



Staff Report

**File #:** LN-41

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Meeting Date: DECEMBER 16, 2020

**LANDSCAPING, SCREENING & PARKING EXTENSION**

**Request:** Text Amendment  
**Project Planner:** Daniel Keester-O’Mills

**Summary:**

The Development Services Department continues to seek ways to fulfill the City’s Strategic Plan objectives of strengthening Pompano Beach as a “Preferred Place to do Business” and enhancing the City’s reputation as being “business friendly.” The proposed text amendments will address the Landscape Code Amendments action item from the 2019 Strategic Plan. This and several other Strategic Planning action items are intended to ensure the City’s processes are both clear and streamlined.

Section 155.5203.D of the city’s zoning code addresses “vehicular use area landscaping.” Subsection 5 requires a certain width of landscaping to be provided between vehicular use areas (such as driveways and parking lots) and buildings. This section was recently amended by Ordinance No. 2019-59 whereby the term “story” was replaced with “15 feet of height” of a building. This was done not only to clarify what is considered a “story” under this section, but also to allow additional flexibility for buildings with a taller ceiling height, such as warehouses or buildings with interior mezzanine space. The section requires 8 feet of landscaped area width for every 15 feet of building height, but requires an additional foot for every 2 feet of height above the first 15 feet, rounding up. Again, this is only related to the width of the landscaped area. Under the current section if a developer proposes a 20-foot building, the required landscaping per this section is an 11-foot landscaped area between the building and the driveway.

Section 155.5203.E addresses required Building Base Plantings, or more simply, the type of plant that goes in the landscaped area mentioned in the previous section. Going back to the example, a developer providing an 11-foot landscaped area abutting the building would need only to provide shrubs within this area at a rate of one for every 6 linear feet of building base. Shrubs typically need about 3 feet of width for planting, thus leaving 8 feet of only sodded area as the remainder.

The purpose of the proposed amendments to the landscaping code is to provide options for developers to potentially reduce the width required by 155.5203.D, through the implementation of superior landscape design in this area-that is, superior to only shrubs and sod. The code amendment also provides clarity regarding the level of superior landscape design that should be implemented to meet the intent of the requirement. The amendment provides 7 options for providing superior design, all of which staff believe meet the purpose and intent of 155.5203.E [Building Base Plantings] which “soften the visual impact of building foundations” and also “help soften” the appearance of the building base.

The City’s Zoning Code requires that all roof-top mechanical equipment be screened by a parapet wall (or alternate screen) equal to or greater to the height of the mechanical equipment. The code does not take into account the location of the mechanical equipment, the size of the building, or the placement of the mechanical equipment on the building. The proposed amendment to the mechanical screening code is to provide limited instances where strict application of the screening requirement would not be necessary, but the equipment will remain out of view from the public right-of-way.

Another proposed amendment to the City’s Zoning Code is related to “other agreements” that may be identified during the development review process. In addressing code requirements during the site plan review, sometimes the Applicants choose to record agreements in order to satisfy code requirements. These agreements vary, but may include ingress/egress easements, parking agreements, etc. The Applicants have been record these agreements without staff review, absent a codified procedure, thus the proposed code amendment establishes a process and standards.

Lastly, Staff is requesting consideration for a text amendment in order to extend deadline for a reduction in parking requirements for certain redevelopment. In order to help stimulate redevelopment within the Atlantic Boulevard Overlay District, Ordinance 2011-31 exempted multi-family residential uses, nonresidential uses, and mixed use development permitted between March 22, 2011 and January 4, 2016 from providing off-street parking spaces. When the deadline was near, Staff recommended to extend the incentives that further the purpose of the district for redevelopment of properties that are most challenging in terms of providing parking. The waiver was extended in 2016, to January 4, 2021 by ordinance 2016-54. As 2021 approaches, and with the unknown impacts the coronavirus may have on the economy, staff is bringing the deadline to the Commission for their consideration to extend the date another 5 years for nonresidential uses.

## CODE AMENDMENT

### 155.2401. OVERVIEW

...

#### D. Other Agreements Associated with Land Development

Any legal agreement or equivalent instrument associated with land development, in order to address requirements in this, shall be reviewed and approved by the Development Services and the City Attorney. This approved agreement or equivalent instrument shall be executed by the Owner and recorded in the public records of Broward County. This agreement shall be submitted to the appropriate City Staff and may require approval by the City Commission via Resolution following the review by the City Attorney. The agreement shall be a restriction running with the land, binding the heirs, successors and assigns of the owner - unless released by the Development Services Director or City Commission (as appropriate). Examples of such a legal agreements may include, but are not limited to termination of private agreements, access agreements, ingress/egress easement, unity of control, unified control, maintenance agreement, developer’s agreement, parking agreement, landscape agreement, private utility easement agreement.

...

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

...

**E. Modified Development Standards**

...

**2. Off-Street Parking**

**a. Minimum Number of Spaces Required**

**i. Multifamily Dwellings**

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

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

(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 eight 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.

**155.3709. EAST OVERLAY DISTRICT (EOD)**

...

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

...

**6. Additional EOD Standards**

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

a. Reduced and/or Modified Off-Street Parking Standards

i. Properties developed in full compliance with the Use-Areas/Density Regulating Plan and the Density Regulating Plan are eligible for reduced parking. However in no case shall a property be permitted to utilize one of the following parking reductions and a parking reduction found in Section [155.5102.K](#) [\(<https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-38448>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38448) (Reduced Parking Requirements for Parking Demand Reduction Strategies) or [Table 155.5803.A](#) [\(<https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39621>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39621): Sustainability Bonuses.

(A) Multifamily dwellings in the core and center sub-area: No off-street parking spaces are required for any multifamily dwellings that are constructed by, or have a valid building permit as of, the adoption date of this ordinance. Multifamily dwellings permitted thereafter shall provide a minimum of one off-street parking space per unit or one off-street parking space per 1,000 square feet of gross floor area or fraction thereof, whichever is greater.

(B) Multifamily dwellings in the edge sub-area shall refer to [Table 155.5102.D.1](#) [\(<https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-38420>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38420): Minimum Number of Off-Street Parking Spaces for parking requirement.

(C) 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.

(1) Retail sales and service use: off-street parking is reduced only for the following.

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

(2) Eating and drinking establishments: off-street parking is reduced as follows:

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

(b) One parking space per eight 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.

(c) New principal or accessory structures located on property one acre or less shall refer to [Table 155.5102.D.1 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-38420>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38420): Minimum Number of Off-Street Parking Spaces for parking requirement.

(d) The above reductions in (a) and (b) are not applicable to nightclub or hall for hire.

(3) Professional office use: No additional off-street parking spaces are required for a change in use of an existing building.

(4) Hotel use: Off-street parking is reduced as follows:

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

(D) Selected off-street parking reductions for residential uses vertically integrated within a mixed-use development constructed by or having a valid building permit as of January 4, 2021.

(1) 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.

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

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

(E) No Nonconforming Site Feature

The temporary waiver of off-street parking requirements provided in subsections (A) and (B) above shall not be deemed to create any nonconforming site feature with respect to the lack of parking spaces that otherwise would have been required of a development during the waiver period.

### 155.5203. LANDSCAPING

...

#### D. Vehicular Use Area Landscaping

...

### 5. Landscaping Between Vehicular Use Areas and Buildings

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

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

b. The landscaped area shall include landscaping meeting the foundation planting standards in Section [155.5203.E.3 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-38742>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38742).

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

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

## E. Building Base Plantings

### 1. Purpose and Intent

Building base plantings are intended to soften the visual impact of building foundations and provide for the even dispersal of shrubs along the bases of building facades that face streets. They consist of shrubs planted around the base of a building to help soften its appearance.

### 2. Building Base Planting Required

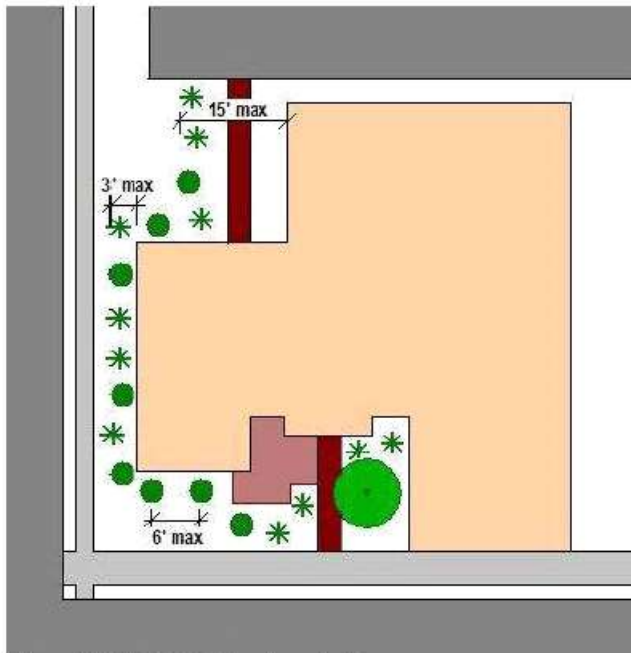


Figure 155.5203.E: Building base plantings.

### Figure 155.5203.E: Building base plantings

Except for single-family dwellings, shrubs shall be planted along the base of any building facade facing a street. This requirement shall not apply to a building facade constructed along or within one foot of the street right-of-way boundary, or along those parts of a building facade containing building entrances, driveways into garages or carports, or loading docks.

### 3. Building Base Planting Standards

a. Required shrubs shall be planted within three feet of the base of the building. If a street sidewalk is located between the base of the building and the street, required shrubs may be planted up to 15 feet from the base of the building.

b. Required shrubs shall maintain a maximum average on-center spacing of six feet, and be evenly-distributed along the building facade.

## F. Perimeter Buffers

...

## 155.5301. SCREENING

### A. Mechanical Equipment

#### 1. Applicability

##### a. New Development Screening Standards

i. Mechanical equipment mounted on the roof of a building shall be screened by a parapet wall, roof screen, or similar device of a height equal to or exceeding the height of the mechanical equipment being screened, unless exempted by section 2 (155.5301. A. 2. Exemptions).

ii. Mechanical equipment mounted on ground level, or mounted within 3 feet from ground level, shall be screened by dense continuous hedges installed in accordance with Section [155.5203.B.2.f <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-38613>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38613)., Shrubs and Hedges, or semi-opaque fences or solid walls. The height of the vegetation, wall or fence, shall be maintained at least six inches above the height of the mechanical equipment being screened.

##### b. Existing Development Screening Standards

i. Any lawfully established development that does not conform to the standards in Section [155.5301.A.2.a <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/)., New Development Screening Standards, shall not be required to screen any roof-mounted mechanical equipment, unless required to be upgraded as a nonconforming site feature under [Article 7, Part 5 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39871>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39871) of this code.

ii. Notwithstanding the provisions elsewhere in this section, any lawfully established development that does not have an approved landscape plan on record and does not conform to the standards in Section [155.5301.A.2.b <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/)., New Development Screening Standards, shall screen all mechanical equipment mounted on ground level, or mounted within three feet from ground level, if the equipment is visible from a public right-of-way or more restrictive zoning district. Screening must be provided on three sides, using a hedge, berm, semi-opaque fence, or solid wall that is maintained or installed at least six inches higher than the equipment.

#### 2. Exemptions

a. The Development Services Director may waive all or part of the standards in this subsection, [155.5301.A <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39013>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39013). or [155.5301.B <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39013>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39013)., if it is demonstrated that the implementation of the standards results in a conflict with the city's adopted CPTED guidelines, City adopted Life Safety standards, City owned utility infrastructure as referenced in [Article 5, Part 5 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39262>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39262), Environmental Protection/Infrastructure, or maintenance requirements for mechanical equipment within the public right-of-way.

b. If it is determined that the mechanical equipment is visible from a street or at the ground level of a non-industrial zoning district new or existing industrial development, within an Industrial zoning, roof-mounted mechanical equipment does not need to be screened on a building, if any of the following conditions apply:

i. the building elevation faces another building on the same lot

i. the rear building elevation faces non-buildable properties (example of a non-buildable property include a railroad track, a water body, or similar properties).

**DEPARTMENT RECOMMENDATION:**

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the text amendment to the City Commission for their consideration.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies, or having sufficiently addressed the review standards for a code amendment as listed in this report.

Staff recommends Alternative Motion #1