

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 SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)" TO MODIFY STANDARDS FOR OFF-STREET PARKING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

In order to stimulate redevelopment within the AOD, Ord. 2011-31 exempt multifamily residential use, nonresidential uses, and mixed use development permitted between March 22, 2011 and January 4, 2016 from providing off-street parking spaces. Due to the expiration of this parking incentive, along with the results of the various studies undertaken during the temporary moratorium, Staff is recommending to re-adopt parking incentives that are tailored to incentivize those uses that further the purpose of the district and incentivize the redevelopment of properties that are the most challenging in terms of providing parking (i.e. existing development and/or small lots). Therefore the proposed parking incentives will only be available for certain Eating and Drinking Establishments, Retail Sales and Service Uses, Professional Offices, Hotels and Mixed-Use Developments. The text amendments were unanimously recommended at both the December 16, 2015 and January 27, 2016 Planning and Zoning Board meetings (A copy of the draft Minutes are attached).

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

At the 1st reading the Commission stated that between 1st and 2nd reading, if the City Commission wanted to make revisions to the proposed Ordinance, those could be discussed at 2nd reading.

| DEPARTMENTAL COORDINATION | DATE | DEPARTMENTAL RECOMMENDATION | DEPARTMENTAL HEAD SIGNATURE |
|-----------------------------|--------------------|-----------------------------|---|
| Dev. Services | 12/11/15 & 1/14/16 | Approval | Memo #15-661 and #16-030 <i>[Signature]</i> |
| City Attorney | | <i>[Signature]</i> | Memo #2016-500 <i>[Signature]</i> |
| X Planning and Zoning Board | | Approval | Memos #16-005 (1/12/16) & #16-010 (2/12/2016) |
| X City Manager | <i>[Signature]</i> | | <i>[Signature]</i> |

| Ordinance Workshop | Resolution | Consideration |
|---|-------------------------------|----------------|
| 1 st Reading <u>3/8/16</u> Approved | 1 st Reading _____ | Results: _____ |
| 2 nd Reading <u>3/22/16</u> | _____ | Results: _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |



City Attorney's Communication #2016-500

February 11, 2016

TO: Karen Friedman, AICP, Principal Planner

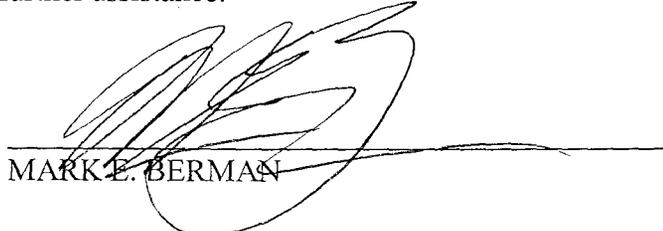
FROM: Mark E. Berman, City Attorney

RE: Ordinance Amending Section 155.3703., "Atlantic Boulevard Overlay District (AOD)"

As requested in your memorandum of January 28, 2016, Department of Development Services Memorandum No. 16-063, 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 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY STANDARDS FOR OFF-STREET PARKING IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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


MARK E. BERMAN

/jrm
l:cor/dev-srv/2016-500

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 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY STANDARDS FOR OFF-STREET PARKING IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; 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 155.3703., "Atlantic Boulevard Overlay District (AOD)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

...

E. Modified Development Standards

...

2. Off-Street Parking

a. Minimum Number of Spaces Required

...

~~ii. Nonresidential and Mixed-Use Development~~

~~No off-street parking spaces are required for any nonresidential or mixed-use development constructed by or have a valid building permit as of January 4, 2016. Nonresidential or mixed-use development permitted thereafter shall be subject to the following standards for minimum number of off-street parking spaces:~~

~~(A) Nonresidential development with a gross floor area totaling less than 25,000 square feet: No parking spaces required.~~

~~(B) Nonresidential development with a gross floor area totaling 25,000 square feet or more: one space per 1,000 square feet of gross floor area, or major fraction thereof.~~

~~(C) Mixed-use development: one space per 500 square feet of gross floor area devoted to nonresidential uses, or major fraction thereof; and one space per 1,000 square feet of gross floor area devoted to residential uses, or major fraction thereof.~~

ii. Selected off-street parking reductions for Retail Sales and Service Uses, Eating and Drinking Establishments, Professional Office, or Hotel uses constructed by or having a valid building permit as of January 4, 2021.

(A) Retail Sales and Service Use: Off-Street parking is reduced only for the following.

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

(3) The above reductions in (1) and (2) are not applicable to Funeral Home or Mortuary, Laundromat, or Consignment Boutique.

(B) Eating and Drinking Establishments: Off-Street parking is reduced as follows:

- (1) No off-street parking spaces are required for a change in use of an existing building.
- (2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less
- (3) One parking space per 8 persons of maximum occupancy capacity of customer service area is required for a new principal or accessory structure located on property greater than one-acre.
- (4) The above reductions in (1), (2), and (3) are not applicable to Nightclub or Hall For Hire.

(C) Professional Office Use: No off-street parking spaces are required for a change in use of an existing building on the 2nd floor or above.

(D) Hotel Use: Off-Street parking is reduced as follows

- (1) No off-street parking spaces are required for a change in use of an existing building.
- (2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

iii. Selected off-street parking reductions for Residential Uses vertically integrated within a Mixed Use Development constructed by or having a valid building permit as of January 4, 2021.

- (A) For purposes of this subsection, Mixed Use Development shall mean developments that vertically integrate residential uses with Retail Sales and Service Uses, Professional Office Uses, Bar or Lounges, Brewpubs, Restaurants, or Specialty eating or drinking establishments.

(B) The off-street parking requirement for the residential use is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

...

SECTION 2. 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
2/11/16
L:ord/ch155/2016-128

ORDINANCE NO. 2011-31 _____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.003 "DEFINITIONS," TO PROVIDE ADDITIONAL DEFINITIONS; BY AMENDING SECTION 155.069, "ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND ESTABLISHMENTS EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.074, "OUTDOOR RESTAURANTS AND BARS," TO PROVIDE FOR APPROVAL OF OUTDOOR RESTAURANTS AND BARS AND OPERATIONAL CONDITIONS; PROVIDING FOR SIDEWALK CAFES, REVIEW AND APPROVAL AND OPERATIONAL CONDITIONS; BY AMENDING SECTION 155.111, "PARKING SPACE SIZE," TO PROVIDE FOR PARKING SPACE REQUIREMENTS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.113, "REQUIREMENTS IN VARIOUS ZONES," TO AMEND REQUIREMENTS FOR CERTAIN USES WITHIN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.114, "INGRESS AND EGRESS," TO PROVIDE FOR ACCESS DRIVEWAY REGULATIONS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; BY AMENDING SECTION 155.132, "EXISTING USES," RELATING TO LANDSCAPE STRIPS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; AND BY AMENDING SECTION 155.179, "ATLANTIC BOULEVARD OVERLAY DISTRICT," TO AMEND USES, REGULATIONS, DEVELOPMENT STANDARDS AND DESIGN STYLE WITHIN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; 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

~~(4) — The Atlantic Boulevard Overlay District falls within the Beach Master Parking Area. Additional reductions requiring parking fees paid in lieu of provision of parking may be requested in accordance with § 155.115.~~

(1) In order to stimulate redevelopment within the AOD, no off-street parking spaces shall be required for multifamily residential use, nonresidential uses, and mixed use development for a period expiring on January 4, 2016. Upon expiration of this exemption time period, off-street parking shall be required to be provided in the AOD, as per Section 155.113 (A) (5) and (B) (17) Off Street Parking requirements.

(2) When a development proposes to include off-street parking, the dimensional standards for off-street parking shall be in accordance with Section 155.111 (C) Parking Space Size, and as approved by the City Engineer.

(3) When a development includes structured parking, the design of structured parking facilities shall comply with the following:

(a) Structured parking facilities shall be either screened from view by placing them at the interior of the lot, or shall be architecturally designed to be compatible with nearby buildings.

(b) At least 75% of a building frontage on a street shall consist of commercial or civic uses that are accessible to the public from the street, which may also include display windows.

(c) Street level vehicular accessways to parking structures should occur only on side streets and be minimized to accommodate necessary vehicle entrances and pedestrian access only.

(d) Structured parking facilities where the occupied space is located above a ground floor parking area are not permitted unless the street frontage is provided with occupied space at least 20 feet deep.

(e) Upper floor elevations of structured parking facilities that are visible from a public street shall be treated with a high-quality architectural design, screening and finish intended to mitigate the appearance of an open structured parking facility.

(f) Tandem parking may be permitted within a structured parking facility. Parking spaces need not be immediately accessible provided spaces are arranged so that no more than two parking spaces would be crossed in parking any vehicle.

(4) On-Street Parking. On-street parking is encouraged on all streets within the AOD, with the exception of Atlantic Boulevard and Federal Highway. On-street parking improvements will be constructed by the City and/or the East CRA, in conjunction with other applicable public agencies.

Overlay District regulations until partial destruction or modification occurs, in which case the following provisions apply:

(1) Any change in the use of a structure deemed nonconforming will result in compliance with subsection ~~(H)~~ (J) of this section and the sign regulations as provided in the Sign Code, Chapter 156.07 (J).

(2) A nonconforming structure, site characteristic or appurtenance which is destroyed, modified or improved by more than 25% of its assessed value shall be required to comply with subsection ~~(H)~~ (J) of this section. Nonconforming signs are subject to further restrictions and provisions pursuant to subsection ~~(H)~~ (J) of this section and the sign regulations as provided in the Sign Code, Chapter 156.07 (J).

(3) A nonconforming site characteristic, such as parking or landscaping, which is destroyed, modified or improved by more than 20% of the total area shall be required to comply with subsection ~~(I)~~ (K) of this section.

(4) A nonconforming structure which is destroyed, improved or modified by more than 50% of its assessed value shall be required to conform to all of the regulations of the Atlantic Boulevard Overlay District.

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 8th day of _____ March, 2011.

PASSED SECOND READING this 22nd day of _____ March, 2011.


LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
4/22/11
L:ord/ch155/2011-72

that people will not have to tear apart parts of their properties if they are exceeding the standards.

Mr. Evans asked about the “Minimal impact on the dune” and if there is a definition for “Minimal impact.” Mrs. Friedman stated that those types of determinations are made by the Urban Forester and the Registered Landscape Architects on the Development Services Staff.

Mr. Evans asked why the text amendment for the clarification to the definition of lot coverage is included when it affects more than only the properties abutting the beach. Mrs. Friedman answered that lot coverage is related to the issue at hand. Mr. Evans asked if there should be a separate proposal or a notice requirement since it will affect the entire City. Mrs. Friedman responded that if the subject matter was misleading, Staff could bring the item back to the Board independently. Mr. Evans responded that this would be preferable.

Mr. Stacer asked if these text amendments would impact the two restaurants approved to be built north of the pier. Mrs. Friedman responded that she is not familiar enough with the projects to answer the question. Mrs. Gomez responded that these projects have already received a variance for their rear setback requirements and therefore would not be impacted by the code changes at hand.

MOTION made by Joan Kovac and seconded by Dwight Evans to recommend approval of the proposed text amendments, excluding the addition of the word “roofed” to Code Section 155.9401.E Lot Coverage. All voted in favor of the above motion; therefore, the motion passed.

8. Chapter 155 Zoning Code Text Amendments, Revisions to AOD Parking Modifications

Staff is recommending text amendments to the Zoning Code, requested by the CRA, regarding parking modifications in the AOD for Hotels and Residential Uses provided as part of a mixed-use development.

Mrs. Friedman introduced herself to the Board and stated that this will be the third time this Board has been asked to consider changes to the parking standards in the Atlantic Boulevard Overlay District. Previously, at the November 30th, 2015 Special Set hearing, the item was tabled. At the December 16th, 2015 Planning and Zoning Board Hearing, several text amendments were presented. Since then, the Pompano Beach CRA has requested additional uses be eligible for parking modifications. Mrs. Friedman explained that any of the text changes in the backup that are highlighted in yellow are new proposed changes.

Mrs. Friedman stated that the proposed reductions would reduce parking for Hotels as follows:

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less

For Residential uses, parking would only be reduced if the residential use is part of a mixed-use development. Further the proposed revisions define mixed-use a vertical integration with retail uses, professional office uses, or certain food and/or beverage uses. The proposed reductions would reduce parking as follows:

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less

Mr. Stacer asked if the Board had any questions of staff.

Dr. Mills asked why Medical Office is struck out. Mrs. Friedman answered that the Doctor's office does not support the overall vision of an active, pedestrian-oriented district.

Mrs. Kovac asked if there will be a parking garage close to hotel uses. Mrs. Friedman answered that it is a combination of adjacent parking, the CRA is looking in investing in parking, but ultimately it allows the developer to create a parking program that best fits their needs. Mrs. Friedman added that it can be a combination of on-site and off-site parking or reduced parking.

Cecilia Ward (18081 SE Country Club Drive Tequesta, FL) introduced herself to the Board as the Planning Consultant for the CRA and stated that she needed to be sworn in. Ms. MacNeil placed Mrs. Ward under oath. Mrs. Ward stated that they are requesting the additional provisions regarding parking in order to encourage certain types of development in the AOD and East CRA such as entertainment uses, retail, restaurants, and mixed-use development. This parking incentive attracts redevelopment to the area. Mrs. Ward stated that just because there are no parking requirements from the City, it does not mean that the developer will not provide parking.

Mr. Stacer asked if anyone knows if the property east of Briny that is supposed to have a Hyatt Place built is it over an acre. Mrs. Ward stated that she is not familiar. Mr. Stacer stated that it is at about the 200 block across from Pompano Beach Club and on the east side of Briny Avenue. Paola asked if the Chairman is referring to 200 Briny. Mrs. West stated that she will look into it. Mr. Stacer stated that this project concerns him.

Mr. Evans asked if the purpose of striking medical office is proposed because it would affect the attraction of business interest. Mrs. Friedman responded that the Board is looking at the CRA's proposed language where they propose parking modifications and the revision of the Code's definition of professional office. The proposed revision would reflect changes due to the Moratorium. The text amendments before the Board this

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evening do not include this change. Mrs. Friedman stated that the document with the red and blue fonts is a request from the CRA to Development Services. Mrs. Evans asked Mrs. Ward to provide an explanation of the purpose of the restriction. Mrs. Ward answered that there may be a conflict with the definition (Professional Office) as a result of the text amendments heard at the Special Set meeting in November. The CRA is not proposing to change the definition in a manner that is inconsistent with the Moratorium issues that were presented to this Board in November. Mrs. Ward stated that Development Services needs to go back and amend the definition of Professional Office. However, they are not doing so this evening.

Dr. Mills stated that he would like to ask a question about Professional Offices. Mrs. Friedman stated that staff is not recommending changes to the definition of Professional Office at this time. This information is just part of the backup that came from the CRA.

Mr. Stacer stated that the Chair will entertain a motion.

MOTION was made by Joan Kovac to and seconded by Elizabeth Anderson to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore, the motion passed.

9. Chapter 155 Zoning Code Text Amendments, New Freestanding Tower or Telecommunication Facility

Staff is recommending text amendments addressing new freestanding tower or telecommunication facilities. In particular, the text amendments address separation requirements and the allowance of chain link fences.

Mrs. Friedman introduced herself to the Board and stated that this text amendment proposal is a matter of housekeeping by Development Services. The Code requires towers within the public utility district to be separated from each other. Mrs. Friedman stated that this is an inverse intent of what the City adopted in 1997, which was to allow towers to congregate in the public utility district while towers outside of this district were required to be separated from each other. Staff is requesting that this language be corrected.

Mrs. Friedman stated that the second item relates to chain link fences and how they are permitted to be used in relation to telecommunication facilities. The proposed text amendments help clarify that chain link fences should not be visible from a right-of-way.

There were no questions for staff.

MOTION made by Joan Kovac and seconded by Jeff Torrey to recommend approval of the proposed text amendments. All voted in favor of the proposed text amendments; therefore, the motion passed.

10. Sunshine Law Presentation

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-010**

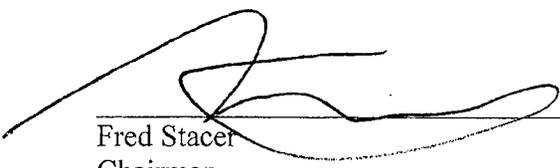
DATE: February 12, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to the Zoning Code,
AOD Parking Modifications

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 27, 2016, the Board considered proposed text amendments to the Atlantic Boulevard Overlay District standards of the Zoning Code, as set forth in the Department of Development Services Administrative Report 16-030.

Staff recommends reducing the parking requirements for hotels and residential uses part of a mixed-use development by not requiring parking for: a change in use of an existing building or portion of a building or a new principal or accessory building if located on a property one acre or less.

Staff also recommends defining mixed-use as a vertical integration with retail uses, professional office uses, or certain food and/or beverage uses.

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



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-030

DATE: January 14, 2016

TO: Planning and Zoning Board

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

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

RE: Proposed Revisions to AOD Parking Modifications §155.3703.E.2.a

At the December 16, 2015 Planning and Zoning Board hearing, Staff recommended text amendments to §155.3703.E.2.a addressing parking modifications for the AOD that are set to expire on January 4, 2016, and reflecting the proposed zoning code revisions resulting from the Temporary Moratorium.

As mentioned in Administrative Memorandum #15-661, the intent of the proposed parking modifications is to encourage the redevelopment of the AOD by incentivizing those uses that further the purpose of the district and incentivizing the redevelopment of properties that are the most challenging in terms of providing parking (i.e. existing development and/or small lots). The revisions presented at the December 16, 2015 hearing were limited to Eating and Drinking Establishments, Retail Sales and Service Uses, and Professional Offices. Per the attached memo from the City's CRA (dated January 11, 2016), the CRA is requesting parking modifications for Hotels and for Residential Uses provided as part of a mixed-use development.

As with the revisions recommended by the P&Z Board at the December 16, 2015, the proposed parking reductions are tailored for certain development scenarios and include a five year extension to the parking reductions.

The proposed reductions would reduce parking for Hotels are as follows:

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less

For Residential uses, parking would only be reduced if the residential use is part of a mixed-use development. Further the proposed revisions define mixed-use a vertical integration with retail uses, professional office uses, or certain food and/or beverage uses. The proposed reductions would reduce parking as follows:

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less

Staff's Request

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

Article 3: Zoning Districts

Part 7: Overlay Zoning Districts

155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

E. Modified Development Standards

2. Off-Street Parking

a. Minimum Number of Spaces Required

~~ii. Nonresidential and Mixed-Use Development~~

~~No off-street parking spaces are required for any nonresidential or mixed-use development constructed by or have a valid building permit as of January 4, 2016. Nonresidential or mixed-use development permitted thereafter shall be subject to the following standards for minimum number of off-street parking spaces:~~

- ~~(A) Nonresidential development with a gross floor area totaling less than 25,000 square feet: No parking spaces required.~~
- ~~(B) Nonresidential development with a gross floor area totaling 25,000 square feet or more: one space per 1,000 square feet of gross floor area, or major fraction thereof.~~
- ~~(C) Mixed-use development: one space per 500 square feet of gross floor area devoted to nonresidential uses, or major fraction thereof, and one space per 1,000 square feet of gross floor area devoted to residential uses, or major fraction thereof.~~

The strikethrough of 155.3703.E.2.a.ii was recommended at the December 2015 P&Z Hearing

ii. Selected off-street parking reductions for Retail Sales and Service Uses, Eating and Drinking Establishments, Professional Office, or Hotel uses constructed by or having a valid building permit as of January 4, 2021.

(A) Retail Sales and Service Use: Off-Street parking is reduced only for the following.

- (1) No off-street parking spaces are required for a change in use of an existing building.
- (2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less
- (3) The above reductions in (1) and (2) are not applicable to Funeral Home or Mortuary, Laundromat, or Consignment Boutique.

(B) Eating and Drinking Establishments: Off-Street parking is reduced as follows:

- (1) No off-street parking spaces are required for a change in use of an existing building.

At the December 2015 P&Z Hearing, the creation of a revised 155.3703.E.2.a.ii was recommended. Language highlighted in yellow is new for this request.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

(3) One parking space per 8 persons of maximum occupancy capacity of customer service area is required for a new principal or accessory structure located on property greater than one-acre.

(4) The above reductions in (1), (2), and (3) are not applicable to Nightclub or Hall For Hire.

(C) Professional Office Use: No off-street parking spaces are required for a change in use of an existing building on the 2nd floor or above.

(D) Hotel Use: Off-Street parking is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

Language highlighted in yellow is new for this request.

iii. Selected off-street parking reductions for Residential Uses vertically integrated within a Mixed Use Development constructed by or having a valid building permit as of January 4, 2021.

(A) For purposes of this subsection, Mixed Use Development shall mean developments that vertically integrate residential uses with Retail Sales and Service Uses, Professional Office Uses, Bar or Lounges, Brewpubs, Restaurants, or Specialty eating or drinking establishments.

(B) The off-street parking requirement for the residential use is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

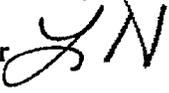
CRA

POMPANO BEACH

MEMORANDUM

DATE: January 11, 2016

TO: Robin Bird, Director of Community Services

FROM: Lorri Hall, Principal Planner 

THRU: Kim Briesemeister, CRA Executive Director,
Chris Brown, CRA Executive Director

RE: Proposed Revisions to the AOD Parking Standards

On July 14, 2015, the City Commission of Pompano Beach imposed a moratorium. The purpose of the moratorium was to determine the potential impact that these uses may have on the economic redevelopment efforts as expressed in the CRA redevelopment plan and the City's Comprehensive Plan. The projects and programs in the East CRA are designed to solve underlying problems that have a blighting influence on the redevelopment areas as further expressed in East CRA Redevelopment Plan.

As part of the moratorium, City staff is currently requesting a parking modification for the Atlantic Boulevard Overlay District (AOD) which extends the parking reductions to January 4, 2021 and provide parking reductions for certain uses and development scenarios. The CRA noticed that the mixed use development scenarios were invariably not included in the parking modifications. CRA staff is requesting city staff propose revisions to the AOD Zoning Code to include the proposed draft language.

Additionally, the revisions to the definitions within the Zoning Code as part of the moratorium are proposed for City Commission action this month are in direct conflict with the existing professional office that exists in the code today. Please revise the definition of Profession Office as depicted in the attached draft language.

Article 3: Zoning Districts

Part 7: Overlay Zoning Districts

**155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT
(AOD)**

E. Modified Development Standards

2. Off-Street Parking

a. Minimum Number of Spaces Required

iii. Selected parking reductions for Retail Sales and Service Uses, Eating and Drinking Establishments, or Professional Office, Hotel, or Mixed-use development that contains residential use in conjunction only with retail, and/or professional office uses, restaurant uses, brewpub, café or bars, uses that are constructed by or having— have a valid building permit as of January 4, 2021.

(A) Retail Sales and Service Use: Parking is reduced only for the following. All other development requires parking to be provided in accordance with Table 155.5102.D.1: Minimum Number of Off-Street Parking Spaces

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

(3) The above reductions in (1) and (2) are not applicable to Funeral Home or Mortuary, Laundromat, or Consignment Boutique.

(B) Eating and Drinking Establishments: Parking is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

(3) One parking space per 8 persons of maximum occupancy capacity of customer service area is required for a new principal or accessory structure located on property greater than one-acre.

(4) The above reductions in (1), (2), and (3) are not applicable to Nightclub or Hall For Hire.

(C) Professional Office Use: No off-street parking spaces are required for a change in use of an existing building on the 2nd floor or above. All other development requires parking to be provided in accordance with Table 155.5102.D.1: Minimum Number of Off-Street Parking Spaces.

(D) Residential use contained within a Mixed-use development; Parking is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less.

(E) Hotel use: Parking is reduced as follows:

(1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less.

MOTION made by Walter Syrek and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments to section 155.2406. All voted in favor of the above motion; therefore, the motion passed.

8. Chapter 155 Text Amendments, AOD Parking Modifications

HEARD FIRST

In conjunction with the proposed text amendments resulting from the Temporary Moratorium, Staff has prepared revisions to the parking modifications for the AOD that are set to expire on January 4, 2016. The intent of the proposed parking modifications is to encourage the redevelopment of the AOD by incentivizing those uses that further the purpose of the district and incentivizing the redevelopment of properties that are the most challenging in terms of providing parking (i.e. existing development and/or small lots). The proposed amendments include a five year extension to the parking reductions.

Mrs. Friedman introduced herself to the Board and stated that this text amendment is in conjunction with the moratorium text amendments which were reviewed by the Board at the November 30th special set hearing. The proposed text amendments address revisions to the modified parking standards for the Atlantic Boulevard Overlay District (AOD) to reflect the recommendations as a result of the moratorium. The proposed amendments include a five year extension to the parking reductions. The exemptions have been tailored down to target the uses that are highly desirable in the AOD. In summary, Eating and Drinking Establishments (excluding halls for hire and nightclubs), Retail Sales and Service Uses (with a few exceptions), and Professional Offices would be targeted use categories and would be eligible to be exempt from parking requirements or would have reduced parking requirements. Mrs. Friedman asked the Board if they had any questions.

The Chairman asked if the Board had any questions. No one responded. Mr. Stacer asked if residential uses will no longer be eligible for parking modifications and Mrs. Friedman agreed.

Mr. Stacer asked if anyone from the audience wished to speak and received no response from the audience.

MOTION made by Richard Klosiewicz and seconded by Jeff Torrey to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore, the motion passed.

9. Chapter 153 “Rental Housing Code” Text Amendments, Short Term Rental Permit

As a courtesy, staff is presenting its recommended revisions to the Code of Ordinances Chapter 153 “Rental Housing Code” regarding the creation of a Short Term Rental Permit program. Staff recommends adopting regulations related to off-street parking, trash and recycling bins,

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

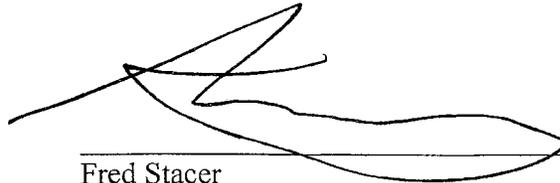
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-005**

DATE: January 12, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code,
155.3703.E.2.a, AOD Parking Modifications

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on December 16, 2015, the Board considered proposed text amendments to Article 3 (Zoning Districts) of the Zoning Code, as set forth in the Department of Development Services Administrative Report 15-661.

Within Article 3 (Zoning Districts) Staff recommends revisions to the parking modifications for the Atlantic Boulevard Overlay District that are specific to certain uses and include an extension of the parking reductions in the Atlantic Boulevard Overlay District by five years.

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



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-661

DATE: December 11, 2015

TO: Planning and Zoning Board

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

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

RE: Proposed Revisions to AOD Parking Modifications §155.3703.E.2.a

In conjunction with the proposed text amendments resulting from the Temporary Moratorium, Staff has prepared revisions to the parking modifications for the AOD that are set to expire on January 4, 2016.

The intent of the proposed parking modifications is to encourage the redevelopment of the AOD by incentivizing those uses that further the purpose of the district and incentivizing the redevelopment of properties that are the most challenging in terms of providing parking (i.e. existing development and/or small lots).

The proposed amendments include a five year extension to the parking reductions.

Unlike the existing modifications, the proposed parking reductions are specific to certain uses. **Below is the list of the use types that would be eligible for the parking reductions:**

Eating and Drinking Establishments

- Bar or lounge
- Brewpub
- Restaurant
- Specialty eating or drinking establishment

➤ *Hall for Hire and Nightclub are specifically excluded*

Retail Sales and Service Uses

- Art, music, or dance studio
- Bank or financial institution
- Dry cleaning or laundry drop-off establishment
- Personal and household goods repair establishment
- Personal services establishment
- Antique store
- Art gallery
- Auction house
- Book or media shop
- Grocery or Convenience store
- Drug store or pharmacy
- Home and building supply center
- Other retail sales establishment
- Local Liquor or package store (requires Special Exception approval)
- Regional Liquor or package store
- Beer or Wine Store (requires Special Exception approval)

➤ *Funeral home or mortuary, Laundromat, and Consignment boutique are specifically excluded*

Professional Offices

This includes offices for lawyers, engineers, and consultants etc...

MEMORANDUM

Development Services

The parking reductions are also tailored for certain development scenarios. **Below are the proposed parking reductions:**

Eating and Drinking Establishments

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less
- 50% reduction on required parking (1 per 8 persons at maximum occupancy vs. 1 per 4 persons at maximum occupancy) for a new principal or accessory building, if located on property that is larger than one-acre

Retail Sales and Service Uses

- No parking required for a change in use of an existing building (or portion of building)
- No parking required for a new principal or accessory building, if located on property that is one-acre or less
- All other development is required to provide parking per Code.

Professional Offices

- No parking required for a change in use of an existing building for the 2nd story or above
- All other development is required to provide parking per Code.

Staff's Request

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

Article 3: Zoning Districts

Part 7: Overlay Zoning Districts

155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

E. Modified Development Standards

2. Off-Street Parking

a. Minimum Number of Spaces Required

~~ii. Nonresidential and Mixed-Use Development~~

~~No off street parking spaces are required for any nonresidential or mixed use development constructed by or have a valid building permit as of January 4, 2016. Nonresidential or mixed use development permitted thereafter shall be subject to the following standards for minimum number of off street parking spaces:~~

- ~~(A) Nonresidential development with a gross floor area totaling less than 25,000 square feet: No parking spaces required.~~
- ~~(B) Nonresidential development with a gross floor area totaling 25,000 square feet or more: one space per 1,000 square feet of gross floor area, or major fraction thereof.~~
- ~~(C) Mixed use development: one space per 500 square feet of gross floor area devoted to nonresidential uses, or major fraction thereof, and one space per 1,000 square feet of gross floor area devoted to residential uses, or major fraction thereof.~~

iii. Selected parking reductions for Retail Sales and Service Uses, Eating and Drinking Establishments, or Professional Office uses constructed by or having a valid building permit as of January 4, 2021.

- (A) Retail Sales and Service Use: Parking is reduced only for the following. All other development requires parking to be provided in accordance with Table 155.5102.D.1: Minimum Number of Off-Street Parking Spaces
 - (1) No off-street parking spaces are required for a change in use of an existing building.
 - (2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less.
 - (3) The above reductions in (1) and (2) are not applicable to Funeral Home or Mortuary, Laundromat, or Consignment Boutique.
- (B) Eating and Drinking Establishments: Parking is reduced as follows:
 - (1) No off-street parking spaces are required for a change in use of an existing building.

(2) No off-street parking spaces are required for a new principal structure or accessory structure located on property of one-acre or less

(3) One parking space per 8 persons of maximum occupancy capacity of customer service area is required for a new principal or accessory structure located on property greater than one-acre.

(4) The above reductions in (1), (2), and (3) are not applicable to Nightclub or Hall For Hire.

(C) Professional Office Use: No off-street parking spaces are required for a change in use of an existing building on the 2nd floor or above. All other development requires parking to be provided in accordance with Table 155.5102.D.1: Minimum Number of Off-Street Parking Spaces