



DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director
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January 25, 2023

Nonconforming Certificate Number PZ: 22-20000003
Amended

Paola West
10152 Indiantown Rd, #159
Jupiter, FL 33478

Re: 2201 W Atlantic Blvd (Folio: [4842332900210](#))

Dear Paola,

The Department of Development Services has received your Nonconforming Certificate Application for staff review. The above referenced property is currently zoned B-3, General Business District. According to staff research, this property was annexed into the City in 1980 by Resolution 1980-40. City building permit records indicate the property was developed between 1985-1986. The approved site plan included one multi-tenant commercial building and also noted the zoning district was B-3 at the time of approval (Exhibit A).

Development History:

- The original building permit from 1985 (BP 85-10920), required the site to have a minimum of 157 parking spaces for the 78,436 square foot building.
- A revision to the site was permitted in 1986 (BP 86-13075) to include a new addition (11,727 square feet), which increased the building to 90,163 square feet. The total number of required parking spaces for the development at that time was increased to 178 spaces. The existing building on site has not changed in size from this 1986 revision.
- The existing conditions of the site are deficient in the minimum number of parking spaces required per the last approved site plan of record.
- According to the Business Tax Receipt Division's records, there are four active businesses located at this property: (1) Atlantic Wallpaper & Décor Products, (2) Fiberbuilt Umbrellas Inc, (3) Luxe Outdoor Living LLC, and (4) New York Quarts LLC. All existing uses have approved Business Tax Receipts (BTRs) as retail commercial spaces or offices.

Nonconforming Submittal:

- The Applicant submitted a floor plan with this Nonconforming Certificate Application providing a breakdown of the square footage for each unit of the existing building (Exhibit B). Exhibit B shows the total floor area of the existing building is 89,974 square feet (a difference of 189 square feet from the last approved plan) and the total number of parking spaces existing on-site is 134, which are 44 fewer parking spaces than the minimum required illustrated on the approved plans submitted with the addition in 1986.

Based on the current Code requirements of Table 155.5102.D.1: Minimum Number of Off-Street Parking Spaces, the existing active businesses at this location would require 215 parking spaces if developed today. The building permits for this property approved the development with 44 additional parking spaces in the rear of the property, that have effectively been removed. These 44 spaces were not designed in accordance with the landscaping requirements of today's Code, whereas the remaining parking spaces on site have landscaping and curbing. Staff concludes that the removal of the parking from the loading area seeks to address/ eliminate certain nonconforming site features, but increased the deficiency of the minimum parking requirements from 178 to 134 spaces (178 originally required – 44 nonconforming parking spaces removed = 134 off-street parking spaces). **Therefore, Staff acknowledges that this site is legally nonconforming related to the minimum required number of parking spaces for this development.** The existing development is nonconforming by 44 off-street parking spaces (24.7% = 44 deficient / 178 required at the time of approval).

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Note that a Nonconforming Certificate does not authorize any future development including repair, maintenance, reconstruction, remodeling, addition, expansion, or alteration. Instead, a Nonconforming Certificate approved in accordance with section 155.2433 establishes that a nonconforming use, nonconforming structure, or nonconforming lot was lawfully established under a similar provision of a previously applicable ordinance of the city or county and lawfully exists. Additions and expansions of sites with legally nonconforming site features shall meet the requirements of section 155.7505 and shall require nonconforming site features to be installed or upgraded towards compliance with the standards of this Code by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

Conclusively, the existing 90,163 SF commercial building is acknowledged to have a legally nonconforming minimum of 178 parking spaces, however, the site may maintain and operate with the existing 134 spaces in order to eliminate the nonconforming site features of these 44 spaces. The site must address this nonconformity and come into compliance by the corresponding percentage of any new addition per Code section 155.7505. Additions and Expansions, in addition to meeting the minimum parking requirements for the new building.

Should you need further assistance please contact our office at (954) 786-4679.

Yours truly,
THE CITY OF POMPANO BEACH

David L. Recor, ICMA-CM
Development Services Director
Enclosure

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100 West Atlantic Boulevard | Pompano Beach, FL 33060 | Phone: 954-786-4600

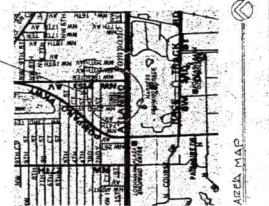
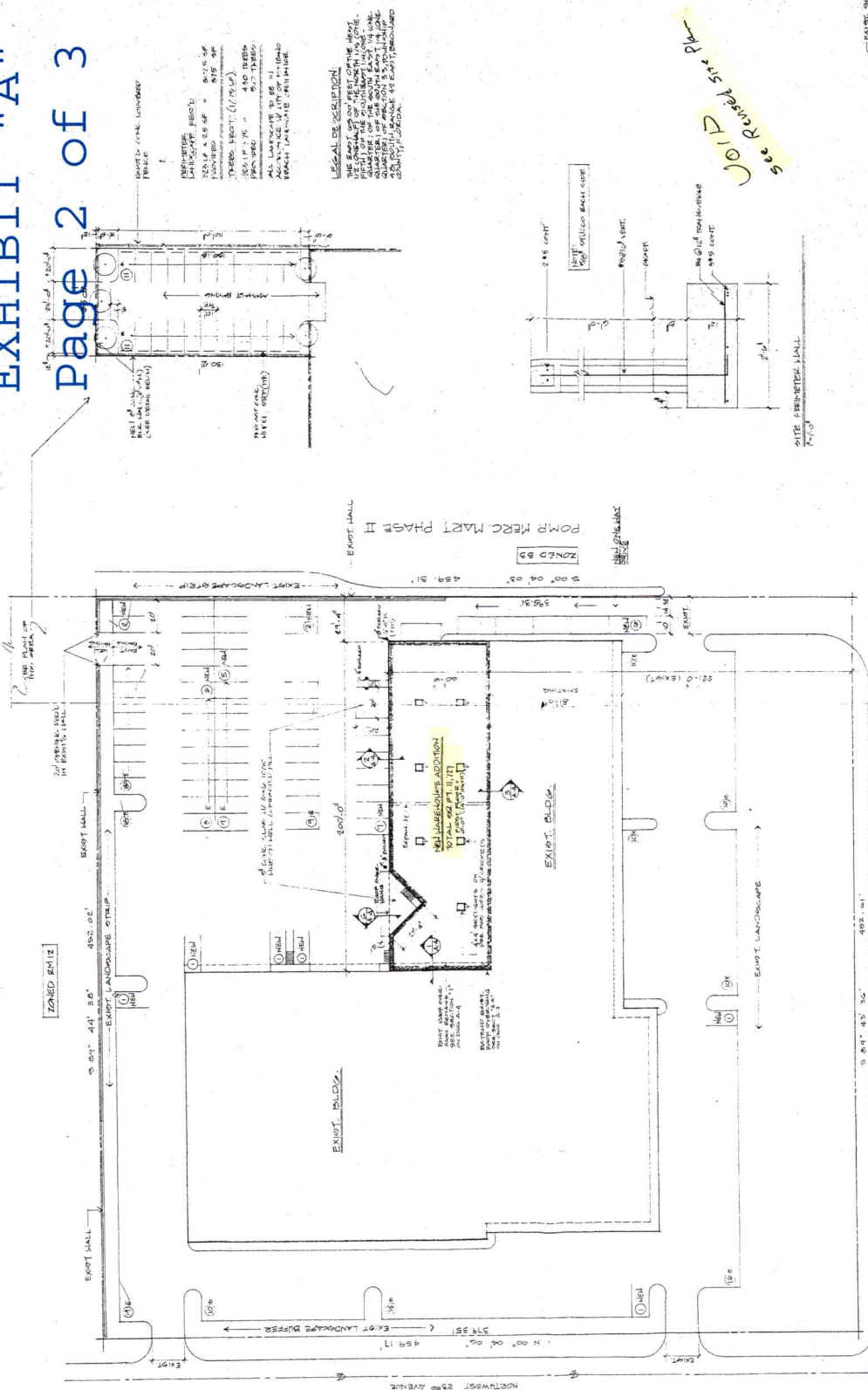
REVISIONS	BY



STANDARD
DRAWING
ADDITION
REINFORCING



DATE	PLAT
DRAWN	
CHECKED	
DATE	
BY	
ADVISOR	
JOB NO.	
SHEET	
	A-1
	OF 4



BUILDING DATA	
TOTAL LAND	101,912 SQ. FT.
EXIST. BLDG. FOOTPRINT	91,400 SQ. FT.
NEW LAB/RESEARCH ADDITION	11,737 SQ. FT.
TOTAL BLDG. FOOTPRINT	103,137 SQ. FT.
PARCELING	
EXISTING PARCELS	155
NEW PARCELS	13
TOTAL PARCELS	178
ZONING	
EXISTING ZONING	"E-3"
NEW ZONING	"E-3"

SITE PLAN SCALE 1" = 50'

LEGAL DESCRIPTION
POPANO RESEARCH MART PHASE III, PARCEL "A" LOCATED
IN THE CITY OF POPANO BEACH, FLORIDA AS RECORDED IN THE
PUBLIC RECORDS OF THE COUNTY OF DUVAL, FLORIDA, BOOK 112, PAGE 39.
Said parcel containing 4.12 acres, more or less.

[illegible]

ZONED BS

THESE

POPOHANO MERCHANDISE MART PHASE III, PARCEL "A" located in the City of Pompano Beach, Florida as recorded in the public records of Broward County, Plat Book Number 112 page 39. Parcel contained 0.12 acres more or less.

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