more than 15 new multifamily dwelling units	<b>Existing Development that is 7,500 sq ft gfa or less</b>  <b>Existing Development that is more than 7,500 sq ft gfa</b>	<b>An addition that results in development that contains more than 7,500 sq ft gfa</b>  <b>One of the following, whichever is less:</b> <ul style="list-style-type: none"> <li>• An addition that adds more than 37,500 sq ft gfa.</li> <li>• An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</li> <li>• An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</li> </ul>

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

**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:

...

8. 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**

<b>PROPERTY TYPE</b>	<b>RESIDENTIAL AND NONRESIDENTIAL USE</b>			
<b>All property</b>	Landscape projects of at least 10,000 sq ft.			
<b>Property owned by the City</b>	All new free standing buildings and all new attached additions.			
<b>Property abutting a designated arterial or collector road as defined by the Broward County Trafficways Plan</b>	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.			
	<b>RESIDENTIAL USE</b>		<b>NONRESIDENTIAL USE</b>	
<b>Designated Brownfield Area or Brownfield Site</b>	<b><u>New Development</u></b>	More than 15 new multifamily dwelling units	<b><u>New Development</u></b>	More than 7,500 sq ft gfa
	<b><u>Existing Development</u></b>	Addition of more than 15 new multifamily dwelling units	<b><u>Existing Development that is 7,500 sq ft gfa or less</u></b>	An addition that results in development that contains more than 7,500 sq ft gfa
			<b><u>Existing Development that is more than 7,500 sq ft gfa</u></b>	<b><u>One of the following, whichever is less:</u></b> <ul style="list-style-type: none"> <li>• An addition that adds 37,500 sq ft gfa.</li> <li>• An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</li> <li>• An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</li> </ul>

<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"> <li><u>An addition that adds more than 25,000 sq ft gfa.</u></li> <li><u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u></li> <li><u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u></li> </ul>

...

### 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.

...

**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**

...

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	
<del>Minimum vehicular use area interior landscaped island or area width</del>	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)
<del>Interpretation</del> All other application types and waiver requests	Zoning Board of Appeals (ZBA)
<del>Sexually Oriented Business</del>	<del>Zoning Board of Appeals (ZBA)</del>
<del>Zoning Use Certificate</del>	<del>Zoning Board of Appeals (ZBA)</del>

...

**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,~~ and 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;~~
  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.

#### **I. 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.

#### **J. 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 10 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
...		
<u>Valet Parking for Residential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 5 spaces</u>	<u>Designated Drop-Off Area</u>
<u>Valet Parking for Nonresidential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 8 spaces</u>	<u>Designated Drop-Off Area</u>
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
<b>RESIDENTIAL USES</b>		
Household Living Uses	Dwelling, live/work	1 per DU
	...	
	Dwelling, multifamily	<u>Townhouse Guest Spaces</u>
		<u>1 per 5 Townhouse Units; In addition to the required parking spaces based on dwelling unit</u>
	...	

...

**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
<b>RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL USES</b>					
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 <sup>2</sup>	23	10	63
<b>INDUSTRIAL USES</b>					
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~~

~~c. — 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 may be 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

GBL/jrm  
7/30/15  
L:ord/ch155/2015-390



# MEMORANDUM

## Development Services

**MEMORANDUM NO. 15-278**

DATE: May 28, 2015

TO: Gordon Linn, City Attorney

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

SUBJECT: Zoning Code / Request for Ordinance  
City Commission Hearing June 23, 2015

The proposed text amendments to the city's Zoning Code includes revisions to Articles 2, 3, 4, 5, and 9. For your reference, the changes to §155.4204 were previously drafted by your office and included in City Attorney's Communication #2015-917.

Please review the proposed changes to the above referenced sections and draft the necessary Ordinance for the June 23, 2015 City Commission hearing.

Should you have any questions or comments, please contact me at extension 7792.

G:\Zoning 2009\Code Rewrite\Code Amendments\Article 2\CC -6-23-2015\Memo\_CityAtty\_RequestForOrd.doc

**PLANNING AND  
ZONING BOARD  
MEMOS**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #13-071**

**DATE:** November 25, 2013  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Recommended Approval of the REVISIONS to Chapter 155, Zoning Code related to Valet Parking

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on November 20, 2013, the Board considered revisions to Part 1: Article 5 of the Chapter 155 ZONING CODE as set forth in the Department of Development Services Administrative Report No. 13-451.

These revisions are in response to direction from the Planning and Zoning Board to consider allowing more opportunities for valet parking. The text amendments should result not only in an increased opportunity for the provision of valet parking, but should limit the impacts on surrounding property owners.

The revisions to the Zoning Code include:

- Requiring a minimum stacking space for vehicles utilizing valet parking. The stacking space varies based on the total parking capacity as well as whether the use is residential or non-residential.
- Removing the requirement that valet can only be provided in parking lots with at least 75 spaces.
- Allowing all use types to provide valet parking.
  - This will permit uses such as multi-family development, hospitals, and places of worship, to provide valet parking.
- Allowing all use types to provide 75% of required off-street parking spaces as valet, except for hotels who will continue to be allowed 100% valet.
- Adding in a cross-reference in the drop-off and pick-up areas to require compliance with the stacking requirements.
- Creating a list of standards for a Valet Parking Plan.
- Clarifying that hotels and residential development must have valet 24-hours per day.

It is the unanimous recommendation of the Board that the revisions to the ZONING CODE be approved.

  
11-27-2013  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-005**

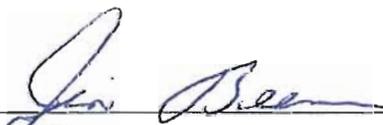
**DATE:** February 5, 201~~4~~<sup>5</sup>  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Professional Offices and Banks in RM Districts

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 28, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to standards in the Professional Offices and Banks in RM Districts as set forth in the Department of Development Services Administrative Report 14-586.

Staff is recommending the limitation to 2,000 square feet of gross floor area be removed for Professional Offices and Banks in RM-20, RM-30 and RM-45 Zoning Districts. Further, Staff is recommending that the specific standard from FLU Land Use Implementation Section 3.02 be stated in the Zoning Code.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-012**

**DATE:** March 6, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Article 2 (Administration) and Article 3: Part 6 (Planned Development Zoning Districts)

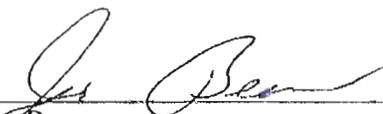
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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on February 25, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to standards in Article 2 (Administration) and Article 3: Part 6 (Planned Development Zoning Districts) as set forth in the Department of Development Services Administrative Report 15-069.

Staff is recommending text amendments to the following zoning code sections:

§155.2205	Architectural Appearance Committee
§155.2405	Planned Development
§155.2407	Site Plan
§155.2408	Building Design
§155.2410	Plat
§155.2413	Zoning Compliance Permit
§155.2414	Zoning Use Certificate
§155.3602	General Standards for all Planned Development Districts

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved with an additional amendment requiring any new development or redevelopment of CRA-owned properties, regardless of size, to receive Major Site Plan review.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-018**

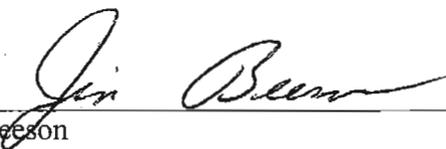
**DATE:** April 2, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Professional Offices and Banks in RM Districts

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on March 25, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to the standards for Professional Offices and Banks in RM Districts as set forth in the Department of Development Services Administrative Report 15-137.

Staff found that the text amendments reviewed by the P&Z Board at the January 2015 hearing which added in the limitation that restricted the total gross floor area to no more than 50% of the floor area of the building inadvertently created an inconsistency with the Comprehensive Plan. Therefore the proposed text amendments will remove the limitation that restricted the total gross floor area to no more than 50% of the floor area of the building for Professional Offices and Banks in RM Districts.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-031**

**DATE:** May 4, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Article 4, Animal Shelter and Kennel

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on April 22, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to standards for "Animal Shelter and Kennel" as set forth in the Department of Development Services Administrative Report 15-179.

Staff is recommending revising the required setbacks in order to balance the need to protect abutting property owners from excessive noise and odor while enabling animal shelter and kennel owners to develop in a practical manor.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved with the following revisions:

155.4214 B.3.e.1

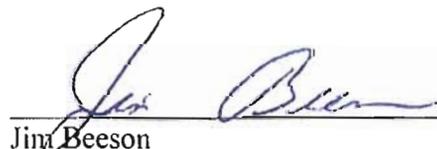
The Board recommends changing the proposed wall standard from *between 6 feet and 10 feet in height to a minimum of 6 feet in height.*

155.4214 B.3.e.2

The Board recommends changing the proposed wall standard from *between 6 feet and 10 feet in height to a minimum of 6 feet in height.*

155.4214 B.3.e.3 and 155.4214 B.3.e.4

Require 15 feet setback from all roadway types.



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Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-038**

**DATE:** June 4, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Article 2 (Administration)

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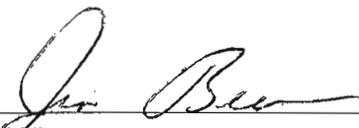
At the meeting of the Planning and Zoning Board/ Local Planning Agency held on May 27, 2015, the Board considered proposed text amendments to the Zoning Code regarding Article 2 (Administration) and a reconsideration of the Planning and Zoning Board recommendation included in the P&Z Board Memo #15-012 as set forth in the Department of Development Services Administrative Report 15-224.

Staff recommends revising §155.2203, §155.2204 and §155.2205 to ensure the City Commission is notified of attendance issues in a timely manner. Staff also recommends revisions to §155.2308 regarding the re-insertion of tolling provisions from the previous Chapter 157. Staff recommends revisions to §155.2407 and §155.2408 regarding Site Plan and Building Design applications to comply with the approved Corridor Study.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved with the following revisions:

§155.2407 & §155.2408

The Board recommends adding a statement clarifying that Site Plan and Building Design applications shall comply with the approved Corridor Study "Except where in direct conflict with the Zoning Code."

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-040**

**DATE:** June 4, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Recommended Approval of the REVISIONS to Chapter 155, Zoning Code related to Gasoline Filling Station and Grocery or Convenience Store

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on May 27, 2015, the Board considered proposed text amendments to the Zoning Code regarding Article 4 (Use Standards) as set forth in the Department of Development Services Administrative Report No. 15-241.

Staff recommends revising §155.4219.I and §155.4222.F.3 in order to clarify the definition for Gasoline Filling Stations and to clarify that Grocery or Convenience Stores that dispense gasoline are required to comply with the use specific standards for Gasoline Filling Stations.

It is the unanimous recommendation of the Board that the revisions to the ZONING CODE be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY**  
**MEMORANDUM #15-041**

**DATE:** June 4, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Recommended Approval of the REVISIONS to Chapter 155, Zoning Code related to Off-Street Parking

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on May 27, 2015, the Board considered proposed text amendments to the Zoning Code regarding Article 5 (Development Standards) as set forth in the Department of Development Services Administrative Report No. 15-194.

Staff recommends revising Table 155.5101.G.8.A regarding stacking requirements for gated driveways, porte cocheres, and valet parking. Staff also recommends revisions to Table 155.5102.D.1 regarding guest parking for townhouse developments, Table 155.5102.I.1 regarding a reduction in parking space dimensions, §155.5102.I.2 regarding parking space dimensions and compact parking spaces in parking garages, as well as §155.5102.J regarding valet parking amendments previously reviewed and recommended by the Planning and Zoning Board in November 2013.

It is the unanimous recommendation of the Board to table the revisions to Table 155.5101.G.8.A and to approve the remaining revisions to Article 5 (Development Standards) with the following revision:

155.5102.D.1

Require guest parking for townhouse developments at 1 space per 6 townhouse units.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

**STAFF MEMOS  
TO PLANNING  
AND ZONING  
BOARD**

# MEMORANDUM

## Development Services

**MEMORANDUM NO. 13-451**

DATE: November 12, 2013

TO: Planning & Zoning Board

VIA: Robin M. Bird, Development Services Director *RS*

FROM: Karen Friedman, AICP, Planner *KBF*

SUBJECT: Revisions to Part 1: Article 5 of the Zoning Code related to Valet Parking

In response to direction for the Planning and Zoning Board to consider allowing more opportunities for valet parking, along with requests from the city's CRA to permit valet staging within the right-of-way, Staff is proposing revisions to the Zoning Code and City Code of Ordinances Ch 100 (Streets) related to valet parking.

The revisions to the Zoning Code include:

- Requiring a minimum stacking space for vehicles utilizing valet parking. The stacking space varies based on the total parking capacity as well as whether the use is residential or non-residential.
- Removing the requirement that valet can only be provided in parking lots with at least 75 spaces.
- Allowing all use types to provide valet parking.
  - This will permit uses such as multi-family development, hospitals, and places of worship, to provide valet parking.
- Allowing all use types to provide 75% of required off-street parking spaces as valet, except for hotels who will continue to be allowed 100% valet.
- Adding in a cross-reference in the drop-off and pick-up areas to require compliance with the stacking requirements.
- Creating a list of standards for a Valet Parking Plan.
- Clarifying that hotels and residential development must have valet 24-hours per day.

The text amendments to City Code of Ordinances Ch. 100 (Streets) will permit valet staging areas in the city's right-of-ways. They are currently be drafted by Staff with input from several departments including: Public Works, Engineering, CRA, BSO, and Risk Management. The Ch. 100 text amendments, in conjunction with those included in the Zoning Code, should result not only in an increased opportunity for the provision of valet parking, but should limit the impacts on surrounding property owners.

Staff is requesting the Board approve these recommended changes to the City Commission for adoption.

G:\Zoning 2009\Code Rewrite\Code Amendments\Valet\P&Z Nov 20\P&Z Memo.doc

**Article 5: Development Standards  
Part 1 Access, Circulation, Parking, and Loading**

\*\*\*

**155.5101 ACCESS AND CIRCULATION**

\*\*\*

- 8. Vehicle Stacking Space**
  - a. For Drive-through and Related Uses**
    - i. Required Number of Stacking Spaces**

TABLE 155.5101: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES		
Use or Activity	Minimum Number of Stacking Spaces	Measured From
***		
School, elementary or middle (See Section 155.4207.B, D)	***	
<u>Valet Parking for Residential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 5 spaces</u>	<u>Designated Drop-Off Area</u>
<u>Valet Parking for Nonresidential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 8 spaces</u>	<u>Designated Drop-Off Area</u>
Other	***	

**155.5102 OFF-STREET PARKING AND LOADING**

\*\*\*

**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 may be 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.

**c.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.



# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 14-586**

DATE: December 22, 2014

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *[Signature]*

FROM: Karen Friedman, AICP, Planner *KBF*

RE: Text Amendments to Zoning Code  
Professional Offices and Banks in RM Districts

Staff is recommending revisions to the Zoning Code regarding Professional Offices and Banks in the RM Zoning Districts. An explanation of the revisions is below.

### Background

Professional Offices are permitted in RM-12, RM-20, RM-30 and RM-45 as a Special Exception. Further in order to qualify for the Special Exception, the total gross floor area of the Professional Office must be 2,000 square feet or less.

Banks or Financial Institutions are permitted in RM-20, RM-30 and RM-45 as a Special Exception. Further in order to qualify for the Special Exception, the total gross floor area of the Bank or Financial Institution must be 2,000 square feet or less.

Recently a member of the public questioned the limitation to 2,000 square feet. Therefore Staff researched the old Zoning Code's regulations regarding professional offices and banks in the RM Districts and determined the following (a copy of the regulations is attached):

- §155.165(C)(6) – RM-12
  - Office Building was a Special Exception Use and the floor area was not to exceed 2,000 square feet and consistent with FLU Land Use Implementation Section 3.02.
  - Financial Institution was not permitted.
- §155.167(C)(7) – RM-20
  - Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
- §155.168(C)(6) – RM-30
  - Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.

# MEMORANDUM

## Development Services

- §155.169(C)(6) – RM-45
  - Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.

Additionally Staff reviewed Ordinance 93-34, which addressed these standards (copy attached). Ordinance 93-34 reiterates the standards found in the old Zoning Code.

### **Staff's Recommendation**

Staff believes the requirement for Professional Offices and Banks in the RM-20, RM-30, and RM-45 to be limited to 2,000 square feet is a scrivener's error. Staff is therefore recommending the limitation to 2,000 square feet of gross floor area be removed for RM-20, RM-30 and RM-45. Further, Staff is recommending that the specific standard from FLU Land Use Implementation Section 3.02 be stated in the Zoning Code.

### **Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

# CHAPTER 155: ZONING CODE

\*\*\*

## Article 4: Use Standards

\*\*\*

### Part 2: Principal Uses and Structures

\*\*\*

#### 155.4220. COMMERCIAL: OFFICE USES

\*\*\*

##### B. Professional Office

\*\*\*

##### 3. Standards

~~a. 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.

b. In the Rm-20, RM-30 and RM-45 District, a professional office use is allowed as a Special Exception only if the total gross floor area is no more than 50% of the floor area of the building.

\*\*\*

#### 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~~ no more than 50% of the floor area of the building.

\*\*\*

## Article 9: Definitions and Interpretation

\*\*\*

### Part 5: Terms and Uses Defined

\*\*\*

#### 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.

- (1) construction of one single-family dwelling unit or duplex unit on a lot or parcel which lot or parcel was of record as such in the applicable public records as of the effective date of this Plan;
- (2) construction on any multi-family or non-residential lot or parcel which is less than five (5) acres in size and specifically delineated on a plat recorded on or before June 4, 1953;-provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following: compliance with the applicable land development regulations; any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

### **Section 3. Zoning as to Permitted Uses and Densities**

3.01 City zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

3.02 City zoning as to permitted uses and densities shall be in compliance with the City's Land Use Plan if the following requirements are met:

#### **A. Residential**

Each parcel of land within an area which is designated in a Residential land use category by the Land Use Plan must be zoned in a zoning district which permits any one or more of the following uses, but not other uses:

1. Residential dwelling units at a maximum density that does not exceed the maximum gross residential density designated for the parcel of land by the Land Use Plan Map.
2. Home occupations and other activities and uses accessory to a dwelling unit.
3. Hotels, motels and similar lodging. The maximum number of hotel, motels or similar lodgings units permitted on any parcel designated for residential uses is double the maximum number of dwelling units designated for the parcel of land by the City's Land Use Plan Map.
4. Parks, golf courses and other outdoor recreational facilities and recreational, civic or cultural buildings ancillary to the primary outdoor recreational use of the site.
5. Community facilities designed to serve the residential area, such as schools, day care centers, churches, clinics, nursing homes, governmental administration, police and fire protection facilities, libraries and civic centers.

6. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations.
7. Communication facilities.
8. Office and/or retail sales of merchandise or services, subject to the following limitations and provisions:
  - a. No more than a total of five percent (5%) of the area designated for residential use on the Future Broward County Land Use Plan Map (Series) within a flexibility zone may be used for offices and/or retail sales of merchandise or services.
  - b. No contiguous area used for offices and/or retail sales of merchandise or services may exceed ten (10) acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
  - c. Regardless of a and b above, space within residential buildings in areas designated for Medium-High (25) Residential or High (50) Residential density may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purpose.
  - d. Space within residential buildings in areas designated for Medium (16) Residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
9. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document" of the Broward County Planning Council.

Density Provisions:

- a. Special Residential Facility Category (1) development shall count as one (1) Dwelling unit each.
- b. Special Residential Facility Category (2) development shall count as two (2) dwelling units each.
- c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

(7) Similar uses or structures.

(E) Lot area and width:

(1) Single-family dwelling:

(a) Minimum lot area of 7,000 square feet.

(b) Minimum lot width of 60 feet.

(2) Two-family dwelling:

(a) Minimum lot area of 8,000 square feet.

(b) Minimum lot width of 70 feet.

However, any lot on public record as of August 13, 1957, which has less area or width than herein required, may be used for two-family dwelling use provided the required front yard, side yard, and rear yard of the district are maintained.

(F) Density. The density shall not exceed 12 units per net acre of site area or the density permitted by the Pompano Beach Future Land Use Element, whichever is less.

(G) Setbacks.

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of eight feet, except 18 feet from street line on corner lots; and

(3) Rear yard minimum of 15 feet, except 25 feet when abutting a waterway.

(H) Building area:

(1) Minimum livable floor area of 950 square feet per single-family dwelling.

(2) Minimum livable floor area of 750 square feet per unit in two-family dwelling.

(I) Lot coverage, maximum of 35%.

(J) Pervious area, minimum of 30%.

(K) Height, maximum of 35 feet except a maximum of 60 feet for church steeples.

(L) Site plan. Site plan approval is required in accordance with Chapter 157.

(M) Special regulations. See sections governing parking, landscaping and signs.

(Ord. 91-63, passed 6-25-91; Am. Ord. 2004-29, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07; Am. Ord. 2010-24, passed 3-23-10) Penalty, see § 10.99

§ 155.164 (RESERVED).

#### *MULTIPLE-FAMILY RESIDENTIAL DISTRICTS*

#### **§ 155.165 RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types but primarily low-medium density multifamily structures.

(B) Permitted uses.

(1) Single-family detached dwelling;

(2) Two-family dwelling;

(3) Multiple family dwelling;

(4) Community care facility;

(5) Community residential home.

(C) Special exceptions uses.

(1) Zero lot line single-family detached dwelling;

(2) Public or private park;

(3) Church and other house of worship;

(4) Golf course;

(5) Day care center; and

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with Implementation Section 3.02 of the Future Land Use Element.

(D) Accessory uses. All accessory uses permitted in the RS-1 District.

(E) Lot area and width.

(1) "RM-12" lots utilized for one-family dwelling use shall not be less than 7,000 square feet in area with a minimum width of 60 feet.

(2) "RM-12" lots utilized for two-family dwelling use shall not be less than 7,260 square feet in area with a minimum width of 70 feet.

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 12 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less.

(G) Setbacks:

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of eight feet except that the side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and

(3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet.

(H) Minimum floor area:

Efficiency	500 square feet
One bedroom	650 square feet
For each additional bedroom, another 100 square feet shall be required.	
Single-family dwelling	950 square feet
Two-family dwelling	750 square feet

(I) Lot coverage, maximum of 60%.

(J) Pervious area, minimum of 25%.

(K) Height, maximum of 35 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than ten dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations, see sections governing parking, landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07) Penalty, see § 10.99

§ 155.166 (RESERVED).

§ 155.167 RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT.

(A) Intent. This district is intended to accommodate the full range of housing types at medium densities but primarily multifamily structures ranging from townhouses to low rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Zero lot line single-family detached dwelling;
- (2) Public or private park;
- (3) Church and other house of worship;
- (4) Golf course;

- (5) Hotel, motel and apartment hotel;
  - (6) Boarding house;
  - (7) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and
  - (8) Day care center.
- (D) Accessory uses:
- (1) All accessory uses permitted in the RS-1 District.
  - (2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.
  - (3) Parking garage.
  - (4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.
  - (5) Volleyball courts subject to setback requirements established for special outdoor uses.

(6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,800	75
4	9,600	75
5	10,900	80
6	13,100	80
7	15,300	90
8	17,500	90
9	19,600	90

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
10	21,800	90
11	24,000	90
12	26,200	90
13	28,400	90
14	30,500	90
15	32,700	90
16	34,900	90
17	37,100	90
18	39,300	90
19	41,500	90
20	43,560	90

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 20 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel units cannot exceed 40 sleeping rooms per acre.

(G) Setbacks.

- (1) Front yard minimum of 25 feet;
- (2) Side yard minimum of 10 feet except that the side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.
- (3) Rear yard minimum of 10 feet except:
  - (a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; and
  - (b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.
- (4) Minimum distance between any portion of principal structures on the same site shall be 25 feet.

(H) Minimum floor area:

Efficiency	500 square feet
One bedroom	650 square feet

For each additional bedroom, another 100 square feet shall be required

Single-family dwelling . . . . . 950 square feet

Two-family dwelling unit . . . . . 750 square feet

(I) Lot coverage, maximum of 60%.

(J) Pervious area, minimum of 25%.

(K) Height. Maximum of 35 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than 10 dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations. See sections governing parking landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 92-01, passed 10-8-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 94-51, passed 7-12-94; Am. Ord. 95-92, passed 9-12-95; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07) Penalty, see § 10.99

**§ 155.168 RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types at medium-high densities multifamily structures ranging from townhouses to high rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Public or private park;
- (2) Church and other house of worship;

(3) Golf course;

(4) Hotel, motel and apartment hotel;

(5) Boarding house;

(6) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and

(7) Day care center.

(D) Accessory uses:

- (1) All accessory uses permitted in the RS-1 District.
- (2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.
- (3) Parking garage.
- (4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.
- (5) Volleyball courts subject to setback requirements established for special outdoor uses.

(6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,700	75
4	9,400	75
5	10,100	80
6	10,800	80
7	11,500	85
8 — 30	12,200	85

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 30 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel density cannot exceed 60 sleeping rooms per acre.

(G) Setbacks.

- (1) Front yard minimum of 25 feet;
- (2) Side yard minimum of 10 feet except:

(a) The side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; however, this additional requirement shall not apply to properties' side yards abutting a lake, canal or other waterway at least 40 feet in width.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

- (3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean; however, the additional rear yard requirement above the first floor shall not apply to properties' rear yards abutting a lake, canal or other waterway at least 40 feet in width.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet or one-half the height of the higher structure, whichever is greater.

(H) Minimum floor area:

Efficiency . . . . .	500 square feet
One bedroom . . . . .	650 square feet

For each additional bedroom, another 100 square feet shall be required

Single-family dwelling . . . . .	950 square feet
Two-family dwelling unit . . . . .	750 square feet

- (I) Lot coverage, maximum of 60%.
- (J) Pervious area, minimum of 25%.
- (K) Height. Maximum of 105 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than 10 dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations. See sections governing parking, landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 92-01, passed 10-8-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 94-51, passed 7-12-94; Am. Ord. 95-92, passed 9-12-95; Am. Ord. 96-93, passed 9-24-96; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2004-75, passed 9-28-04) Penalty, see § 10.99

**§ 155.169 RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types at high densities but primarily multifamily structures ranging from townhouses to high rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Public or private park;

	<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
(2) Church and other house of worship;			
(3) Golf course;	6	10,800	80
(4) Hotel, motel and apartment hotel;	7	11,500	85
	8	12,200	85
(5) Boarding house;	9	12,900	90
	10	13,600	90
(6) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and	11	14,300	90
	12 — 45	15,000 plus 450 sq. ft. for each additional dwelling unit	100
(7) Day care center.			

(D) Accessory uses:

- (1) All accessory uses permitted in the RS-1 District.
- (2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.
- (3) Parking garage.
- (4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.
- (5) Volleyball courts subject to setback requirements established for special outdoor uses.
- (6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,800	75
4	9,400	75
5	10,100	80

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 45 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel units cannot exceed 90 sleeping rooms per acre.

(G) Setbacks.

- (1) Front yard minimum of 25 feet;
- (2) Side yard minimum of 10 feet except:
  - (a) The side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; however, this additional requirement shall not apply to properties' side yards abutting a lake, canal or other waterway at least 40 feet in width.
  - (b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.
- (3) Rear yard minimum of 10 feet except:
  - (a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.
  - (b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean; however, the additional rear yard requirement above the first floor shall not apply to properties' rear yards abutting a lake, canal or other waterway at least 40 feet in width.
- (4) Minimum distance between any portion of principal structures on the same site shall be 25 feet or one-half the height of the higher structure, whichever is greater.

CITY OF POMPANO BEACH  
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155 "ZONING CODE" OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTIONS 155.165 "RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); SECTION 155.167 "RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); SECTION 155.168 "RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); AND SECTION 155.169 "RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C) TO REMOVE OFFICE BUILDINGS AS A PERMITTED USE IN MULTIPLE-FAMILY RESIDENTIALLY-ZONED AREAS AND TO ALLOW SUCH USES AS A SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be and were, in fact, heard; now, therefore,

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

Section 1: That Section 155.165 "RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are hereby amended to read as follows:

SECTION 155.165 RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses.

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

(C) Special exception uses.

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

Section 2: That Section 155.167 "RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are hereby amended to read as follows:

SECTION 155.167 RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses:

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

(C) Special exception uses.

...

(7) Office building or financial institution with a floor area not exceeding 2,000 square feet and in conformance with Implementation Section 3.02 of the Future Land Use Element.

Element; and

. . .

Section 3: That Section 155.168 "RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are amended to read as follows:

SECTION 155.168 RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT.

. . .

(B) Permitted uses:

. . .

(6) Office building or financial institution *with/over/2,000/square/feet/with/over/exceeding/2,000/square/feet/*

(C) Special exception uses:

. . .

(6) Office building or financial institution *with/over/2,000/square/feet/with/over/exceeding/2,000/square/feet/* in conformance with Implementation Section 3.02 of the Future Land Use Element; and

. . .

Section 4: That Section 155.169 "RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are amended to read as follows:

SECTION 155.169 RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT.

. . .

(B) Permitted uses:

(6) Office building or financial institution *with/over/exceeding/2,000/square/feet/with/over/exceeding/2,000/square/feet/* in conformance with Implementation Section 3.02 of

THE/FUTURE/LAND/USE/ELEMENT/

(C) Special exception uses:

...

(6) Office building or financial institution with a lot area of 7,000 square feet or less in conformance with Implementation Section 3.02 of the Future Land Use Element; and

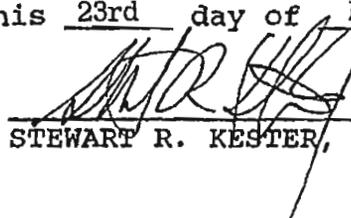
...

Section 5: If any section or 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.

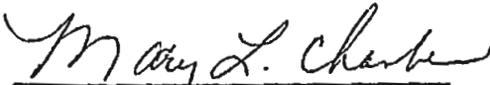
Section 6: This Ordinance shall become effective upon passage provided, however, the provisions set forth herein shall not effect those persons who have received development review from the Development Review Committee pursuant to the procedures set forth in Chapter 157 of the City of Pompano Beach Code or Ordinances.

PASSED FIRST READING this 9th day of March, 1993.

PASSED SECOND READING this 23rd day of March, 1993.

  
STEWART R. KESTER, JR. MAYOR

ATTEST:

  
MARY L. CHAMBERS  
CITY CLERK

SVT:amd  
3/24/93 ORD-8 93-137

# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 15-069**

DATE: February 12, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services 

FROM: Karen Friedman, AICP, Planner 

RE: Text Amendments to Zoning Code  
Article 2 (Administration) and Article 3: Part 6 (Planned Development Zoning Districts)

Staff is recommending text amendments to the Zoning Code regarding Article 2 (Administration) and Article 3: Part 6 (Planned Development Zoning Districts). Several of the text amendments are "housekeeping" items and include no substantive changes. An explanation of the text amendments is below.

§155.2205 Architectural Appearance Committee

- Proposed text amendments will grant the AAC the authority to adopt Supplemental Criteria and to review projects based on the criteria.
- This authority was previously granted to the AAC in Ch. 158 per Ord. 98-57 (*Attachment 1*), which was deleted in its entirety in conjunction with the adoption of the new Zoning Code.
- No substantive changes are proposed.

§155.2405 Planned Development

- The Planned Development application is being revised to reflect concurrently proposed revisions to the General Standards for all Planned Development Districts found in Article 3 (explained below).
- The text amendments seek to integrate the existing PD Agreement into the PD Plan, and therefore all references to the PD Agreement are struck.

§155.2407 Site Plan

- In order to make the list easier to read, the existing list of projects applicable to obtain Major Site Plan has been converted into a table. The table categorizes the projects by "Property Type", "Residential Use", "Nonresidential Use", "New Development" and "Existing Development".
  - Within the "Existing Development" category, there are separate thresholds for existing developments 5,000 sq ft or less, versus those that are greater than 5,000 sq ft.
  - The intent of splitting the "Existing Development" category is to ensure that any project that did not receive Major Site Plan approval previously, but now meets the applicable Major Site Plan threshold (greater than 5,000 sq ft), will be reviewed as a Major Site Plan.
  - Because of the expansive definition of "Development" found in Article 9 (*Attachment 2*), the threshold for city-owned property projects has been revised from "all new

# MEMORANDUM

## Development Services

development etc..." to "All new free standing buildings and all new attached buildings". Staff believes this revised language will clarify the requirement for Major Site Plan.

- The Site Plan Review Standards have been revised to include compliance with the approved Transportation Corridor Study.

### §155.2408 Building Design

- In order to make the list easier to read, Staff has converted the existing list of projects applicable to obtain Major Building Design into a table. The table categorizes the projects by "Property Type", "Residential Use", "Nonresidential Use", "New Development" and "Existing Development".
  - Within the "Existing Development" category, there are separate thresholds for existing developments 5,000 sq ft or less, versus those that are greater than 5,000 sq ft.
  - The intent of splitting the "Existing Development" category is to ensure that any project that did not receive Major Site Plan approval previously, but meets the applicable Major Building Design threshold (greater than 5,000 sq ft), will be reviewed as a Major Building Design.
  - Because of the expansive definition of "Development" found in Article 9 (*Attachment 2*), the threshold for city-owned property projects has been revised from "all new development etc..." to "All new free standing buildings and all new attached buildings". Staff believes this revised language will clarify the requirement for Major Building Design.
  - Proposed text amendments reinsert the requirements from the deleted Ch. 158 that large scale landscaping is required to receive approval by the AAC (*Attachment 3*).
  - Proposed text amendments reinsert the requirement from the deleted Ch. 158 that properties facing an arterial or collector roadway are required to receive approval by the AAC (*Attachment 3*).
- The list of exempted projects is being revised to include projects that have received Temporary Use or Interim Use approval.
- The Building Design Review Standards have been revised to include compliance with both Ch. 156 (Sign Code) and the approved Transportation Corridor Study.

### §155.2410 Plat

- Proposed text amendments reinsert language that was deleted from Ch 154 during the revised zoning code adoption that required plat applicants to place utilities underground (*Attachment 4*).
- No substantive changes are proposed.

### §155.2413 Zoning Compliance Permit

- The Zoning Compliance Permit review standards are being revised to ensure that any conditions that are listed in the development order are complied with. While this is the existing policy, it was not explicitly stated.
- No substantive changes are proposed.

### §155.2414 Zoning Use Certificate

- The Zoning Use Certificate language is being revised to include language similarly used for Business Tax Receipts in §113.20 (*Attachment 5*).

- Proposed text amendments clarify that the Zoning Use Certificate is required in order to obtain a BTR.
- Proposed text amendments clarify that a revoked Zoning Use Certificate results in an automatic revocation of the BTR.
- While all of the aforementioned are existing policies, they were not explicitly stated.
- No substantive changes are proposed.

### §155.3602 General Standards for all Planned Development Districts

- Staff has processed several PD District applications based on the new Zoning Code's PD standards and requirements. Staff's experience has indicated that there are duplicitous requirements, particularly the adoption of both a PD Plan and a PD Agreement. Staff therefore recommends the requirements of the PD Agreement be integrated into the PD Plan. The resulting PD Plan will contain both the planning objectives as well as the specific terms and conditions of the new PD District.
- In order to implement the integration of the PD Agreement components into the PD Plan, Staff has reorganized this section.
- No substantive revisions have been drafted.

### Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

## Article 2: Administration

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### Part 2: Review and Decision-Making Authorities

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#### 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

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##### **J. Supplemental Criteria**

The AAC shall adopt Supplemental Criteria for review of specific projects to both determine if proposed projects would enhance the City and if the aesthetic intentions of the City are actually embodied in proposed projects. Copies shall be made available for public inspection in the Development Services Department.

### Part 4: Application-Specific Review Procedures

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#### 155.2405. PLANNED DEVELOPMENT

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##### **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**

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##### **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
- ~~c. b~~ A copy of the title to all land that is part of the proposed PD district (to ensure unified control).

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##### **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~~ ~~and~~ concept of the PD Plan, ~~and the terms in the PD Terms and Conditions~~. These include, but are not limited to, the following:

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#### 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~~ ~~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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## 155.2407 SITE PLAN

### B. Applicability

#### 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%.~~
- ~~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 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY**

<b>PROPERTY TYPE</b>		<b>RESIDENTIAL AND NONRESIDENTIAL USE</b>		
<b>Property owned by the City</b>		All new free standing buildings and all new attached additions.		
		<b>RESIDENTIAL USE</b>	<b>NONRESIDENTIAL USE</b>	
<b>Designated Brownfield Area or Brownfield site</b>	<b>New Development</b>	More than 15 new multifamily dwelling units	<b>New Development</b>	More than 7,500 sq ft gfa
	<b>Existing Development</b>	Addition of more than 15 new multifamily dwelling units	<b>Existing Development that is 7,500 sq ft gfa or less</b>	An addition that results in development that contains more than 7,500 sq ft gfa
<b>Existing Development that is more than 7,500 sq ft gfa</b>			One of the following, whichever is less: <ul style="list-style-type: none"> <li>An addition that adds more than 37,500 sq ft gfa.</li> <li>An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</li> <li>An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</li> </ul>	
<b>All Other Property Types</b>	<b>New Development</b>	More than 10 new multifamily dwelling units	<b>New Development</b>	More than 5,000 sq ft gfa
	<b>Existing Development</b>	Addition of more than 10 new multifamily dwelling units	<b>Existing Development that is 5,000 sq ft gfa or less:</b>	An addition that results in development that contains more than 5,000 sq ft gfa
<b>Existing Development that is more than 5,000 sq ft gfa:</b>			One of the following, whichever is less: <ul style="list-style-type: none"> <li>An addition that adds more than 25,000 sq ft gfa.</li> <li>An addition that increases the amount of lot coverage of such existing development by more than 25%.</li> <li>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</li> </ul>	

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### 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:

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8. 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.**

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### 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			
<u>All property</u>	<u>Landscape projects of at least 10,000 sq ft.</u>			
<u>Property owned by the City</u>	<u>All new free standing buildings and all new attached additions .</u>			
<u>Property abutting a designated arterial or collector road as defined by the Broward County Trafficways Plan</u>	<u>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.</u>			
	RESIDENTIAL USE		NONRESIDENTIAL USE	
<u>Designated Brownfield Area or Brownfield Site</u>	<u>New Development</u>	<u>More than 15 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 7,500 sq ft gfa</u>
	<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>Existing Development that is more than 7,500 sq ft gfa</u>	<u>An addition that results in development that contains more than 7,500 sq ft gfa</u>  <u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <li>• <u>An addition that adds 37,500 sq ft gfa.</u></li> <li>• <u>An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</u></li> <li>• <u>An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</u></li> </ul>
<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"> <li>• <u>An addition that adds more than 25,000 sq ft gfa.</u></li> <li>• <u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u></li> <li>• <u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u></li> </ul>

### 3. Exemptions

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

- a. Construction or alteration of a single-family dwelling 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;
5. Complies with the approved Transportation Corridor Study; 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.

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#### 155.2410. PLAT

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#### 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:

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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. Appurtenances such as transformer boxes, pedestal mounted terminal boxes and meter cabinets may be placed above ground on a level concrete slab and screened in accordance with Section 155.5301, Screening. Street lighting poles and fixtures may be placed above ground. Primary transmission lines may be suspended above the surface.

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#### 155.2413. ZONING COMPLIANCE PERMIT

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#### 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.

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**155.2414 ZONING USE CERTIFICATE**

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**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.

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**E. Effect of Approval**

An approved Zoning Use Certificate authorizes the submittal of an application for a Business Tax Receipt solely 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**

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**FG. Appeal**

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**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.

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## Article 3: Zoning Districts

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### Part 6: Planned Development Zoning Districts

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#### 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;
  - f. Conversion Schedule; and
  - g. 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;
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.

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## 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.

#### **I. 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.

#### **J. 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.~~

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#### **L. 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

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, CREATING A NEW CHAPTER 158 OF TITLE XV OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH TO BE ENTITLED "ARCHITECTURAL APPEARANCE COMMITTEE", FOR THE PURPOSE OF ESTABLISHING AN ARCHITECTURAL APPEARANCE COMMITTEE TO REVIEW THE AESTHETIC ASPECTS OF BUILDING AND SITE CHANGES; PRESCRIBING ORGANIZATION, MEMBERS, TERMS, APPOINTMENTS; SPECIFYING POWERS, DUTIES AND CRITERIA OF THE COMMITTEE; ESTABLISHING MEETINGS, RECORDS, APPROVAL OF PLANS; DECLARING CERTAIN ACTS TO BE IN VIOLATION OF THIS ORDINANCE; PRESCRIBING PENALTIES FOR ACTS TO BE IN VIOLATION OF THIS ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission and citizens of Pompano Beach are desirous of creating an improved quality of life in the community which can, in part, be derived from the construction of aesthetically pleasing structures and the beautification of the environs surrounding such structures; and

**WHEREAS**, the health, safety, aesthetic attractiveness and general welfare of the community can be achieved through the promulgation of detailed design criteria as stated herein; and

**WHEREAS**, beautiful and well-planned communities result through such a comprehensive scheme of regulations guided by a Committee empowered by its enabling

ordinance to merge environment and development into an integrated whole; 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 there is hereby created a new Chapter 158 in Title XV of the City of Pompano Beach Code of Ordinances to read as follows:

TITLE XV: LAND USAGE

Chapter 158: ARCHITECTURAL APPEARANCE COMMITTEE

Section 158.01 PURPOSE.

This Committee has been established by the City Commission of the City of Pompano Beach in recognition of the fact that beautiful communities can be created only through a deliberate action on the part of the community leadership, architects, planners, realtors and the building industry.

Public action for improving community appearance, as embodied in the Architectural Appearance Committee, will provide the ultimate designers of individual structures with the larger contexts in which their particular works will be viewed. Since the beauty of a community involves the aesthetic quality of all one sees in the community, it goes far beyond the design of individual architectural facades.

Zoning is the single most powerful legal enforcement of an overall urban concept, but it does not fully plan building locations, traffic movement or parklands; it does not create beauty, aesthetic order, or amenity. The task of this Committee is, therefore, to preserve various elements of urban beauty and require that new projects enhance that which already exists.



The essential foundation of beauty in cities is harmony with nature. The plan for achieving beauty must grow out of our special local characteristics of site, aesthetic tradition, and developmental potential. Some local areas of natural beauty are the beaches, the Intracoastal Waterway, the lakes within the City, the canals and the parks. The vistas and visual delight of these should be allowed only to be enhanced. It is the intent that this Committee achieve a pleasant and comprehensive cohesiveness in our community development. The method of achieving this goal is by the use of a Community Design Plan - the larger contexts referred to above - which would indicate, for the various parts of the municipality, the aesthetic character to be encouraged and the means by which such aesthetic character is to be attained and protected. The Architectural Appearance Committee is composed of persons with experience in judging three dimensional forms, and their inter-relationships, who have the ability to meet any particular designer on the grounds of his own aesthetic understanding. The Committee acts in review of specific projects to ascertain whether proposals would enhance the Community or violate the spirit of this ordinance. The Committee defines the objectives and looks to see if the aesthetic intentions are actually embodied in proposed projects.

Section 158.02 CREATION, MEMBERS, TERMS, APPOINTMENTS.

An Architectural Appearance Committee is hereby created:

A. The Committee shall be composed of five members, appointed by the Commission for terms of two years, except that the members of the first Committee to serve shall be appointed so that three members shall serve one year terms and two members shall serve two year terms. Their successors shall be appointed to two year terms.

B. Two alternate members shall be appointed by the City Commission for terms of one year. In the absence or disability of a regular member, an alternate member may be called to sit and act in his place by the Chairman of the Committee. Whenever feasible, one of the two alternates shall be a registered architect.

C. Members of the Committee shall be subject to removal, for cause by the City Commission after a hearing before the City Commission. Unexcused absence for three consecutive meetings shall constitute cause for removal.

Section 158.03 ORGANIZATION.

The Architectural Appearance Committee shall elect a Chairman and Vice-Chairman to preside at its meetings, and shall formulate its rules and regulations for the conduct of its business. The members of the Committee shall have the following qualifications:

A. Each member must be a resident of the City of Pompano Beach or a practicing architect with his/her principal place of business located in the City of Pompano Beach.

B. At least two (2) members of the Committee shall be Florida registered architects and at least one (1) other member shall be a Florida registered landscape architect. The remaining members of the Committee shall be a Florida registered architect, a Florida registered landscape architect, a Florida registered professional engineer, a planner, a building contractor, a Florida registered real estate sales person or broker or possess a similarly-related background.

Section 158.04 POWERS AND DUTIES.

A. Majority to Review Plans. The Architectural Appearance Committee shall recommend standards acceptable to the City Commission relative to plans and specifications to be submitted in connection with application for structures, public or private as hereinafter required. Except single family dwellings and duplex dwellings as excluded by the City's Zoning Code from development review, the signature of the Chairman or presiding Committee members on each set of plans and specifications required to be submitted with each application for a permit, shall be pre-requisite to the issuance of any building permit required to be reviewed by the Committee. The Architectural Appearance Committee may require such changes in said plans and specifications as in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, beauty and harmony as established by the standards adopted by the City Commission for the guidance of the Committee.

B. Plans and Specifications. Except single family dwellings and duplex dwellings as excluded by the City's Zoning Code from development review, every application for a permit to erect a building or structure or to materially alter a front or side elevation of any existing building or structure in the City of Pompano Beach or in some fashion change the exterior appearance of any building or structure shall, unless subject to review by the Director of the Department of Development Services as provided in paragraph "D" of this section, be accompanied by six sets of detailed plans plus color and material samples. If the plans submitted do not furnish sufficient information adequately to show the scope of the planned construction for which a permit has been requested, then there shall be furnished, in addition to the six sets of detailed plans, one set of detailed specifications for such proposed work; both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the State of Florida to prepare such plans and specifications and no permit therefor shall be issued until such plans (and specifications, when required) shall have been previously approved by the Committee as provided herein above. No plans or specifications in violation of

this or any other ordinance of the City of Pompano Beach shall be approved. No permit for the construction or addition to any building (excluding single-family and duplex dwellings) shall be issued until and unless the plans therefor have been approved by the Architectural Appearance Committee as being in accordance with the standards as provided for in this section.

(C) The Architectural Appearance Committee shall approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:

(1) The plan for the proposed structure or project is in conformity with good taste, good design and, in general, contributes to the image of Pompano Beach as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

(2) The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

(3) The proposed structure is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring said structure or project into conformity. If any application is disapproved, the Architectural Appearance Committee shall detail in its findings the criterion or criteria that are not met. The action taken by the Committee shall be reduced to writing, signed by the Chairman, and a copy thereof made available to the applicant upon request.

(4) The proposed structure or project is in harmony with the proposed developments in the general area, with the comprehensive plan for the City of Pompano Beach, Florida, and with the criteria set forth in "Supplemental Criteria of the Architectural Appearance Committee," as may be from time to time amended or revised, which is described in Section 158.06. Any decision of the Committee must comply with such Supplemental Criteria of the Architectural Appearance Committee. The Supplemental Criteria of the Architectural Appearance Committee may be amended from time to time by ordinance regularly adopted upon action initiated by the City Commission. If the Architectural Appearance Committee shall make a recommendation to the City Commission for any such changes, the City Commission shall consider same and

may adopt such recommendations with or without modifications by ordinance, or may reject same.

(D) Minor Construction. Minor construction and alternations shall be exempt from review by the Committee. However, the Department of Development Services Director or his designee shall approve, approve with conditions or deny the issuance of a building permit for minor construction and alterations. Minor construction and alterations are as follows:

- (1) Rehabilitation of existing facades.
- (2) New construction that does not exceed 5,000 sq. ft. of floor area.
- (3) Additions (attached or detached) that contain 25% of the floor area of the primary building but not to exceed 25,000 sq. ft.
- (4) Landscape projects including decks and patios that contain less than 10,000 sq. ft.
- (5) Construction, repair, or rehabilitation of new or existing walls, fences, at-grade parking lots, canopies, and awnings.
- (6) Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view.
- (7) Signs which do not require an application for site plan approval, including changes in text.

The Department of Development Services Director's decision shall be based upon the criteria set forth in paragraph "C" of this section. An appeal of the Director's decision shall be considered by the Architectural Appearance Committee.

Any person aggrieved by a decision of the Director may file a Notice of Appeal with the Clerk of the Committee within fourteen (14) days after the decision was made by the Director. The Notice of Appeal shall specify the action taken by the Director and in what respect the appellant is aggrieved by such action and the action which appellant desires the Committee to make with respect to the decision of the Director. The Committee shall act as an appeal board from the Director's decision within thirty (30) days of the Notice of Appeal being filed and shall either affirm the action of the Director, affirm it with modifications, reverse it, or remand it for further consideration.

Section 158.05 MEETINGS AND RECORDS.

(A) The Architectural Appearance Committee shall meet at least twice per month, at the call of the Chairperson or, in his or her absence, the Vice-Chairperson, or more often as may be required in order to consider applications pending without unnecessary delay. All meetings shall be open to the public and the order of business and procedure to be followed shall be as prescribed within the rules and regulations to be adopted by the Committee. A majority of the Committee shall constitute a quorum and the affirmative vote of a majority of the Committee shall be necessary for any action thereof. The City Manager is authorized and empowered to appoint a secretary for the Committee. A record of the proceedings of the Committee shall be kept.

(B) Failure of the Committee to take final action within fifteen (15) days of sufficient plans and specifications being filed with the Committee shall constitute approval of such plans and specifications by the Committee.

(C) Any person aggrieved by a decision of the Architectural Appearance Committee may file a Notice of Appeal with the City Clerk within fourteen (14) days after the approved minutes of the meeting at which the decision was made have been filed with the City Clerk. The Notice of Appeal shall specify the action taken by the Committee and in what respect the appellant is aggrieved by such action and the action which appellant desires the City Commission to make with respect to the decision of the Committee. Any City Commissioner may also file a Notice of Appeal within fourteen (14) days after the approved minutes of the meeting at which the decision was made have been filed with the City Clerk. The City Commission shall sit, in open session, as an appeal board from the Architectural Appearance Committee within thirty (30) days of the Notice of Appeal being filed and shall either affirm the action of the Architectural Appearance Committee, affirm it with modifications, reverse it, or remand it for further consideration.

Section 158.06 SUPPLEMENTAL CRITERIA.

The City of Pompano Beach hereby adopts by reference the Supplemental Criteria of the Architectural Appearance Committee, a copy of which is attached hereto marked Exhibit "A" and made a part hereof, and additional copies of which are available on file in the office of the City Clerk for public reference and inspection, as and for an ordinance of the City of Pompano Beach. Said provisions and regulations are hereby adopted and incorporated into the Code of Ordinances of the City of Pompano Beach without further codification as if fully set out herein at length.

Section 158.07 CHANGES IN PLANS AND SPECIFICATIONS.

The requirements of this ordinance are in addition to any other requirement of the Code of Ordinances of the City of Pompano Beach, such as the Zoning Code and the Building Code. Approval by the Architectural Appearance Committee of a given set of plans and specifications does not necessarily constitute evidence of applicant's compliance with other requirements of the Code of the City of Pompano Beach.

Section 158.08 VIOLATIONS.

(A) It shall constitute a violation of this ordinance should any owner, agent or person having charge of or occupying any lot or premises covered by the provisions of this ordinance refuse or neglect, for a period of fifteen (15) days after receiving notice from the City of any violation hereof, fail to cure such violation without further notice.

(B) In the case of such violation, as above stated, the City may then cause the work of removal, replacement and/or cutting to be done and the cost of such work shall forthwith be paid by such owner, agent or other person.

(C) Upon failure of the owner, agent or other person to promptly pay the cost of such work, the City Clerk shall cause an affidavit to be placed upon the public records of Broward County describing the work done and the amount of cost incurred by the City. Such affidavit shall constitute a claim of lien against the property, forecloseable in the manner of mechanic's liens, together with the costs of the action and all reasonable attorneys' fees incurred by the City.

(D) Any notices required by this ordinance may be mailed to the owner of record as shown on the tax roll of Broward County, Florida or may be posted upon the premises by affixing in any conspicuous place on any structure located on such premises or may be given by leaving a copy of such notice with any person of legal age occupying or having charge of the premises.

(E) Additionally, the City of Pompano Beach Code Enforcement Division shall have the jurisdiction and authority to hear and decide alleged violations of Chapter 158 of the City of Pompano Beach Code which alleged violations may be processed in accordance with the provisions of Chapter 37 of the City of Pompano Beach Code of Ordinances.

Section 158.09 PENALTY.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be fined as provided by Section 10.99, "General Penalty", of

the Pompano Beach Code of Ordinances. Each day a violation exists shall constitute a separate offense.

The provisions of this ordinance shall be in addition to such other remedies as may be provided for by law or ordinance.

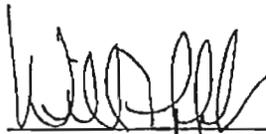
**SECTION 2:** All ordinances, resolutions, or parts thereof in conflict herewith are hereby repealed.

**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.

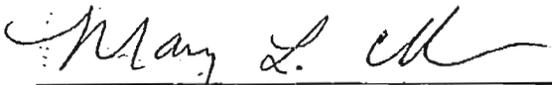
**SECTION 4:** This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of June, 1998.

PASSED SECOND READING this 28th day of July, 1998.

  
\_\_\_\_\_  
WILLIAM F. GRIFFIN, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARY L. CHAMBERS, CITY CLERK

GBL:amd  
7/29/98  
t:ord/ch158/98-229a

or other chemical agents, intentional fire damage, or other damage to the tree that permits infection or pest infestation; the infliction of a trunk wound that is 50 percent or greater to the circumference of the trunk; or the removal of sufficient canopy to cause the decline of the tree.

**Developer**

Any person, including a governmental agency, undertaking development.

**Development**

"Development" has the meaning given it in Section 380.04, Fla. Stat.

**Development Agreement**

An agreement entered into between the city and a landowner in accordance with Section 155.2428, Development Agreement.

**Development Order**

Any order granting, denying, or granting with conditions an application for a development permit.

**Development Permit**

Any building permit, zoning permit, plat approval, or rezoning, certification, variance, special exception, subdivision approval or other action having the effect of permitting development.

**Development Services Director**

The Development Services Director of the City of Pompano Beach or a designee.

**Diameter at Breast Height (DBH)**

The diameter of the trunk of a tree measured at breast height (four and one-half feet above the natural grade). The DBH of trees with multiple trunks is the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk are measured as the diameter of the largest vertical branch or leader at breast height.

**District, Overlay Zoning**

A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district.

**District, Zoning**

An area delineated on the Official Zoning Map which sets forth standards and guidelines for all development within the prescribed district.

**Dock**

A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water. This accessory structure does not include a fishing pier or a boathouse.

**Docking Facility**

A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis. This use type is further divided into facilities that provide docking for recreational boats only, those that provide docking for commercial fishing boats, and those that provide docking for barges.

**Dormitory (As An Accessory Use To An Educational Use)**

A building operated by and affiliated with a permitted Education Use that provides group sleeping accommodations with or without meals.

**Dripline**

The outside end of branches of a tree or shrub projected vertically to the ground.

**Drive-Through Service**

The provision of products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks or financial institutions, restaurants, specialty eating or drinking establishments, and drug stores or pharmacies.

**Driveway**

A private accessway providing access between a street and origin and destinations points within an adjacent property.

**Drop-In Child Care**

An occasional child care arrangement within a shopping mall or business establishment, the sole purpose of which is to provide babysitting for no more than a four-hour period while the parent remains on the premises. (Drop-in child care is subject to the licensing requirements of the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended.)

**Drug or Alcohol Treatment Facility**

A state-licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311.

**Drug Store or Pharmacy**

Select Year:  

## The 2014 Florida Statutes

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Title XXVIII  
NATURAL RESOURCES; CONSERVATION,  
RECLAMATION, AND USE

Chapter 380  
LAND AND WATER  
MANAGEMENT

View Entire  
Chapter

**380.04** **Definition of development.—**

(1) The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve “development,” as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in s. 161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

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(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

History.—s. 4, ch. 72-317; s. 2, ch. 83-308; s. 94, ch. 2002-20; s. 29, ch. 2002-296.

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(C) Members of the Committee shall be subject to removal, for cause by the City Commission after a hearing before the City Commission. Unexcused absence for three consecutive meetings shall constitute cause for removal. (Ord. 98-57, passed 7-28-98; Am. Ord. 2004-46, passed 7-13-04)

#### § 158.03 ORGANIZATION.

The Architectural Appearance Committee shall elect a Chairman and Vice-Chairman to preside at its meetings, and shall formulate its rules and regulations for the conduct of its business. The members of the Committee shall have the following qualifications:

(A) Each member must be a resident of the City of Pompano Beach or a practicing architect with his/her principal place of business located in the City of Pompano Beach.

(B) At least two members of the Committee shall be Florida registered architects and at least one other member shall be a Florida registered landscape architect. The remaining members of the Committee shall be a Florida registered architect, a Florida registered landscape architect, a Florida registered professional engineer, a planner, a building contractor, a Florida registered real estate sales person or broker or possess a similarly-related background. (Ord. 98-57, passed 7-28-98)

#### § 158.04 POWERS AND DUTIES.

(A) Majority to review plans. The Architectural Appearance Committee shall recommend standards acceptable to the City Commission relative to plans and specifications to be submitted in connection with application for structures, public or private as hereinafter required. Except single family dwellings and duplex dwellings as excluded by the City's Zoning Code from development review, the signature of the Chairman or presiding Committee members on each set of plans and specifications required to be submitted with each application for a permit, shall be prerequisite to the issuance of any building permit required to be reviewed by the Committee. The Architectural Appearance Committee may require such changes in said plans and specifications as in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, beauty and harmony as established by the standards adopted by the City Commission for the guidance of the Committee.

(B) Plans and specifications. Except single family dwellings and duplex dwellings as excluded by the City's Zoning Code from development review, every application for a permit to erect a building or structure or to materially alter a front or side elevation of any existing building or structure in the City of Pompano Beach or in some fashion change the exterior appearance of any building or structure shall, unless subject to review by the Director of the Department of Development Services as provided in division (D) of this section, be accompanied by six sets of detailed plans plus color and material samples. If the plans submitted do not furnish sufficient information adequately to show the scope of the planned construction for which a permit has been requested, then there shall be furnished, in addition to the six sets of detailed plans, one set of detailed specifications for such proposed work; both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the State of Florida to prepare such plans and specifications and no permit therefor shall be issued until such plans (and specifications, when required) shall have been previously approved by the Committee as provided herein above. No plans or specifications in violation of this or any other ordinance of the City of Pompano Beach shall be approved. No permit for the construction or addition to any building (excluding single-family and duplex dwellings) shall be issued until and unless the plans therefor have been approved by the Architectural Appearance Committee as being in accordance with the standards as provided for in this section.

(C) The Architectural Appearance Committee shall approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:

(1) The plan for the proposed structure or project is in conformity with good taste, good design and, in general, contributes to the image of Pompano Beach as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

(2) The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

(3) (a) The proposed structure is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring the structure or project into conformity. If any application is disapproved, the Architectural Appearance Committee shall detail in its findings the criterion or criteria that are not met. The action taken by the Committee shall be reduced to writing, signed by the Chairman, and a copy thereof made available to the applicant upon request.

(4) The proposed structure or project is in harmony with the proposed developments in the general area, with the comprehensive plan for the City of Pompano Beach, Florida, and with the criteria set forth in "Supplemental Criteria of the Architectural Appearance Committee," as may be from time to time amended or revised, which is described in § 158.06. Any decision of the Committee must comply with such Supplemental Criteria of the Architectural Appearance Committee. The Supplemental Criteria of the Architectural Appearance Committee may be amended from time to time by ordinance regularly adopted upon action initiated by the City Commission. If the Architectural Appearance Committee shall make a recommendation to the City Commission for any such changes, the City Commission shall consider same and may adopt such recommendations with or without modifications by ordinance, or may reject same.

(D) *Minor Construction.* Minor construction and alternations shall be exempt from review by the Committee. However, the Department of Development Services Director or his designee shall approve, approve with conditions or deny the issuance of a building permit for minor construction and alterations. Minor construction and alterations are as follows:

(1) Rehabilitation of existing facades.

(2) New construction on property not abutting a designated arterial or collector road as defined by the County Trafficways Plan that does not exceed 5,000 square feet of floor area.

(3) Additions (attached or detached) that contain 25% of the floor area of the primary building but not to exceed 25,000 square feet.

(4) Landscape projects including decks and patios that contain less than 10,000 square feet.

(5) Construction, repair, or rehabilitation of new or existing walls, fences, at-grade parking lots, canopies, and awnings.

(6) Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view.

(7) Signs which do not require an application for site plan approval, including changes in text.

(a) The Department of Development Services Director's decision shall be based upon the criteria set forth in division (C)(1) of this section. An appeal of the Director's decision shall be considered by the Architectural Appearance Committee.

(b) Any person aggrieved by a decision of the Director may file a Notice of Appeal with the Clerk of the Committee within 14 days after the decision was made by the Director. The Notice of Appeal shall specify the action taken by the Director and in what respect the appellant is aggrieved by such action and the action which appellant desires the Committee to make with respect to the decision of the Director. The Committee shall act as an appeal board from the Director's decision within 30 days of the Notice of Appeal being filed and shall either affirm the action of the Director, affirm it with modifications, reverse it, or remand it for further consideration.

(Ord. 98-57, passed 7-28-98; Am. Ord. 2001-64, passed 5-22-01)

#### § 158.05 MEETINGS AND RECORDS.

(A) The Architectural Appearance Committee shall meet at least twice per month, at the call of the Chairperson or, in his or her absence, the Vice-Chairperson, or more often as may be required in order to consider applications pending without unnecessary delay. All meetings shall be open to the public and the order of business and procedure to be followed shall be as prescribed within the rules and regulations to be adopted by the Committee. A majority of the Committee shall constitute a quorum and the affirmative vote of a majority of the Committee shall be necessary for any action thereof. The City Manager is authorized and empowered to appoint a secretary for the Committee. A record of the proceedings of the Committee shall be kept.

(B) Failure of the Committee to take final action within 15 days of sufficient plans and specifications being filed with the Committee shall constitute approval of such plans and specifications by the Committee.

(C) Any person aggrieved by a decision of the Architectural Appearance Committee may file a Notice of

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 154, "PLANNING", OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.19, "SUBDIVISION OR PLATTING OF LAND; APPROVAL OF COMMISSION", TO PROVIDE FOR INSTALLATION OF UNDERGROUND UTILITIES PRIOR TO APPROVAL OF A SUBDIVISION OR PLAT; AND AMENDING CHAPTER 155, "ZONING CODE", BY AMENDING SECTION 155.210, "PCD PLANNED COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT", TO REQUIRE UNDERGROUND UTILITIES AS A DEVELOPMENT REQUIREMENT; AND AMENDING CHAPTER 157, "DEVELOPMENT OF LAND", BY AMENDING SECTION 157.44, "REQUIREMENTS FOR PLAT APPROVAL", TO PROVIDE FOR INSTALLATION OF UNDERGROUND UTILITIES PRIOR TO ISSUANCE OF A BUILDING PERMIT; 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 Chapter 154, "Planning", of the Pompano Beach Code of Ordinances is hereby amended by amending section 154.19, "Subdivision or Platting of Land; Approval of Commission", to read as follows:

§ 154.19 SUBDIVISION OR PLATTING OF LAND: APPROVAL OF COMMISSION.

...

(B) As a condition precedent to the approval of a subdivision or plat, all facilities for the distribution of electricity, telephone, and cable television shall be installed underground in new subdivisions and plats. Appurtenances such as transformer boxes, pedestal mounted terminal boxes and meter cabinets may be placed above ground on a level concrete slab and shall be landscaped in accordance with the requirements outlined in the city code. Street lighting poles and fixtures may be placed above ground. Primary transmission lines carrying in excess of 7,000 volts single phase or 12,000 volts three phase may be suspended above the surface.

~~(B)~~ (C) After submittal by the Planning Department, the City Commission may approve a subdivision plat by resolution, or it may require changes therein as a condition of approval. No plat shall be approved until the installation of streets and other public ways, water, sewer, and drainage systems, and other public improvements the City Commission deems to be reasonably necessary to the public health, safety, and welfare have been completed. However, as an alternative to the completion of the work prior to approval of a plat, the City Commission may accept a cash bond, a surety bond executed by a surety authorized to do business in the state, an irrevocable letter of credit, a negotiable certificate of deposit, or an escrow account in sufficient amount to assure the completion of all improvements. Any bond or other security shall be conditioned upon the completion of all required improvements within the time specified by the City Commission.

~~(C)~~ (D) As an alternative to the furnishing of a bond or other security required by division (A) above, the City Commission may provide for tentative approval of a plat prior to completion of required improvements; however, any such tentative approval shall not be entered on the plat.

~~(D)~~ (E) Property owners presenting plats to the City Commission for approval for record, shall be required to pay to the city a review fee as established by the City Commission by ordinance.

~~(E)~~ (F) Requests for modification of a non-vehicular access line on a previously approved and recorded plat shall be made in writing and be accompanied by the following:

...

Print

Pompano Beach, Florida Code of Ordinances

**§ 113.20 BUSINESS TAX RECEIPT REQUIREMENT.**

(A) It shall be unlawful for any person to engage in or manage any business, profession or occupation within the city limits without first obtaining a business tax receipt to do business under this chapter. Each day's selling or disposing of merchandise, managing or engaging in business or in an occupation or profession without obtaining the proper business tax receipt, shall constitute a separate and distinct violation of this section.

(B) It shall be unlawful for any person to engage in or manage any business, profession or occupation within the city in a manner not specified in or inconsistent with the classification listed with an approved business tax receipt issued by the city, or in a manner not specified in or inconsistent with the business operation or conduct as described by the applicant in the application for said business tax receipt. Transaction of business in the aforementioned manner shall constitute a separate and distinct violation of this section for each day business is conducted.

(‘58 Code, § 22.03) (Ord.487, passed - - ; Am. Ord. 487-A, passed - - ; Am.Ord. 72-47, passed6-27-72; Am. Ord. 97-66, passed 7-8-97; Am. Ord. 2007-57, passed 7-10-07; Am. Ord. 2008-47, passed 6-24-08; Am. Ord. 2010-02, passed 10-27-09) Penalty, see § 10.99

***Cross-reference:***

*Additional business tax receipt penalty, see § 113.27*

ADMINISTRATIVE MEMORANDUM NO. 15-137

DATE: March 16, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RM*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Text Amendments to Zoning Code  
Professional Offices and Banks in RM Districts  
Revision to proposed text amendments reviewed at January P&Z Board

At the January 2015 P&Z hearing, the P&Z Board reviewed and recommended Staff's proposed text amendments to Professional Offices and Banks in the RM Districts. The proposed text amendments removed the limitation to 2,000 sq ft for Professional Offices and Banks in the RM-20, RM-30, and RM-45. Additionally the text amendments added a limitation that restricted the total gross floor area to no more than 50% of the floor area of the building.

FLU Land Use Implementation Section 3.02.c permits Professional Offices and Banks in RM Districts without the need to allocate commercial flex, if the total gross floor area is no more than 50% of the floor area of the building (**see attachment – yellow highlight**). However, per FLU Land Use Implementation Section 3.02.a, Professional Offices and Banks in excess of the 50% limitation are also permitted in RM Districts as long as commercial flex is applied (**see attachment – orange highlight**).

Therefore the text amendments reviewed by the P&Z Board at the January 2015 hearing which added in the limitation that restricted the total gross floor area to no more than 50% of the floor area of the building inadvertently created an inconsistency with the Comprehensive Plan.

Therefore Staff's updated text amendments will result in the following:

- Professional Offices
  - Professional Offices will remain a Special Exception use in RM-12, RM-20, RM-30 and RM-45.
  - The limitation to 2,000 square feet of gross floor area in RM-20, RM-30, and RM-45 will be removed.
  - The limitation to 2,000 square feet of gross floor area in RM-12 will remain.
- Banks
  - Banks will remain a Special Exception use in all RM-20, RM-30, and RM-45 Districts.
  - The limitation to 2,000 square feet of gross floor area for RM-20, RM-30, and RM-45 will be removed.

### Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

G:\Zoning 2009\Code Rewrite\Code Amendments\Article 4\Office in RMP&Z Folder\Memo\_P&Z\_OfficeBankRM\_MarchP&Z.doc

1

6. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations.
7. Communication facilities.
8. Office and/or retail sales of merchandise or services, subject to the following limitations and provisions:
  - a. No more than a total of five percent (5%) of the area designated for residential use on the Future Broward County Land Use Plan Map (Series) within a flexibility zone may be used for offices and/or retail sales of merchandise or services.
  - b. No contiguous area used for offices and/or retail sales of merchandise or services may exceed ten (10) acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
  - c. Regardless of a and b above, space within residential buildings in areas designated for Medium-High (25) Residential or High (50) Residential density may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purpose.
  - d. Space within residential buildings in areas designated for Medium (16) Residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
9. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document" of the Broward County Planning Council.

Density Provisions:

- a. Special Residential Facility Category (1) development shall count as one (1) Dwelling unit each.
- b. Special Residential Facility Category (2) development shall count as two (2) dwelling units each.
- c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

# CHAPTER 155: ZONING CODE

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## Article 4: Use Standards

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### Part 2: Principal Uses and Structures

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#### 155.4220. COMMERCIAL: OFFICE USES

\*\*\*

##### B. Professional Office

\*\*\*

##### 3. Standards

a. 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.

\*\*\*

#### 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.~~

\*\*\*

## Article 9: Definitions and Interpretation

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### Part 5: Terms and Uses Defined

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#### 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.

**DOCUMENTS FROM  
JANUARY 2015  
P&Z HEARING**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-005**

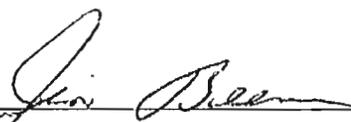
**DATE:** February 5, 201~~4~~<sup>5</sup>  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code,  
Professional Offices and Banks in RM Districts

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 28, 2015, the Board considered proposed text amendments to the Zoning Code regarding revisions to standards in the Professional Offices and Banks in RM Districts as set forth in the Department of Development Services Administrative Report 14-586.

Staff is recommending the limitation to 2,000 square feet of gross floor area be removed for Professional Offices and Banks in RM-20, RM-30 and RM-45 Zoning Districts. Further, Staff is recommending that the specific standard from FLU Land Use Implementation Section 3.02 be stated in the Zoning Code.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency



# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 14-586

DATE: December 22, 2014  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Director of Development Services *[Signature]*  
FROM: Karen Friedman, AICP, Planner *KBF*  
RE: Text Amendments to Zoning Code  
Professional Offices and Banks in RM Districts

Staff is recommending revisions to the Zoning Code regarding Professional Offices and Banks in the RM Zoning Districts. An explanation of the revisions is below.

### Background

Professional Offices are permitted in RM-12, RM-20, RM-30 and RM-45 as a Special Exception. Further in order to qualify for the Special Exception, the total gross floor area of the Professional Office must be 2,000 square feet or less.

Banks or Financial Institutions are permitted in RM-20, RM-30 and RM-45 as a Special Exception. Further in order to qualify for the Special Exception, the total gross floor area of the Bank or Financial Institution must be 2,000 square feet or less.

Recently a member of the public questioned the limitation to 2,000 square feet. Therefore Staff researched the old Zoning Code's regulations regarding professional offices and banks in the RM Districts and determined the following (a copy of the regulations is attached):

- §155.165(C)(6) – RM-12
  - o Office Building was a Special Exception Use and the floor area was not to exceed 2,000 square feet and consistent with FLU Land Use Implementation Section 3.02.
  - o Financial Institution was not permitted.
- §155.167(C)(7) – RM-20
  - o Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - o Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
- §155.168(C)(6) – RM-30
  - o Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - o Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.

# MEMORANDUM

## Development Services

- §155.169(C)(6) – RM-45
  - Office Building was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.
  - Financial Institution was a Special Exception Use if consistent with FLU Land Use Implementation Section 3.02.

Additionally Staff reviewed Ordinance 93-34, which addressed these standards (copy attached). Ordinance 93-34 reiterates the standards found in the old Zoning Code.

### **Staff's Recommendation**

Staff believes the requirement for Professional Offices and Banks in the RM-20, RM-30, and RM-45 to be limited to 2,000 square feet is a scrivener's error. Staff is therefore recommending the limitation to 2,000 square feet of gross floor area be removed for RM-20, RM-30 and RM-45. Further, Staff is recommending that the specific standard from FLU Land Use Implementation Section 3.02 be stated in the Zoning Code.

### **Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

# CHAPTER 155: ZONING CODE

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## Article 4: Use Standards

\*\*\*

### Part 2: Principal Uses and Structures

\*\*\*

#### 155.4220. COMMERCIAL: OFFICE USES

\*\*\*

##### B. Professional Office

\*\*\*

##### 3. Standards

a. 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.

b. In the Rm-20, RM-30 and RM-45 District, a professional office use is allowed as a Special Exception only if the total gross floor area is no more than 50% of the floor area of the building.

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#### 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 no more than 50% of the floor area of the building.

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## Article 9: Definitions and Interpretation

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### Part 5: Terms and Uses Defined

\*\*\*

#### 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.

- (1) construction of one single-family dwelling unit or duplex unit on a lot or parcel which lot or parcel was of record as such in the applicable public records as of the effective date of this Plan;
- (2) construction on any multi-family or non-residential lot or parcel which is less than five (5) acres in size and specifically delineated on a plat recorded on or before June 4, 1953;—provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following: compliance with the applicable land development regulations; any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement.

### **Section 3. Zoning as to Permitted Uses and Densities**

3.01 City zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

3.02 City zoning as to permitted uses and densities shall be in compliance with the City's Land Use Plan if the following requirements are met:

#### **A. Residential**

Each parcel of land within an area which is designated in a Residential land use category by the Land Use Plan must be zoned in a zoning district which permits any one or more of the following uses, but not other uses:

1. Residential dwelling units at a maximum density that does not exceed the maximum gross residential density designated for the parcel of land by the Land Use Plan Map.
2. Home occupations and other activities and uses accessory to a dwelling unit.
3. Hotels, motels and similar lodging. The maximum number of hotel, motels or similar lodgings units permitted on any parcel designated for residential uses is double the maximum number of dwelling units designated for the parcel of land by the City's Land Use Plan Map.
4. Parks, golf courses and other outdoor recreational facilities and recreational, civic or cultural buildings ancillary to the primary outdoor recreational use of the site.
5. Community facilities designed to serve the residential area, such as schools, day care centers, churches, clinics, nursing homes, governmental administration, police and fire protection facilities, libraries and civic centers.

6. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations.
7. Communication facilities.
8. Office and/or retail sales of merchandise or services, subject to the following limitations and provisions:
  - a. No more than a total of five percent (5%) of the area designated for residential use on the Future Broward County Land Use Plan Map (Series) within a flexibility zone may be used for offices and/or retail sales of merchandise or services.
  - b. No contiguous area used for offices and/or retail sales of merchandise or services may exceed ten (10) acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
  - c. Regardless of a and b above, space within residential buildings in areas designated for Medium-High (25) Residential or High (50) Residential density may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purpose.
  - d. Space within residential buildings in areas designated for Medium (16) Residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
9. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document" of the Broward County Planning Council.

Density Provisions:

- a. Special Residential Facility Category (1) development shall count as one (1) Dwelling unit each.
- b. Special Residential Facility Category (2) development shall count as two (2) dwelling units each.
- c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

(7) Similar uses or structures.

(E) Lot area and width:

(1) Single-family dwelling:

(a) Minimum lot area of 7,000 square feet.

(b) Minimum lot width of 60 feet.

(2) Two-family dwelling:

(a) Minimum lot area of 8,000 square feet.

(b) Minimum lot width of 70 feet.

However, any lot on public record as of August 13, 1957, which has less area or width than herein required, may be used for two-family dwelling use provided the required front yard, side yard, and rear yard of the district are maintained.

(F) Density. The density shall not exceed 12 units per net acre of site area or the density permitted by the Pompano Beach Future Land Use Element, whichever is less.

(G) Setbacks.

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of eight feet, except 18 feet from street line on corner lots; and

(3) Rear yard minimum of 15 feet, except 25 feet when abutting a waterway.

(H) Building area:

(1) Minimum livable floor area of 950 square feet per single-family dwelling.

(2) Minimum livable floor area of 750 square feet per unit in two-family dwelling.

(I) Lot coverage, maximum of 35%.

(J) Pervious area, minimum of 30%.

(K) Height, maximum of 35 feet except a maximum of 60 feet for church steeples.

(L) Site plan. Site plan approval is required in accordance with Chapter 157.

(M) Special regulations. See sections governing parking, landscaping and signs.

(Ord. 91-63, passed 6-25-91; Am. Ord. 2004-29, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07; Am. Ord. 2010-24, passed 3-23-10) Penalty, see § 10.99

§ 155.164 (RESERVED).

**MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

**§ 155.165 RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types but primarily low-medium density multifamily structures.

(B) Permitted uses.

(1) Single-family detached dwelling;

(2) Two-family dwelling;

(3) Multiple family dwelling;

(4) Community care facility;

(5) Community residential home.

(C) Special exceptions uses.

(1) Zero lot line single-family detached dwelling;

(2) Public or private park;

(3) Church and other house of worship;

(4) Golf course;

(5) Day care center; and

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with Implementation Section 3.02 of the Future Land Use Element.

(D) Accessory uses. All accessory uses permitted in the RS-1 District.

(E) Lot area and width.

(1) "RM-12" lots utilized for one-family dwelling use shall not be less than 7,000 square feet in area with a minimum width of 60 feet.

(2) "RM-12" lots utilized for two-family dwelling use shall not be less than 7,260 square feet in area with a minimum width of 70 feet.

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 12 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less.

(G) Setbacks:

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of eight feet except that the side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and

(3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 18 feet of building height; and

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet.

(H) Minimum floor area:

Efficiency	500 square feet
One bedroom	650 square feet
For each additional bedroom, another 100 square feet shall be required.	
Single-family dwelling	950 square feet
Two-family dwelling	750 square feet

(I) Lot coverage, maximum of 60%.

(J) Pervious area, minimum of 25%.

(K) Height, maximum of 35 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than ten dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations, see sections governing parking, landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07) Penalty, see § 10.99

§ 155.166 (RESERVED).

§ 155.167 RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT.

(A) Intent. This district is intended to accommodate the full range of housing types at medium densities but primarily multifamily structures ranging from townhouses to low rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Zero lot line single-family detached dwelling;
- (2) Public or private park;
- (3) Church and other house of worship;
- (4) Golf course;

- (5) Hotel, motel and apartment hotel;
  - (6) Boarding house;
  - (7) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and
  - (8) Day care center.
- (D) Accessory uses:
- (1) All accessory uses permitted in the RS-1 District.
  - (2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.
  - (3) Parking garage.
  - (4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.
  - (5) Volleyball courts subject to setback requirements established for special outdoor uses.
  - (6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,800	75
4	9,600	75
5	10,900	80
6	13,100	80
7	15,300	90
8	17,500	90
9	19,600	90

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
10	21,800	90
11	24,000	90
12	26,200	90
13	28,400	90
14	30,500	90
15	32,700	90
16	34,900	90
17	37,100	90
18	39,300	90
19	41,500	90
20	43,560	90

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 20 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel units cannot exceed 40 sleeping rooms per acre.

(G) Setbacks.

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of 10 feet except that the side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.

(3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; and

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet.

(H) Minimum floor area:

Efficiency . . . . .	500 square feet
One bedroom . . . . .	650 square feet

For each additional bedroom, another 100 square feet shall be required

Single-family dwelling . . . . . 950 square feet

Two-family dwelling unit . . . . . 750 square feet

(I) Lot coverage, maximum of 60%.

(J) Pervious area, minimum of 25%.

(K) Height. Maximum of 35 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than 10 dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations. See sections governing parking landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 92-01, passed 10-8-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 94-51, passed 7-12-94; Am. Ord. 95-92, passed 9-12-95; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2007-58, passed 7-24-07) Penalty, see § 10.99

**§ 155.168 RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types at medium-high densities multifamily structures ranging from townhouses to high rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Public or private park;
- (2) Church and other house of worship;

(3) Golf course;

(4) Hotel, motel and apartment hotel;

(5) Boarding house;

(6) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and

(7) Day care center.

(D) Accessory uses:

(1) All accessory uses permitted in the RS-1 District.

(2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.

(3) Parking garage.

(4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.

(5) Volleyball courts subject to setback requirements established for special outdoor uses.

(6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,700	75
4	9,400	75
5	10,100	80
6	10,800	80
7	11,500	85
8 – 30	12,200	85

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 30 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel density cannot exceed 60 sleeping rooms per acre.

(G) Setbacks.

- (1) Front yard minimum of 25 feet;
- (2) Side yard minimum of 10 feet except:

(a) The side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; however, this additional requirement shall not apply to properties' side yards abutting a lake, canal or other waterway at least 40 feet in width.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

- (3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean; however, the additional rear yard requirement above the first floor shall not apply to properties' rear yards abutting a lake, canal or other waterway at least 40 feet in width.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet or one-half the height of the higher structure, whichever is greater.

(H) Minimum floor area:

Efficiency . . . . . 500 square feet

One bedroom . . . . . 650 square feet

For each additional bedroom, another 100 square feet shall be required

Single-family dwelling . . . . . 950 square feet

Two-family dwelling unit . . . . . 750 square feet

- (I) Lot coverage, maximum of 60%.
- (J) Pervious area, minimum of 25%.
- (K) Height. Maximum of 105 feet.

(L) Site plan. Site plan review by the Planning and Zoning Board is required for multiple-family projects with more than 10 dwelling units and all non-residential uses, in accordance with Chapter 157.

(M) Special regulations. See sections governing parking, landscaping, signs and lighting. (Ord. 91-63, passed 6-25-91; Am. Ord. 92-01, passed 10-8-91; Am. Ord. 93-34, passed 3-23-93; Am. Ord. 94-51, passed 7-12-94; Am. Ord. 95-92, passed 9-12-95; Am. Ord. 96-93, passed 9-24-96; Am. Ord. 2004-30, passed 3-23-04; Am. Ord. 2004-75, passed 9-28-04) Penalty, see § 10.99

**§ 155.169 RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) Intent. This district is intended to accommodate the full range of housing types at high densities but primarily multifamily structures ranging from townhouses to high rise apartments or condominiums. Hotels and office buildings may be acceptable but only if the special exception criteria in § 155.082 is met.

(B) Permitted uses:

- (1) Single-family detached dwelling;
- (2) Two-family dwelling;
- (3) Multiple family dwelling;
- (4) Community care facility;
- (5) Community residential home.

(C) Special exception uses:

- (1) Public or private park;

	<i>Number of Dwellings</i>	<i>Minimum Lot Area.</i>	<i>Minimum Lot Width</i>
(2) Church and other house of worship;			
(3) Golf course;	6	10,800	80
(4) Hotel, motel and apartment hotel;	7	11,500	85
	8	12,200	85
(5) Boarding house;	9	12,900	90
	10	13,600	90
(6) Office building or financial institution in conformance with Implementation Section 3.02 of the Future Land Use Element; and	11	14,300	90
	12 — 45	15,000 plus 450 sq. ft. for each additional dwelling unit	100
(7) Day care center.			

(D) Accessory uses:

(1) All accessory uses permitted in the RS-1 District.

(2) Restaurant or bar accessory to a hotel or motel of 50 rooms or more.

(3) Parking garage.

(4) Beach chair and umbrella rental, sale of tanning products accessory to a hotel or motel with 100 or more sleeping rooms.

(5) Volleyball courts subject to setback requirements established for special outdoor uses.

(6) Volleyball tournaments, other than professional tournaments sanctioned by and involving play by members of the Association of Volleyball Professionals, for hotels or motels with 100 or more sleeping rooms subject to parking requirements established for special outdoor uses, availability of restroom facilities as required by federal, state county, and/or local laws or regulations and subject to timely submittal and approval of a special event permit by the City Commission.

(E) Lot area and width:

<i>Number of Dwellings</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>
1	7,200	60
2	8,000	70
3	8,800	75
4	9,400	75
5	10,100	80

(F) Density. In addition to meeting the other requirements of this section, the dwelling density shall not exceed 45 units per net acre of site area or the density specified in the Future Land Use Element of the Pompano Beach Comprehensive Plan, whichever is less. Hotel units cannot exceed 90 sleeping rooms per acre.

(G) Setbacks.

(1) Front yard minimum of 25 feet;

(2) Side yard minimum of 10 feet except:

(a) The side yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height; however, this additional requirement shall not apply to properties' side yards abutting a lake, canal or other waterway at least 40 feet in width.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean.

(3) Rear yard minimum of 10 feet except:

(a) The rear yard shall be increased by one foot for each four feet of building height, or major fraction thereof, above the first 20 feet of building height.

(b) In no case shall the setback be less than 25 feet from any waterway or the dune vegetation line on the ocean; however, the additional rear yard requirement above the first floor shall not apply to properties' rear yards abutting a lake, canal or other waterway at least 40 feet in width.

(4) Minimum distance between any portion of principal structures on the same site shall be 25 feet or one-half the height of the higher structure, whichever is greater.

CITY OF POMPANO BEACH  
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155 "ZONING CODE" OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTIONS 155.165 "RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); SECTION 155.167 "RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); SECTION 155.168 "RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C); AND SECTION 155.169 "RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT", SUBSECTIONS (B) AND (C) TO REMOVE OFFICE BUILDINGS AS A PERMITTED USE IN MULTIPLE-FAMILY RESIDENTIALLY-ZONED AREAS AND TO ALLOW SUCH USES AS A SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be and were, in fact, heard; now, therefore,

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

Section 1: That Section 155.165 "RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are hereby amended to read as follows:

SECTION 155.165 RM-12 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses.

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

(C) Special exception uses.

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

Section 2: That Section 155.167 "RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are hereby amended to read as follows:

SECTION 155.167 RM-20 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses:

...

(6) Office building with a floor area not exceeding 2,000 square feet and in conformance with the Implementation Section 3.02 of the Future Land Use Element.

(C) Special exception uses.

...

(7) Office building or financial institution with a floor area not exceeding 2,000 square feet and in conformance with Implementation Section 3.02 of the Future Land Use Element.

Element; and

...

Section 3: That Section 155.168 "RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are amended to read as follows:

SECTION 155.168 RM-30 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses:

...

(6) Office building or financial institution with a floor area of 10,000 square feet or less in conformance with Implementation Section 3.02 of the Future Land Use Element; and

(C) Special exception uses:

...

(6) Office building or financial institution with a floor area of 10,000 square feet or less in conformance with Implementation Section 3.02 of the Future Land Use Element; and

...

Section 4: That Section 155.169 "RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT", Subsections (B) and (C), are amended to read as follows:

SECTION 155.169 RM-45 MULTIPLE-FAMILY RESIDENCE DISTRICT.

...

(B) Permitted uses:

(6) Office building or financial institution with a floor area of 10,000 square feet or less in conformance with Implementation Section 3.02 of the Future Land Use Element; and

THE/FUTURE/LAND/USE/ELEMENT/

(C) Special exception uses:

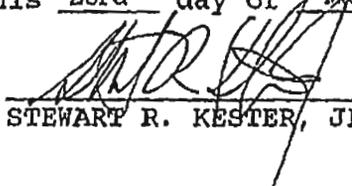
. . .  
(6) Office building or financial institution with a floor area of less than 10,000 square feet of land area in conformance with Implementation Section 3.02 of the Future Land Use Element; and  
. . .

Section 5: If any section or 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.

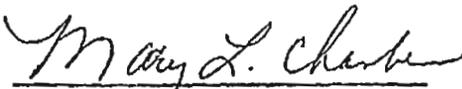
Section 6: This Ordinance shall become effective upon passage provided, however, the provisions set forth herein shall not effect those persons who have received development review from the Development Review Committee pursuant to the procedures set forth in Chapter 157 of the City of Pompano Beach Code or Ordinances.

PASSED FIRST READING this 9th day of March, 1993.

PASSED SECOND READING this 23rd day of March, 1993.

  
STEWART R. KESTER, JR. MAYOR

ATTEST:

  
MARY L. CHAMBERS  
CITY CLERK

SVT:amd  
3/24/93 ORD-8 93-137

# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 15-179**

DATE: April 6, 2015  
 TO: Planning and Zoning Board  
 VIA: Robin M. Bird, Director of Development Services *RB*  
 FROM: Karen Friedman, AICP, Principal Planner *KBF*  
 RE: Text Amendments to Zoning Code  
 Article 4, Animal Shelter and Kennel

Staff is recommending text amendments to the Zoning Code regarding Animal Shelters or Kennels.

Due to the intensive impacts of Animal Shelters or Kennels, the new zoning code increased the required setbacks of the outdoor exercise areas. While Staff agrees that substantial setbacks are well-deserved, a recent attempt to implement the new standards implied the new standards are excessive. Therefore Staff reviewed standards used by Palm Beach County and Fort Lauderdale to determine setbacks that balance the need to protect abutting property owners from excessive noise and odor while enabling animal shelter and kennel owners to develop in a practical manor. Therefore the proposed text amendments propose both a reduction of the required setbacks along with a modification of the setbacks based on the neighboring property.

Below is a comparison of the setback requirements from the old zoning code, new zoning code, and the proposed text amendments.

	Old Code	New Code	Proposed Amendments
Code Section	§155.184(C)(1)	§155.4214(B)(3)	
Allowance	B-4, Special Exception	B-4, Special Exception	
Setback Requirement from Outdoor exercise areas	<ul style="list-style-type: none"> <li>15-foot wide landscape buffer shall be provided between the exercise runs and property lines</li> </ul>	<ul style="list-style-type: none"> <li>75 feet from any lot line</li> <li>100 feet from any residential use</li> <li>Type B perimeter buffer provided between the run or pen and the property line. (Type B is 10 feet wide with 6 foot wall OR 20 feet wide with no wall)</li> </ul>	<ul style="list-style-type: none"> <li>Abutting residential or school, setback 50 feet OR 25 feet with 6 ft – 10 ft wall</li> <li>Abutting nonresidential (except school), setback 25 feet OR 10 feet with 6 ft – 10 ft wall</li> <li>Abutting roadway, 25 feet</li> <li>Abutting Trafficway, 10 feet</li> </ul>

**Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

## ARTICLE 4: USE STANDARDS

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### PART 2 PRINCIPAL USES AND STRUCTURES

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#### 155.4214. COMMERCIAL: ANIMAL CARE USES

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##### 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:
  1. 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 between 6 feet and 10 feet in height, may be located 25 feet from the property line.
  2. 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 between 6 feet and 10 feet in height, may be located 10 feet from the property line.
  3. From property line abutting a roadway, except a Broward County Trafficway:  
Outdoor runs, animal exercise areas, or pens shall not be located within 25 feet from the property line.
  4. From property line abutting a Broward County Trafficway:  
Outdoor runs, animal exercise areas, or pens shall not be located within 10 feet from the property line.

**74. -1. Kennel, Type II (Commercial)**

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

**a. Limitations of Use**

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

**1. Lot Size**

A minimum of two acres. [Ord. 2006-036]

**2. Frontage**

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

**3. Outdoor Runs****a) Setbacks**

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2008-037]

**b) Standards**

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036]

**4. AZO Overlay**

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

**b. Accessory Residential Use**

A Type II commercial kennel may be operated in the AGR district in conjunction with a residence. [Ord. 2006-036] [Ord. 2009-040]

**c. PIPD**

A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b. [Ord. 2008-037]

**74-2. Kennel, Type III (Commercial)**

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

**a. Limitations of Use**

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]

**1) Maximum Square Footage**

Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any other permitted district. [Ord. 2006-036]

**2) Number of Animals Permitted**

Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]

**3) Standards**

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

**4) Waste Disposal**

A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

**5) AZO Overlay**

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

**b. Approval Process**

A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

**c. PIPD**

A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2007-001]

**74-3.Type IV Kennel (Animal Shelter)**

A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037]

**a. Limitations of Use**

All Type IV kennels shall be licensed and regulated by ACC, and comply with the following. [Ord. 2008-037]

**1) Frontage**

Facilities that are open to the public shall have a minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2008-037]

**2) Hours of Operation**

Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]

**3) Outdoor Animal Use Areas**

**a) Setbacks**

Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2008-037]

**b) Screening**

In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer, any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following: [Ord. 2008-037]

(1) A six foot high fence, and double the required buffer width and planting requirements; or [Ord. 2008-037]

(2) A six foot high CBS or concrete panel wall. [Ord. 2008-037]

**4) Number of Animals Permitted**

Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2008-037]

**5) Waste Disposal**

A Type IV kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2008-037]

**b. Collocated Uses**

Any commercial or other use providing services to the general public, inclusive of training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein. Veterinary clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2008-037] [Ord. 2009-040]

**c. Accessory Residential Use**

A Type IV Kennel may be operated in conjunction with a single-family dwelling unit on properties having underlying residential FLU designations. [Ord. 2008-037]

**d. PIPD**

A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]

**Sec. 47-18.25. - Pet boarding/kennel facilities.**

- A. Pet boarding/kennel facilities shall be limited to the boarding of a domestic variety of animals, confined to a completely enclosed building.
- B. Outdoor exercise areas for pets shall be subject to the requirements for Outdoor Uses, [Section 47-19.9](#)
- C. Soundproofing shall be provided so that the sounds of any animals confined in the area cannot be heard outside of the property line.
- D. There shall be no exterior cages.
- E. No animals may be exercised outdoors before 7:00 a.m. or after 7:00 p.m.
- F. Pet boarding/kennel facilities shall contain an air-handling system for disinfection and odor control.
- G. Pet boarding/kennel facilities shall contain waste control facilities such as a flush system or equal.
- H. Pet boarding/kennel facilities shall contain no crematory facilities.

(Ord. No. C-97-19, § 1(47-18.24), 6-18-97)

**Sec. 47-19.9. - Outdoor uses.**

- A. All uses, including sale, display, preparation and storage, shall be conducted within a completely enclosed building, except as follows:
  - 1. *Garden center.* Outdoor retail sales of plant materials not grown on the site, home garden supplies and related garden merchandise, may be permitted as an accessory use only to a garden center.
  - 2. *Outdoor storage of goods and materials.* Outdoor storage of goods and materials including but not limited to machinery, supplies, inventory products, equipment and the like when permitted as an accessory use shall be subject to the following conditions:
    - a. Outdoor storage of goods and materials must be completely screened from abutting residential property and all public rights-of-way by a wall constructed in accordance with the requirements of [Section 47-19.5, Fences, Walls and Hedges](#). Such wall shall be a minimum of six and one-half (6½) feet in height and a maximum of ten (10) feet in height.
    - b. Outdoor storage of goods and materials must be completely screened from abutting nonresidential property by a wall in accordance with the requirements of [Section 47-19.5, Fences, Walls and Hedges](#). Such wall shall be a minimum of six and one-half (6½) feet in height and a maximum of ten (10) feet in height.
    - c. No machines, supplies, inventory products, equipment or materials other than landscaping exceeding the height of the wall shall be allowed in such permitted outdoor storage area.
    - d. All outdoor storage areas shall be required to meet the paving and drainage requirements for parking lots as provided in [Section 47-20, Parking and Loading](#).
    - e. Such walls in outdoor storage areas in an Industrial (I) district may be permitted to a maximum height of fifteen (15) feet, except where such wall is abutting residential property.
    - f. *Surface.* All outdoor storage areas shall have an adequately drained asphaltic concrete surface.
  - 3. *Outdoor display of vehicles or watercraft for sale or rental.*
    - a. Outdoor display of vehicles or watercraft for sale or rental shall be used exclusively for the display of new or used motor vehicles or watercraft for the purpose of sale or rental, but shall not be used for service of vehicles or parking of vehicles used by customers, visitors, and employees of such use.
    - b. All outdoor display areas shall be required to meet the paving and drainage requirements for parking lots as provided in [Section 47-20, Parking and Loading Requirements](#).
    - c. Outdoor display areas shall be considered a vehicular use area for purposes of [Section 47-21, Landscaping and Tree Preservation](#), however no outdoor storage area shall be permitted in a required yard.
    - d. *Surface.* All outdoor storage areas shall have an adequately drained asphaltic concrete surface.
  - 4. *Outdoor storage of vehicles or watercraft for sale, rental, service or repair.*
    - a. Outdoor storage of vehicles or watercraft for sale, rental, service or repair, is permitted as an accessory use to an automotive or watercraft sales or rental use and shall be used exclusively for the storage of new or used vehicles or watercraft, for the purpose of sale, service, rental but not for parking of vehicles used by the customers, visitors, and employees of the principal use.
    - b. All outdoor storage areas shall be required to meet the paving and drainage requirements for parking lots as provided in [Section 47-20, Parking and Loading Requirements](#).
    - c. Outdoor storage areas shall be considered a vehicular use area for purposes of [Section 47-21, Landscaping and Tree Preservation](#), however no outdoor storage area shall be permitted in a required yard.
    - d. *Surface.* All outdoor storage areas shall have an adequately drained asphaltic concrete surface.
  - 5. *Outdoor dining.*
    - a. *Outdoor dining areas.* Outdoor seating areas used for outdoor dining as an accessory use to a restaurant where permitted by the zoning district.
    - b. *Sidewalk café.* Outdoor seating areas used for sidewalk cafés may be permitted within the public right-of-way, as an accessory use to restaurants where permitted by the zoning district, subject to the requirements of Chapter 25, Article VII, of Volume I of the Code. Awnings located over a sidewalk café may be permitted in accordance with Section 25-22 of Volume I of the Code.
  - 6. *Drive-thru business.* Drive-thru businesses are permitted as an outdoor use as defined in [Section 47-35, Definitions](#).
  - 7. *Automotive service station.* Automotive service station refueling is permitted as an outdoor use as an accessory to an Automotive Service Station as provided in [Section 47-18.5](#)
  - 8. *Heliports and helistops and airports.* Heliports, helistops and airports are permitted as outdoor uses, as provided by [Section 47-18.14](#)
  - 9. *Holiday-related merchandise, outdoor sales.* See [Section 47-18.15](#)

(Ord. No. C-97-19, § 1(47-19.9), 6-18-97)



# MEMORANDUM

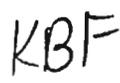
## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 15-224**

DATE: May 5, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services 

FROM: Karen Friedman, AICP, Principal Planner 

RE: Text Amendments to Zoning Code  
Article 2 (Administration)

At the February 25, 2015 Planning and Zoning Board hearing, Staff presented several text amendments to Article 2. Staff is recommending several additional revisions for Article 2. An explanation of the text amendments is below.

Additionally, Staff is requesting a reconsideration of the Planning and Zoning Board recommendation included in P&Z Board Memo #15-012 (**copy attached**). The recommendation to be reconsidered is "any new development or redevelopment of CRA-owned properties, regardless of size, to receive Major Site Plan review." An explanation of the reconsideration is below.

### Text Amendments Explanation

- §155.2203 ZBA
- §155.2204 P&Z
- §155.2205 AAC

- Membership, Appointment, and Terms of Office, Removal and Replacement; Attendance - Proposed text amendments to all three Board's regulations will grant the Development Services Director the authority to notify the Mayor and City Commission if a member qualifies for removal under this subsection.
- The text amendment is recommended in order to ensure the City Commission is notified of attendance issues in a timely manner.

#### §155.2308. Post-Decision Actions and Limitations

- Reinsert language from the previous Ch. 157 (§157.45.G) that tolled the expiration for site plans that were subject to legal proceedings (**Attachment #1**).
- The proposed text amendment would grant the tolling provision to all development order types.
- The text amendment is recommended in order to reinsert a long held policy of the city.

#### §155.2407 Site Plan

#### §155.2408 Building Design

- At the February P&Z Board Hearing, the Board recommended Staff' proposed text amendment requiring Site Plan and Building Design applications to comply with the approved Corridor Study.
- Due to the conceptual nature of some of the content included in the approved Corridor Studies, Staff is recommending adding in "to the maximum extent practicable".

### §155.2421 Administrative Adjustment

- Proposed text amendments strike the option for reductions from "Minimum vehicular use area interior landscaped island or area width" from the table of adjustments.
- The proposed amendment is recommended due the adjustment provisions for vehicular use area interior landscaping provided for in §155.5203.D.4.a.ii(C) which states "other suitable solutions or innovative designs to reduce heat-glare may be substituted when approved by the Development Services Director, provided landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicular use area , and such planting areas shall be distributed within the vehicular use area so as to avoid the appearance of an unbroken expanse of paved area."

### §155.2424 Appeal

- Parties aggrieved by a final decision by the Development Services Director – The proposed text amendments revise Table 155.2424.B in order to clarify that all decisions rendered by the Development Services Director, except Minor Building Design and Minor Certificate of Appropriateness, are appealable to the ZBA.
- The text amendment ensures that the Appeal procedures for all decisions made by the Development Services Director, including both application and waivers, are addressed.

### **Recommendation Reconsideration Explanation**

Staff is requesting the Board reconsider the previous recommendation regarding Major Site Plan thresholds for CRA-owned property. The Major Site Plan threshold for City-owned property is all new free-standing building and all new attached additions. This threshold ensures that almost all city-owned projects are reviewed by the Planning and Zoning Board. While this requirement ensures that projects intended for the public (including public buildings, parks, and other facilities) receive the most scrutiny, this requirement also results in a lengthier approval process.

Like the City, the CRA is a public entity. However the CRA's role solely focuses on revitalizing and redeveloping the East CRA and NW CRA in a manner that will vastly improve the economic and social conditions of the community. In order to fulfill this role, the CRA purchases many parcels of land in order to spur economic redevelopment. CRA projects range from retail development to community centers to residential uses. The CRA, therefore, purchases and redevelops properties similar to private development. Staff does not support the recommendation for additional oversight on the CRA-owned projects, which would result from the proposed recommendation that any new development or redevelopment of CRA-owned properties, regardless of size, to receive Major Site Plan review. Staff recommends CRA-owned properties follow the same threshold requirements for all non-city-owned properties.

### **Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption. Staff is recommending the Board reconsider its previous recommendation included in P&Z Board Memo #15-012 regarding CRA-owned properties.

## Article 2: Administration

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### Part 2: Review and Decision-Making Authorities

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#### 155.2203. ZONING BOARD OF APPEALS (ZBA)

##### C. Membership, Appointment, and Terms of Office

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##### 4. Removal and Replacement; Attendance

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##### 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.

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

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##### C. Membership, Appointment, and Terms of Office

\*\*\*

##### 4. Removal and Replacement; Attendance

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##### 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.

#### 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

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##### 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.

## Part 3: Standard Review Procedures

\*\*\*

### 155.2308. POST-DECISION ACTIONS AND LIMITATIONS

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#### **E. Tolling of Expiration Time Period During Pendency Of Any Legal Proceedings**

The running of the expiration time period for any development order shall be tolled during the pendency of any legal proceedings opposing zoning, land use, or development permits issued by the City for the proposed approved project.

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## Part 4: Application Specific Review Procedures

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### 155.2407 SITE PLAN

\*\*\*

#### 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:

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10. Complies with the approved Transportation Corridor Study to the maximum extent practicable.

\*\*\*

### 155.2408 BUILDING DESIGN

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#### E. Building Design Approval Review Standards

\*\*\*

5. Complies with the approved Transportation Corridor Study to the maximum extent practicable; and

### 155.2421. ADMINISTRATIVE ADJUSTMENT

\*\*\*

#### B. APPLICABILITY

##### 1. General

\*\*\*

TABLE 155.2421.B.I: 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	
***			
<del>Minimum vehicular use area interior-landscaped island or area width</del>	10%	20%	30%
***			

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**155.2424. APPEAL**

\*\*\*

**B. Right to Appeal**

1. 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.

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



# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 15-241**

DATE: May 12, 2015  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Director of Development Services *RB*  
FROM: Karen Friedman, AICP, Principal Planner *KBF*  
RE: Text Amendments to Zoning Code  
§155.4219.I – Gasoline Filling Station  
§155.4222.F.3 - Grocery or Convenience Store

---

Staff is recommending text amendments related to Gasoline Filling Stations and Convenience Stores that have accessory gasoline sales.

As is common practice, when Staff identifies a code section whose intent is not clear, Staff is recommending revising the definition for Gasoline Filling Stations. Specifically, Staff is recommending striking the sentence that addresses Convenience Stores.

Further, Staff recommends additional clarification regarding the standards for Convenience Stores that sell gasoline. Therefore Staff is concurrently recommending an amendment to Convenience Stores to clarify that Convenience Stores that dispense gasoline are required to comply with the use specific standards for Gasoline Filling Stations.

# CHAPTER 155: ZONING CODE

\*\*\*

## Article 4: Use Standards

\*\*\*

### Part 2: Principal Uses and Structures

\*\*\*

#### 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.~~

\*\*\*

#### 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.

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# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-194

DATE: April 13, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Text Amendments to Zoning Code  
Article 5, Related to Off-Street Parking

Staff is recommending text amendments to the Zoning Code regarding off-street parking. An explanation of the text amendments is below:

The proposed amendments are consistent with Future Land Use Policy 01.07.06 as follows:

01.07.06 Through ongoing updates to the land development regulations revise the existing off-street parking provisions of the zoning code considering shared parking, parking space size, compact spaces, parking rates by uses, etc....

### TABLE 155.5101.G.8.A

- Gated Driveway
  - Clarify that only gated driveways that are opened on demand require stacking.
  - Clarify that gated single family driveways and driveways where the gate is left open do not require stacking
- Porte Cochere
  - Add in a stacking requirements for establishments that have a porte cochere for passenger loading and unloading
  - The recommended standard is the standard used by Fort Lauderdale. *A copy of their regulations are attached.*
- Valet Parking
  - Previously reviewed and recommended by the Planning and Zoning Board in November 2013. The valet parking amendments were never reviewed by the City Commission. Therefore Staff is re-presenting these amendments. *A copy of Staff's memo to the Planning and Zoning Board (Memo #13-451) and the Planning and Zoning Board Recommendation memo (Memo #13-071) are both attached.*

### TABLE 155.5102.D.1

- Require guest parking for townhouse developments at 1 space per 5 townhouse units.
- Fort Lauderdale, Hollywood, and Coral Springs require guest parking in conjunction with townhouse developments. *A copy of their regulations are attached.*

### TABLE 155.5102.I.1

- Reduce parking space dimensions to 9 ft x 18 ft, city wide.
- Administrative Memo #11-086 includes an in-depth analysis of parking space dimensions. *A copy of the memo is attached.*
- At their March 23, 2015 meeting, the City's Economic Development Council recommended the reduction in parking space dimensions. *A copy of the Motion is attached.*

### §155.5102.I.2

- Strike language regarding reductions in parking space dimensions to 9 ft x 18 ft per revision to Table 155.5102.I.1
- Allow 20% of the required off-street parking spaces, when provided in a parking garage, to be Compact Parking spaces. Compact Parking spaces would be 8.5 ft x 16 ft.
- *A copy of the Compact Parking standards utilized by Orlando and West Palm Beach are attached.*

### §155.5102.J

- Previously reviewed and recommended by the Planning and Zoning Board in November 2013. The valet parking amendments were never reviewed by the City Commission. Therefore Staff is re-presenting these amendments. *A copy of Staff's memo to the Planning and Zoning Board (Memo #13-451) and the Planning and Zoning Board Recommendation memo (Memo #13-071) are both attached.*

### Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

### Enclosures:

1. Fort Lauderdale Regulations 47-20.5, Stacking Requirements
2. Development Services Department Memo #13-451
3. P&Z Board Memo #13-071
4. Fort Lauderdale Regulations 47-39-A-14, Townhouse Parking
5. Coral Springs Regulations 250147, Townhouse Parking
6. Hollywood Regulations 7.2 – Townhouse Parking
7. Development Services Department Memo #11-086
8. EDC Motion
9. Orlando Regulations 61.309, Low Turnover Rate Parking Spaces
10. West Palm Beach Regulations 94-485, Small Car Space Requirements

**CHAPTER 155: ZONING**  
**Article 5: Development Standards**  
**Part 1 Access, Circulation, Parking, and Loading**

\*\*\*

**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
***		
<u>Gated driveway that is opened on demand (either mechanically or by an attendant). This does not include a gated single-family driveway or any gated entry that remains open during hours of operation.</u>	***	
***		
School, elementary or middle (See Section 155.4207.B, D)	***	
<u>Porte Cocheres for passenger loading/unloading areas</u>	<u>2 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 5 spaces</u>	<u>Entrance of the Porte Corchere closest to the roadway</u>
<u>Valet Parking for Residential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 5 spaces</u>	<u>Designated Drop-Off Area</u>
<u>Valet Parking for Nonresidential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 8 spaces</u>	<u>Designated Drop-Off Area</u>
Other	***	

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 Spaces
<b>RESIDENTIAL USES</b>			
Household Living Uses	Dwelling, live/work		***
	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
<b>RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL USES</b>					
0	40	40	44	23	24
45	40	24.2	44	44.1	56.4
60	40	22.3	46	41.5	60.6
90	40	20 <sup>2</sup>	23	40	63
<b>INDUSTRIAL USES</b>					
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 spaces off-street parking stalls 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~~
- ~~c. 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 may be 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.

# ENCLOSURES

# FORT LAUDERDALE

Sec. 47-20.5. - General design of parking facilities.

C. *Site circulation.*

6. *Minimum stacking distance.* Adequate stacking distance shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound stacking area shall be of sufficient size to insure that vehicles will not obstruct the adjacent roadway, the sidewalk and the circulation within the facility. An outbound stacking area shall be required to eliminate backup and delay of vehicles within the development. The minimum number of stacking spaces shall be provided on site inclusive of the vehicle being served as applicable, except as provided for outbound vehicles.
  - a. *Design.* A stacking area shall be designed to include a space of twelve (12) feet wide by twenty-two (22) feet long for each vehicle to be accommodated within the stacking area and so that vehicles within the stacking area do not block parking stalls, parking aisles or driveways of off-street parking facilities.
  - b. *Adjacent to non-trafficway.* All off-street parking facilities shall provide a stacking area at the point(s) of connection of a driveway with a public right-of-way. The stacking area for any residential use other than single family detached, shall accommodate at least one percent (1%) of the number of parking stalls served by the driveway up to a maximum of five (5) spaces. For parking lots with fewer than one hundred (100) cars, the stacking area shall be able to accommodate a minimum of one (1) car.
  - c. *Adjacent to trafficway.* The number of vehicles required to be accommodated within a stacking area adjacent to a trafficway shall be in conformance with the stacking requirements as follows:

Type of Parking Facility	Inbound Vehicles	Outbound Vehicles
Residential: Attendant parking	10% of the total parking capacity of the facility up to a maximum of 5 spaces	1 space
Self-parking (residential)	2 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 5 spaces	1 space
Gatehouse (residential): Attended	5 spaces	1 space
Nonresidential: Attendant parking	10% of the total parking capacity of the facility, up to a maximum of 8 spaces	1 space
Self-parking (nonresidential)	2 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 5 spaces	1 space
Ticket gate (ticket dispensing machine)	3 spaces minimum	1 space
Cashier booth (tickets dispensed manually)	5 spaces	minimum 1 space
Gatehouse (commercial): Attended	5 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 8 spaces	2 spaces



# MEMORANDUM

## Development Services

**MEMORANDUM NO. 13-451**

**DATE:** November 12, 2013

**TO:** Planning & Zoning Board

**VIA:** Robin M. Bird, Development Services Director *RB*

**FROM:** Karen Friedman, AICP, Planner *KBF*

**SUBJECT:** Revisions to Part 1: Article 5 of the Zoning Code related to Valet Parking

In response to direction for the Planning and Zoning Board to consider allowing more opportunities for valet parking, along with requests from the city's CRA to permit valet staging within the right-of-way, Staff is proposing revisions to the Zoning Code and City Code of Ordinances Ch 100 (Streets) related to valet parking.

The revisions to the Zoning Code include:

- Requiring a minimum stacking space for vehicles utilizing valet parking. The stacking space varies based on the total parking capacity as well as whether the use is residential or non-residential.
- Removing the requirement that valet can only be provided in parking lots with at least 75 spaces.
- Allowing all use types to provide valet parking.
  - This will permit uses such as multi-family development, hospitals, and places of worship, to provide valet parking.
- Allowing all use types to provide 75% of required off-street parking spaces as valet, except for hotels who will continue to be allowed 100% valet.
- Adding in a cross-reference in the drop-off and pick-up areas to require compliance with the stacking requirements.
- Creating a list of standards for a Valet Parking Plan.
- Clarifying that hotels and residential development must have valet 24-hours per day.

The text amendments to City Code of Ordinances Ch. 100 (Streets) will permit valet staging areas in the city's right-of-ways. They are currently be drafted by Staff with input from several departments including: Public Works, Engineering, CRA, BSO, and Risk Management. The Ch. 100 text amendments, in conjunction with those included in the Zoning Code, should result not only in an increased opportunity for the provision of valet parking, but should limit the impacts on surrounding property owners.

Staff is requesting the Board approve these recommended changes to the City Commission for adoption.

G:\Zoning 2009\Code Rewrite\Code Amendments\Valet\P&Z Nov 20\P&Z Memo.doc

**Article 5: Development Standards  
Part 1 Access, Circulation, Parking, and Loading**

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**155.5101 ACCESS AND CIRCULATION**

\*\*\*

- 8. Vehicle Stacking Space**
  - a. For Drive-through and Related Uses**
    - i. Required Number of Stacking Spaces**

TABLE 155.5101: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES		
Use or Activity	Minimum Number of Stacking Spaces	Measured From
***		
School, elementary or middle (See Section 155.4207.B, D)	***	
<u>Valet Parking for Residential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 5 spaces</u>	<u>Designated Drop-Off Area</u>
<u>Valet Parking for Nonresidential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 8 spaces</u>	<u>Designated Drop-Off Area</u>
Other	***	

**155.5102 OFF-STREET PARKING AND LOADING**

\*\*\*

**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.

**c.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.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #13-071**

**DATE:** November 25, 2013  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Recommended Approval of the REVISIONS to Chapter 155, Zoning Code related to Valet Parking

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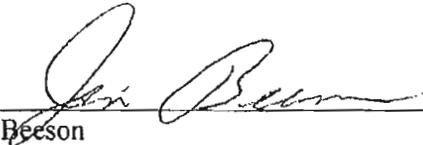
At the meeting of the Planning and Zoning Board/ Local Planning Agency held on November 20, 2013, the Board considered revisions to Part 1: Article 5 of the Chapter 155 ZONING CODE as set forth in the Department of Development Services Administrative Report No. 13-451.

These revisions are in response to direction from the Planning and Zoning Board to consider allowing more opportunities for valet parking. The text amendments should result not only in an increased opportunity for the provision of valet parking, but should limit the impacts on surrounding property owners.

The revisions to the Zoning Code include:

- Requiring a minimum stacking space for vehicles utilizing valet parking. The stacking space varies based on the total parking capacity as well as whether the use is residential or non-residential.
- Removing the requirement that valet can only be provided in parking lots with at least 75 spaces.
- Allowing all use types to provide valet parking.
  - This will permit uses such as multi-family development, hospitals, and places of worship, to provide valet parking.
- Allowing all use types to provide 75% of required off-street parking spaces as valet, except for hotels who will continue to be allowed 100% valet.
- Adding in a cross-reference in the drop-off and pick-up areas to require compliance with the stacking requirements.
- Creating a list of standards for a Valet Parking Plan.
- Clarifying that hotels and residential development must have valet 24-hours per day.

It is the unanimous recommendation of the Board that the revisions to the ZONING CODE be approved.

  
11-27-2013

Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

# FORT LAUDERDALE

Sec. 47-39.A.14. - Off-street parking and loading.

N. *Amount of off-street parking.*

(1) The following minimum amounts of off-street parking shall be provided for all residential buildings and uses:

	<b>Types of Building and Uses</b>	<b>Min. Number of Parking Spaces Required per Indicated Unit</b>	<b>Unit of Measure</b>
(1)	One-family detached dwelling	2.0	Per each dwelling unit
(2)	Two-family dwelling	2.0	Per each dwelling unit
(3)	Townhouse or villa	2.0	Per each dwelling unit located on a single lot of record
	Plus	1.0	Per each 5 dwelling units for guests

# CORAL SPRINGS

Sec. 250147. - Townhouse subdivision developments.

**(10) Required parking, number and location.**

- a. *Number of parking spaces.* Each townhouse unit shall provide two (2) resident parking spaces; plus one-quarter ( $\frac{1}{4}$ ) space for each unit with four (4) or more bedrooms as overflow parking; plus one (1) additional space for each four units in a grouping of buildings, or fraction thereof, for guest parking.

# City of Hollywood Zoning and Land Development Regulations

## § 7.2. Amount of Required Off-Street Parking.

Use	Required No. of Spaces	Special Conditions; Additional Spaces Required
36. Townhome	2 per Unit	If in a development that has more than 4 units then 1 space per 5 units (marked guest)



**CITY OF POMPANO BEACH  
DEPARTMENT OF DEVELOPMENT SERVICES**

100 West Atlantic Boulevard – 3<sup>rd</sup> Floor  
Pompano Beach, FL 33060



**Memorandum No. 11-086**

**DATE:** March 7, 2011  
**TO:** Robin M. Bird, Development Services Director  
**VIA:** Jean E. Dolan, AICP, Principal Planner  
**FROM:** Daniel T. Keester, Zoning Technician  
**RE:** **Parking Space Dimensions**

**HISTORY**

The zoning code for the city of Pompano Beach currently requires parking spaces to be a minimum of 10' x 20'. As indicated by the table below, this was not always the case. There was a fifteen year span between 1960 and 1975 where the code was amended to reduce the parking space requirements to 9' x 19'. The table below indicates the history of Pompano Beach zoning ordinances as it relates to the size of parking spaces. The attached map highlights the perimeter of the City at the time the various ordinances were passed.

Dates	Standard Parking Space Sizes	Industrial Parking space sizes	Ordinances
August, 1957-1960	10'x20'	10'x20'	Ord. 664 Sec. 50.43
December 1960-1975	9'x19'	9'x19'	Ord. 664-63 Sec. 50.43
February 1975-Present	10'x20'	10'x20'	Ord. 75-26 Sec. 50.43
June 1995-Present	10'x20'	9'x18'	Ord. 95-74 Sec. 155.111

**REQUIREMENTS IN BROWARD COUNTY AND OTHER CITIES**

Though the parking size dimensions vary throughout Broward County, the development standards for the county, as well as the majority of the individual cities in Broward County, are less than the current 10' x 20' required parking space in Pompano's zoning ordinance. The attached table details the various city requirements as well as Broward county requirements for parking space sizes. The city has annexed a large portion of land from unincorporated areas of Broward County over the years that were developed with 9' x 18' parking spaces. The annexed areas, which have predominantly 9' x 18' parking spaces, are shown on the attached map.

City/County	Minimum Parking Space Size	Code Requirement
Broward County	9'x18'	Sec. 39-217(b) Table 1
Coconut Creek	10'x20'	Sec. 13-399 (a) (1)
Coral Springs	9'x18'	Sec. 250814 (1)
Dania Beach	9'x18'	Sec. 265-20 (A)
Deerfield Beach	10'x20'	Sec. 98-88 (j) (4)

Hallandale Beach	9'x19'	Sec. 32-453 (c)
Lauderdale-by-the-Sea	9'x18'	Sec. 30-317 (a)
Lauderhill	9'x18'	Sec. 6.5.2 (B)
Margate	9'x18'	Sec. 18.2 (B) Table P
North Lauderdale	9'x18'	Sec. 106-222 (b)
Parkland	10'x18'	Sec. 22-132 (b)
Pembroke Pines	10'x20'	Sec. 155.248 (A)
Pompano Beach	10'x20'	Sec. 155.111 (A) (1)
Southwest Ranches	10'x18'	Sec. 22-132 (b)
Tamarac	9'x18'	Sec. 24-578 (a) (1)
Wilton Manors	9'x20'	Sec. 135-020 (A)

### VEHICULAR DIMENSIONS

Larger Sports Utility Vehicles (SUVs), while perceived to be too large for standard parking spaces (9'x18'), in fact do not exceed 7 feet in width (see table below for SUV dimensions). Assuming that two SUVs were parked centrally in their respective parking spaces side by side there would be approximately 3 feet between the vehicles. According to the National Parking Association, the clearance for door opening range from 20 inches to 27 inches. Attached with this memo are photos taken of various vehicles in 9'x18' size parking spaces that currently exist within the city limits of Pompano Beach, as well as a few parking examples of vehicles in parking spaces that are 10'x 20'.

Chevy Suburban (2007)	18.5	6.5	6.4
Ford Expedition (2007)	17.2	6.58	6.5

### ENCOURAGING REDEVELOPMENT

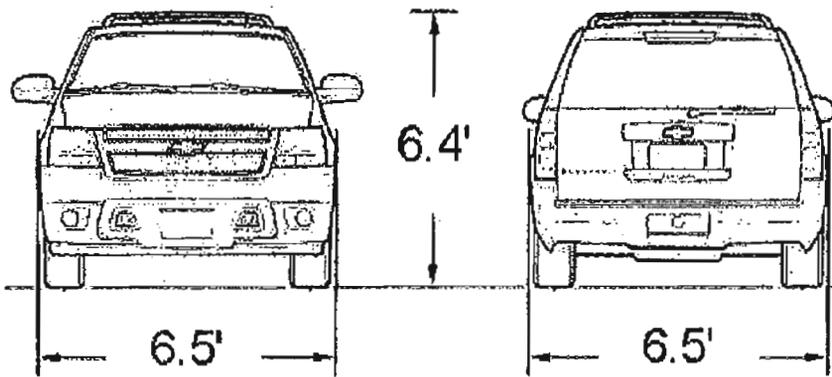
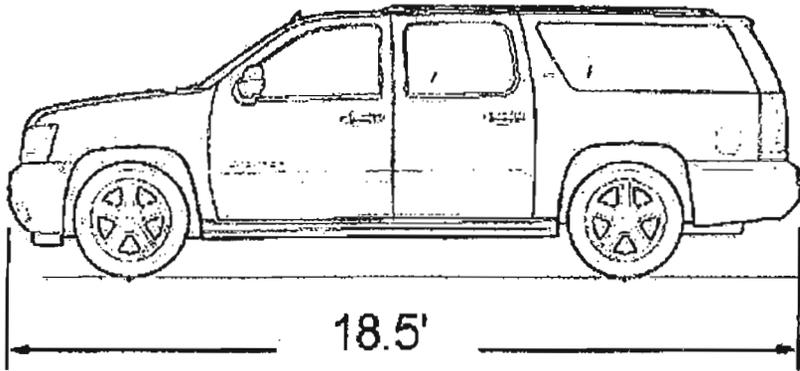
In this economic climate it is important for Pompano Beach to encourage redevelopment and new development. In redeveloping a site, while retaining the size of the building, it is feasible to redesign a parking lot to increase the number of parking spaces by 13-17% simply by reducing the size requirement of parking sizes from 10'x 20' to 9'x18'. For developers this means larger

building foot prints while still meeting city requirements. Having the flexibility to accommodate parking for customers, meet city parking requirements, and increasing the size of the building footprint could make Pompano Beach more appealing to developers and investors. Lenders look at a variety of factors when making a determination about the risk involved in financing a project. By giving the businesses the capability to satisfy the parking requirements while increasing the building footprint, and thus increasing the revenue generating potential of the business over time, the potential return on investment (ROI) goes up and makes the business a more attractive, less risky investment.

#### **OPTIMAL PARKING DESIGN**

Adequate parking is critical to the success of a business operation as well as to a property's resale value. When a building is appraised, the off-street parking is evaluated in regard to the number of spaces, its user-friendliness, and location in relation to the buildings. Poorly laid out parking spaces, backout parking, spaces that are too small, inadequate number of spaces, narrow drive isles, hard to find or access spaces all can reduce the appraised value of a property for resale, as well as hurt the operations of an existing establishment. The inadequacy of parking design became so evident in Miami-Dade County, in fact, that their codes were revised to eliminate the use of compact (7'6"x15') parking spaces that had been allowed because they were not user friendly and resale values were depressed because the parking lots had to be redesigned and reconstructed to meet the needs of buyers. This condition made it difficult to meet parking requirements for the number of spaces required by the code as well as the retailer or business operation looking to relocate into that property.

Redevelopment in Pompano can always be designed with 10'x 20' parking spaces if the parking requirement for the number of spaces can be met. This is an option for those developers that feel the 10'x 20' standard better serves their clientele and supports their resale value in the future. The city's code, however, could be revised to allow for the more standard 9'x18' parking space for those properties that can operate comfortably with this standard parking space size.





9'x18' ATLANTIC BUS CENTER



10'x20' WALMART ATLANTIC BLVD.



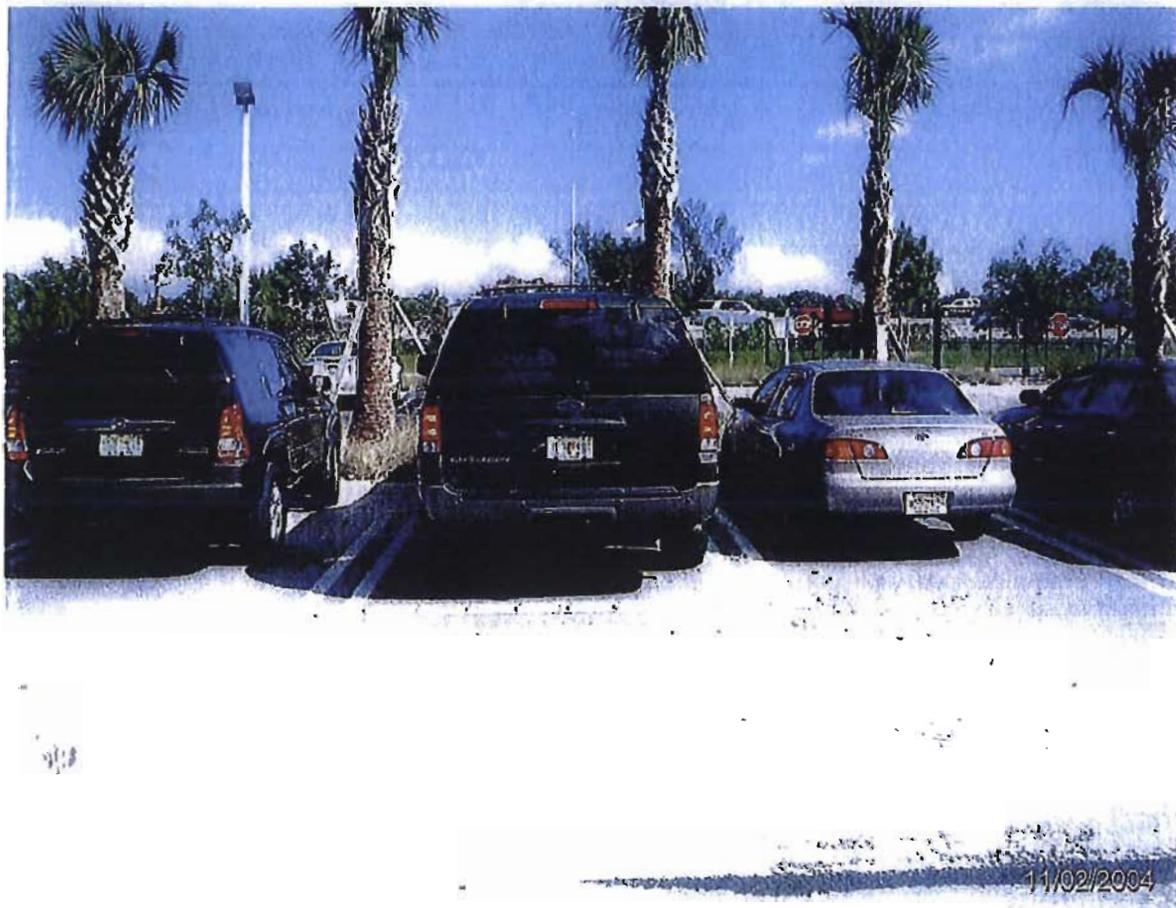
9' x 18' PARKING GOLD COAST BEVERAGE



9' x 18' GOLD COAST EMPLOYEE PARKING



9'x18' PARKING GOLD COAST BEVERAGE N.W. 17<sup>th</sup> AVE



9'x18' PARKING



10'x20' MENABE U.S.1



9'x18' PARKING ATLANTIC BUS CENTER



9'x18' ATLANTIC BUS. CENTER



9'x18' PARKING



9'x18' PARKING GOLD COAST BEVERAGE



9'x18' PARKING



9'X18' PARKING "PONTANO BUS PARK"



9'X18' PARKING ATLANTIC BUS CENTER



10/08/2004

9x18' PARK CENTRAL BLVD



10/08/2004

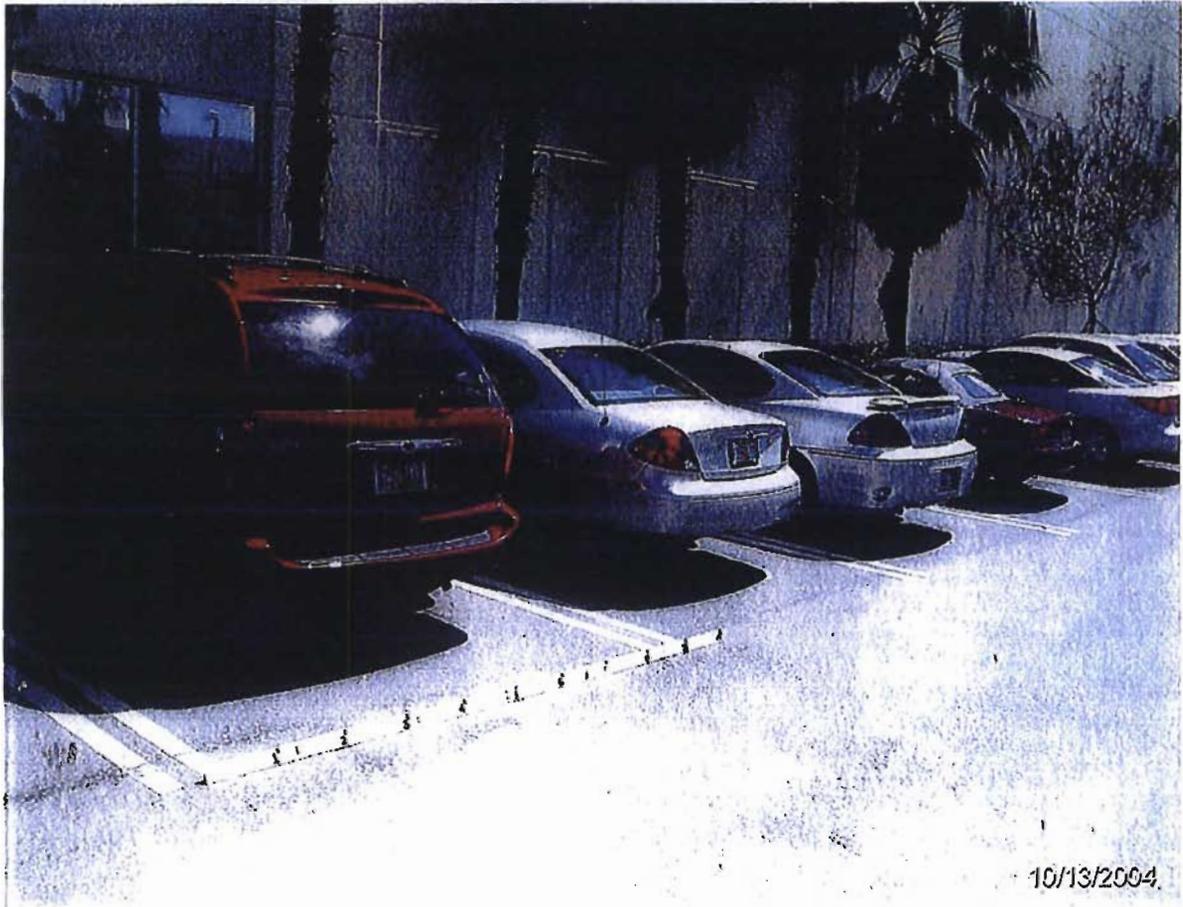
9x18'

POMFANO BUS. PARK



10/13/2004

9'x18'

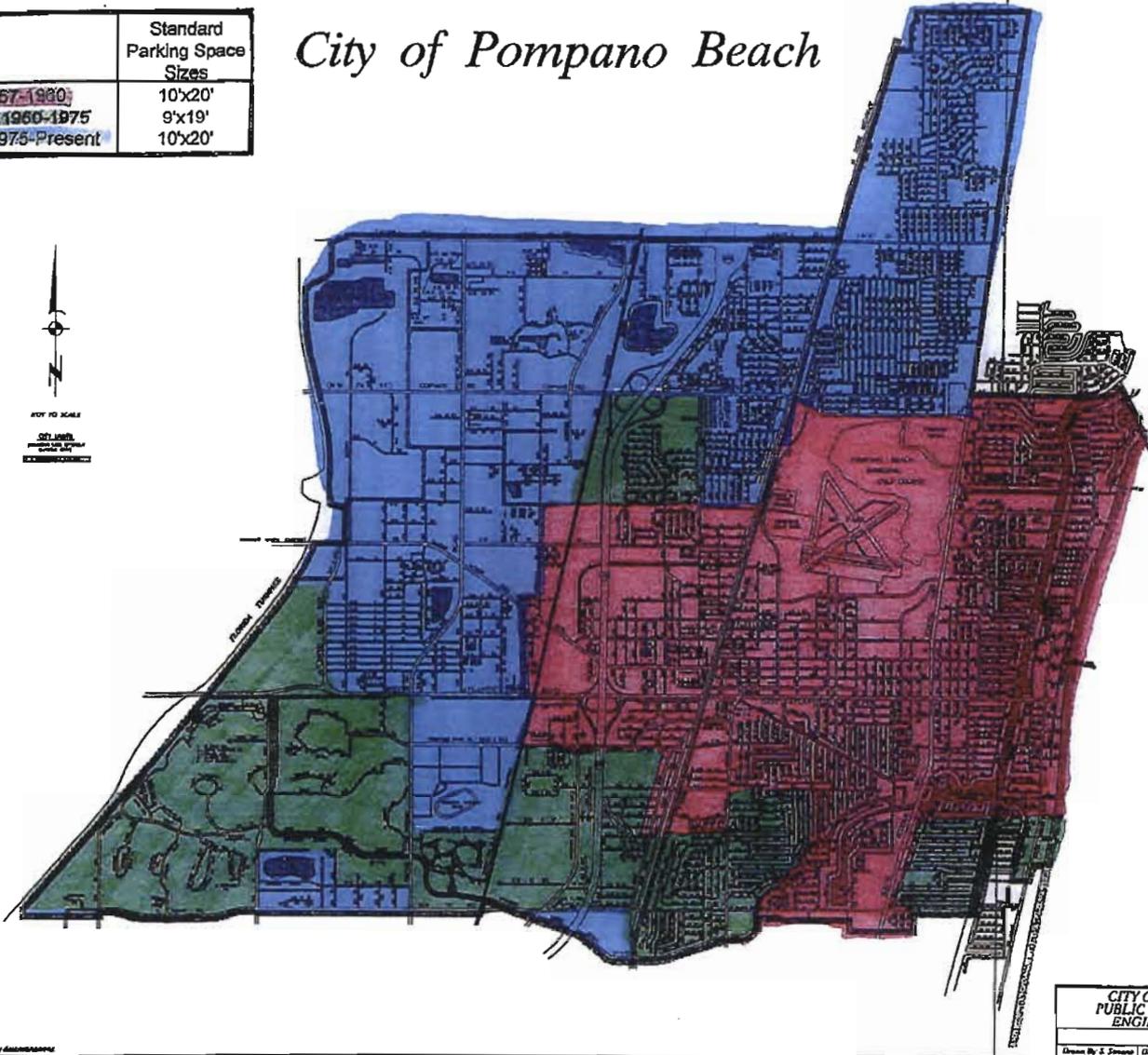


10/13/2004

9'x18'

# City of Pompano Beach

	Standard Parking Space Sizes
August 1957-1980	10'x20'
December 1960-1975	9'x19'
February 1975-Present	10'x20'



This map should not be used for legal boundary determinations.

CITY OF POMPANO BEACH  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION  
 City Map  
 Drawn By: S. Sorensen | Date: 01/2007 | Checked By: | Date:



## REDUCING PARKING SPACE SIZES

At the March 23, 2015 meeting of the Pompano Beach Economic Development Council there was a motion made stating the following:

**MOTION** by Dodie Keith-Lazowick and seconded by Paul Webb to advise the City Commission and the Planning and Zoning Board, on behalf of the Pompano Beach Economic Development Council, that they reconsider the parking ordinances that allow for 9' x 18' parking spaces citywide. All voted in favor of the above motion.

Signed this 15 day of April, 2015.

A handwritten signature in black ink, appearing to read 'T. DiGiorgio, Jr.', with a long horizontal flourish extending to the right.

---

Thomas H. DiGiorgio, Jr.  
Chairperson, PBEDC

# ORLANDO

## Sec. 61.309. - Parking Layout.

Parking space and aisle dimensions in all facilities shall conform to the dimensional requirements provided in Figure 17. See Figure 18 for parking layout terms. Parking layout shall comply with the additional standards provided below:

- (a) **Parking Stall Width.** Parking stalls shall have a minimum width of 9 feet, except that a width of 8 feet 6 inches may be permitted for low turnover spaces. The module (M) and the associated aisle width (A) may be reduced by up to 2 inches for each 1 inch of additional stall width (SW) to a maximum width of 9 feet 6 inches. Where walls, columns, and other vertical obstructions are located immediately adjacent to the sides of parking stalls, the stall width shall be increased by a minimum of 1 foot.
- (b) **Low Turnover Parking Spaces.** Up to 20% of the required parking spaces at shopping centers may be designated as low turnover spaces having a minimum stall width of 8 feet 6 inches. The 8 foot 6 inch stall width shall only be permitted in locations intended and suitable for employee parking or in areas likely to be used only on peak shopping days.
- (c) **Aisles.** Aisles for 90 degree parking spaces shall be designed to accommodate two-way traffic flow. Aisles for all other angles shall be designed to accommodate one-way traffic flow. For two-way traffic flow, the minimum aisle width (A) shall be 24 feet.
- (d) **Turning Bays.** In all parking facilities, turning bays shall comply with the minimum dimension of 16 feet 6 inches, as shown in Figure 19. For two-way traffic flow, the minimum turning bay width shall be 24 feet.

# WEST PALM BEACH

Sec. 94-485. - General provisions.

- (n) Off-street parking dimensions. All parking spaces required by this article shall be at least eight feet six inches in width and 18 feet in length; small car spaces shall be at least eight feet in width and 16 feet in length. Minimum parking space and aisle dimensions are set forth in Figure XV-2.
- (1) Small car space requirements. The number of small car parking spaces shall be provided as required by the following:
  - a. If the total parking requirements of any use or structure is less than 20 spaces, no small car spaces are permitted.
  - b. If the total parking requirement is 20 to 100 spaces, 25 percent of the spaces may be designated for small car use.
  - c. If the total parking requirement is more than 100 spaces, 30 percent of the spaces may be designated for small car use.
  - d. All small car parking spaces shall be marked with individual signs stating "Small Cars Only." Small car parking spaces shall have double striping on each side of the space.
  - e. Small car spaces, to the extent feasible, shall be concentrated at various locations within a parking structure or lot. Small and standard car spaces shall be distributed equally throughout a parking structure or lot, and the city engineer shall review the design of all proposed parking facilities to ensure that the intent of this section is satisfied.
- (2) Dimensions and layout of parking facilities. Plans for the layout of off-street parking facilities shall be in accordance with the minimum requirements set forth in Figure XV-2. Parking spaces for the disabled shall be provided in accordance with the requirements of applicable state and federal legislation.