

Staff Report

File #: LN-787

PLANNING AND ZONING BOARD

Meeting Date: OCTOBER 22, 2025

TEXT AMENDMENT - Landscape Demolition Sites (155.5302.A) and Tree Preservation (155.5204.B.2)

Request:	Text Amendment
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	N/A
Project Planner:	Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

SUMMARY:

Development Services is facilitating a request for a staff-initiated text amendment, authored by the City's Real Property Manager. The request is for a text amendment to two sections of the Zoning Code to address challenges identified during the implementation of City and Community Redevelopment Agency (CRA) projects and to ensure the responsible use of taxpayer funds. The backup includes the proposed amendment as well as a memo providing the justification for the amendment as well as the response to the review criteria for a text amendment.

For simplified review, the contents of the memo and proposed amendment are repeated in this staff report. What follows is duplicated from the author's memo, with Development Services concurrence:

Following the demolition of structures on City- or CRA-owned or leased properties, additional public parking is often needed. To meet this need, the City has used asphalt millings and wheel stops to create temporary parking lots. However, Section 155.5203.A.3 of the Zoning Code currently requires that "drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit." This requirement creates an unnecessary burden, as it either requires staff to keep demolition permits open, which clouds property title, or to spend taxpayer money installing sod that will later be removed to create temporary parking. Staff recommends amending the Code to authorize the City Manager to exempt City and CRA-owned or leased properties from this sod installation requirement, allowing for more cost-effective use of public property while maintaining flexibility for future redevelopment.

A similar issue has arisen with the City's tree removal and replacement requirements. When trees must be removed for construction or demolition on City property, such as when Broward County conveys escheat

property to the City for the construction of affordable single-family homes, the City is currently required to replace the trees or pay into the Tree Canopy Trust Fund if the replacement canopy area is not equivalent. This payment is required even though the final development will meet all landscaping standards, unnecessarily reducing funds available for affordable housing. Likewise, when structures are demolished in preparation for redevelopment, trees may need to be removed even though the future project will include new landscaping and more trees than currently exist. Under the current Code, these removals require immediate replacement unless tied to an approved site plan, resulting in additional unnecessary costs. Staff recommends amending Section 155.5204.B.2 to extend existing exemptions already granted to Broward County and Broward County School Board properties, to include those owned or controlled by the City of Pompano Beach and the Pompano Beach CRA.

In summary, the proposed amendments to Sections 155.5203.A.3 (Demolition Sites) and 155.5204.B.2 (Tree Preservation) are practical, fiscally responsible, and consistent with the City's Comprehensive Plan. They enhance the City's ability to meet community needs for affordable housing and public parking while ensuring environmental responsibility and the efficient use of taxpayer resources.

PROPOSED AMENDMENT:

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155.5203. Landscaping

A. Applicability

1. New Development

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3. Demolition Sites

a. If all or any existing structures on a lot are being, or have been, totally demolished, drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall be subject to the standards of this section if conditions stated above are met; or

b. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until the start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in accordance with Section 155.5203.B.2.e, Groundcover, may be installed and used during the construction period; and

c. If demolition activity is proposed to occur within the drip-line of an existing tree, a Tree Permit is required in accordance with Section 155.5204.B.1.b before the start of the demolition activity.

d. If any or all existing structures on a lot area being, or have been totally demolished, on property owned or leased by the City of Pompano Beach or the Pompano Beach Community Redevelopment Agency,

the City Manager shall have the authority to authorize exemptions to the requirements in sections a. and b. above.

4. Conflict with CPTED Guidelines

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155.5204. Tree Preservation

A. Intent to Maintain Municipal Certification by Broward County

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B. Applicability

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1. General

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2. Exceptions

a. The requirements and standards of Sections 155.5204.C. through 155.5204.E. shall not apply to the following:

- i. Properties owned or controlled by Broward County, including but not limited to county facilities, road rights-of-way, and parks.
- ii. Properties owned or controlled by the Broward County School Board.
- iii. Properties owned or controlled by the City of Pompano Beach and Pompano Beach Community Redevelopment Agency.
- ~~iii~~iv. Any site designated by the Broward County Board of County Commissioners as a Local Area of Particular Concern.
- ~~i~~iv. Any tree designated a historical tree by the Broward County Board of County Commissioners.

b. The requirements and standards of Sections 155.5204.C. through 155.5204.E., including the requirement to obtain a Tree Permit, shall not apply to the removal of any tree other than a specimen or historical tree as defined herein, on owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage, when the height and minimum number of trees required by Sections 155.5203.B.2.g.ii. and 155.5203.C. are maintained on the property, except previously preserved, relocated or replaced trees that were preserved, relocated or replaced pursuant to a tree removal license.

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REVIEW CRITERIA FOR A TEXT AMENDMENT:

Per Section 155.2402.C of the Zoning Code, in determining whether to adopt or deny the proposed amendment,

the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment addresses the following review criteria. Each of the criteria are listed below in bold with the justification.

1. Is consistent with the comprehensive plan;

Future Land Use Element Policy 01.13.15

Encourage affordable housing opportunities, through various mechanisms such as the utilization of reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in increasing the affordable housing stock.

Housing Element Objective 03.01.00 - Housing to Accommodate Future Population

The City should provide, through the undertaking or support of public and private development efforts, sufficient housing units through the long-range planning horizon to meet the anticipated population through 2040. Provision of these units shall be based on the need for adequate and affordable housing for all segments of the existing and future population including those households with very-low, low, and moderate income and those with special housing needs, including homelessness.

Policy 03.01.03

In order to provide affordable housing, the City shall consider and, where appropriate, support revisions to land development regulations to recognize and locally implement technical innovations in housing construction and site development.

Adoption of the text amendment will allow the Office of Housing and Urban Improvement to build affordable single-family homes on vacant lots without incurring the cost of payment to the Tree Canopy Trust Fund when trees must be removed. This increases the funds available to create home ownership opportunities for qualified income-restricted buyers. The homes will still need to meet the landscaping requirements in the Zoning Code.

Future Land Use Element Objective 01-07.00 New Land Use Regulations Policy 01.07.05

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.

The proposed text amendment increases opportunities for public parking by removing the requirement to install sod after demolition so vacant lots can be utilized for temporary public parking. After demolition of the Pompano Pharmacy building in Old Town earlier this year the CRA created a surface parking lot with asphalt millings and wheel stops to provide 39 new parking spaces until a new parking garage is built. As the code is currently written the demolition permit for the building must remain open because sod was not installed after demolition and applications for the new scope of work weren't immediately ready to advance. The installation of sod to close the demolition permit would have cost several thousand dollars, only to be immediately removed to install the temporary surface parking lot.

Future Land Use Element Objective 01-06.00 Natural Resources & Historic/Cultural Preservation Policy 01.06.06

Require permits for new development/redevelopment to include landscape plans for native vegetation, reestablishment or creation of tree canopy, and require the removal of exotic vegetation species.

Adoption of the text amendment will not impact the landscaping requirements in the Zoning Code when the property is redeveloped.

Recreation and Open Space Element Policy 11.05.02

The City will encourage greater public use of the coastal area and beach through maintenance and planning general improvements such as sitting and observation areas, and where feasible, additional parking.

The proposed text amendment increases opportunities for public parking. The use of asphalt millings to create a

temporary parking lot at Atlantic Blvd. and SE 28th Avenue on the west side of the intracoastal on property leased by the City has allowed employees and construction workers on the barrier island to utilize the parking lot, which frees up public parking spaces on the barrier island for those visiting the beach. If trees were required to be removed for the use of the property as a public parking lot, the City would be required to pay into the Tree Canopy Trust Fund with taxpayer money. The parking is an interim use until the property owner redevelops the property in full compliance with the City's landscaping requirements.

2. Does not conflict with any provision of this Code or the Code of Ordinances;

The proposed text amendment does not conflict with this Code or the Code of Ordinances. The demolition sites text amendment does not remove or reduce the landscaping requirements in Article 5 Development Standards of the Code when a site is developed. The Tree Preservation text amendment grants the City and CRA the same exemptions already provided for properties owned or controlled by Broward County and the Broward County School Board.

3. Is required by changed conditions;

The growth of Pompano Beach has created an increased public parking demand that can be met with temporary parking solutions that do not require tax payer money to be spent on sod that will be installed and then immediately removed to satisfy demolition permit closure requirements or on spent on payments to the Tree Canopy Trust Fund for tree removal when the trees will be replaced in the future when the property is redeveloped.

The increased cost of living in Broward County has created an increased need for affordable housing. Every dollar saved by the City's Office of Housing and Urban Improvement by not paying into the Tree Canopy Trust Fund for tree removal can be put towards the purchase of additional land and construction of new affordable homes.

4. Addresses a demonstrated community need;

Both public parking and additional affordable homes are community needs. While the City strives to maximize the number of affordable homes made available each year the need far outpaces the number of homes due to funding limitations and land acquisition costs.

5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The text amendment is consistent with the purpose and intent of the zoning districts in the Code and does not change use or development standards for any zoning districts.

6. Would result in a logical and orderly development pattern; and

The proposed amendment is consistent with the logical and orderly development pattern of allowing temporary and interim uses, prior to full development of a property and not waiving development standards for the final development.

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The text amendment will not result in significantly adverse impacts on the natural environment. Whether sod is

installed or compacted asphalt millings the site will still have drainage for storm water management and any trees removed would have to be replaced for either site plan approval or building permit approval for final development of the property.

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.

Motion I

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

Motion II

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

Staff recommends Motion I.