



MEMORANDUM

Development Services

MEMORANDUM NO. 16-315

DATE: June 30, 2016

TO: Mark E. Berman, City Attorney

VIA: Robin M. Bird, Development Services Director *RB*
Jennifer Gomez, Assistant Director of Development Services *JG*

CC: Suzette Sibble, Finance Director

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

SUBJECT: Request for Ordinance
Ch 36: Taxation and Finance
City Commission July 26, 2016

Enclosed is a housekeeping text amendment to §36.036 to update references to Ch 154, Planning.

Please draft the necessary Ordinance for first reading at the July 26, 2016 City Commission Hearing.

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

§ 36.036 PARK ACQUISITION AND IMPROVEMENT FUND.

- (A) There is hereby created a fund to be known as the park acquisition and improvement fund.
- (B) The purpose of the park acquisition and improvement fund is to provide a source of funds for the acquisition and capital construction and improvement costs related to neighborhood and community parks, as defined in §154.30 154.02 of this code.
- (C) Deposits into the park acquisition and improvement fund shall be city and county park impact fees together with budgeted revenues from any other appropriate revenue source as determined and directed by the City Commission. City impact fee deposits shall be segregated in accordance with the requirements of §§154.30 through 154.44 154.74(E) of this code and county impact fee deposits shall be segregated in accordance with requirements imposed by the county.
- (D) Funds in the park acquisition and improvement fund may be expended for any Budgeted capital park project approved by the City Commission; provided, however, that funds derived from city impact fees may be expended only in accordance with the requirements of §§154.30 through 154.44 154.74(E) of this code and funds derived from county impact fees may be expended only in accordance with the requirements imposed by the county; provided further that no expenditure may be approved unless the project and amount of expenditure are specified in a capital improvements program adopted by the City Commission by resolution.
- (E) The Finance Director shall invest any surplus funds in the park acquisition and improvement fund in the same manner as other surplus funds of the city. All income accruing from investment of the park acquisition and improvement fund shall be retained in the fund.

Correct References in Ch. 154

[Print](#)

Pompano Beach, Florida Code of Ordinances

CHAPTER 154: PLANNING

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GENERAL

§ 154.01 PURPOSE.

The purpose of this chapter is to ensure that development is consistent with the level of service standards for public facilities which are contained in the comprehensive plan; implement the provisions of the comprehensive plan regarding flexibility and reserve units; and implement standards related to affordable housing.

(Ord. 2014-19, passed 2-11-14)

§ 154.02 DEFINITIONS.

(A) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Local Government Comprehensive Planning Act, F.S. §§ 163.3161, et seq., as amended.

AGENCY. The local planning agency of the city as provided in this chapter.

BOARD. The Planning and Zoning Board of the city.

COMMISSION. The City Commission.

COMMUNITY PARK. Recreational areas having a size ranging from 10-40 acres with a service radius of up to ±1 mile, designed to serve several neighborhoods or major portions of the city, whose desirable location is along a collector or arterial street. Typical facilities may include: swimming pools; ball fields; tennis courts; basketball courts; shuffleboard courts; recreation buildings and football or soccer fields; picnic areas; walking and/or bicycle paths; and athletic exercise trails.

DUPLEX. See **DWELLING, TWO-FAMILY**.

DWELLING, SINGLE FAMILY. One dwelling unit, other than a mobile home, sharing no walls with another dwelling unit.

DWELLING, TWO-FAMILY. A single detached dwelling containing two dwelling units. The units may be located side by side in a horizontal configuration and/or stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

ERC'S. Equivalent residential connection.

FOURPLEX. Four dwelling units in one building.

GARDEN APARTMENT. Four or more dwelling units not separated by party walls in a building not exceeding three stories.

HIGH-RISE APARTMENT. Four or more dwelling units in a building with four or more stories.

LEVEL OF SERVICE (LOS). An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and regulated to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LOW INCOME HOUSING UNIT. A housing unit which is affordable by one or more natural persons or a family, with a total annual adjusted gross household income which does not exceed 80% of the median annual adjusted gross income for households within the county in which the person or family resides.

MODERATE INCOME HOUSING UNIT. A housing unit which is affordable by one or more natural persons or a family, with a total annual adjusted gross household income which does not exceed 120% of the median annual adjusted gross income for households within the county in which the person or family resides.

NEIGHBORHOOD PARK. Recreational areas having a size ranging between five to ten acres serving a population up to 5,000 and providing service within a radius of up to one-half mile. Typical facilities may include: tot lots; tennis courts; basketball courts; handball/racquetball courts; shuffleboard courts; and space for one or more of the following team sports: football, softball, baseball and soccer.

PLAN. The comprehensive plan of the city as meets the criteria of the act and this chapter.

REGIONAL ROADWAY NETWORK. Those roadways contained within the Broward County Metropolitan Planning Organization's adopted Year 2025 Highway Network, except for those roads functionally classified as city collector roads.

TOWNHOUSE. Three or more attached dwelling units separated by party walls (as defined in the Florida Building Code), in a building not exceeding three stories.

TRIPLEX. Three dwelling units in one building.

URBAN PARK AND OPEN SPACES. Landscaped or natural open areas, located in developed areas. Their principal function is to provide visual relief and scenic vistas within the built-up urban environment. Depending upon their location, the size or urban spaces may vary from one-tenth of an acre to several hundred acres. Urban open spaces come in a variety of shapes; some may be linear along roads or canals, some may be vest pocket parks smaller than one acre, some may preserve remnants of past ecological vegetative communities; and some may commemorate past historical sites.

Department Store	4 lbs per 100 sq. ft. per day
Supermarket	9 lbs per 100 sq. ft. per day
Restaurant	2 lbs per meal per day
Drug Store	5 lbs per 100 sq. ft. per day
Institution	
Grade School	5 lbs per room per day plus ¼ lb. per student per day
Middle/High School	8 lbs per room per day plus ¼ lb. per student per day
Hospital	8 lbs per bed per day
Nursing Home	3 lbs per person per day

(D) Drainage facilities. New development shall not be approved unless there is sufficient available design capacity to sustain the following level of service for the drainage facilities as established in the Drainage Sub-element of the City/County Comprehensive Plan:

<i>Facility/Service Area</i>	<i>Level of Service</i>
Drainage facilities	25-year frequency
	72-hour duration for allowable discharge
	10-year frequency storm
	24-hour duration for the minimum road crown elevation
	100-year frequency storm
	72-hour duration for minimum finished floor elevation

(1) The city hereby adopts by reference Broward County Code of Ordinances Chapter 27, specifically, Office of Natural Resource Protection Code of Regulations Chapter 27-14, Management of Storm Water Discharges and Non-point Source Water Pollution, §§ 27-14.06 and 27-14.065, and the South Florida Water Management District (SFWMD) Management and Storage of Surface Waters Permit Information Manual Volume IV, Chapter 40E-4, 40E-40 and Part B.

(2) A finding that new development is in conformance with the regulation adopted in subdivision (1) above shall constitute a finding of compliance with this section.

(E) **Recreation and open space.** New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the City Comprehensive Plan:

<i>Facility/Service Area</i>	<i>Level of Service</i>

Neighborhood park, mini-parks, and small urban spaces	2 acres per 1,000 pop.
Community park	1 acre per 1,000 pop.
Urban park	2 acres per 1,000 pop.

(1) Park fees required. Concurrency shall not be granted until the applicant seeking to construct the dwelling unit shall do either of the following.

(a) Deposit in a special purpose account for park impact fees established and maintained by the city an amount of money sufficient to satisfy the demands for neighborhood and community parks as generated by the number of dwelling units provided for in the building permit.

(b) Upon receiving the approval of the City Commission, dedicate land of suitable size, dimension, topography, and general character to serve as neighborhood park or community park or a substantial portion thereof which will meet the neighborhood and community level park needs created by the development.

(c) Building permits for construction of replacement dwelling units are exempt from the requirement for park impact fees provided that the replacement dwelling unit is identical in type to the original dwelling type and will contain the same number of or fewer bedrooms. In all other cases involving replacement dwellings, fees shall be calculated in accordance with the difference in dwelling type and number of bedrooms between the original and the replacement dwelling unit or units.

(2) Demographic multipliers. In determining the number of residents generated by the number of dwelling units proposed by the building permit application, the estimated number of residents generated by dwelling type is hereby found to be as follows.

<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Persons per Unit</i>
Single-family homes	2	2.337
	3	3.438
	4	4.450
	5	4.998
Garden apartments.	1	1.339
	2	2.142
	3	3.800
Town houses.	2	2.195
	3	3.134
Hi-rise apartments.	All	1.590
Duplex, triplex, and fourplex.	1	1.328
	2	2.291
	3	3.665
Mobile homes.	1	2.111
	2	2.582
	3	3.619

(3) **Park Service Districts.** The Park Service Districts enumerated in the Recreation and Open Space element have been aggregated into three Neighborhood and one Community Park Service District for the purposes of computing the cost for acquisition and development of neighborhood and community parks, and also to establish the boundaries for expenditure of neighborhood and community park monies which are generated for development within the consolidated Park Service District

(4) **Fee schedule for neighborhood park contributions.** The following fee schedule has been computed and is hereby established as of December 12, 2013. The amount of money to be deposited for each dwelling unit to be constructed shall be as follows, and for each fiscal year thereafter the amount shall be adjusted by the amount of the change reflected for the previous 12-month period in the Consumer Price Index for All Urban Customers in the All Items Category as published by the U.S. Department of Labor, Bureau of Labor Statistics.

		<i>Consolidated Neighborhood Parks Service Districts</i>			
		<i>1 to 5</i>		<i>6, 7, 8, 9, 10, 24, and 25</i>	<i>11 - 23</i>
<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fee per Unit</i>	<i>Fee per Unit</i>	<i>Fee per Unit</i>	
Single Family		1 - 2	\$329	\$698	\$349
		3	\$481	\$1,025	\$521
		4	\$624	\$1,330	\$672
		5 or more	\$701	\$1,494	\$757
Garden Apartments (Apartments over 4 units. Not exceeding 3 Stories)		1	\$182	\$394	\$200
		2	\$295	\$635	\$326
		3	\$532	\$1,134	\$572
Town Houses		2	\$303	\$658	\$331
		3	\$441	\$937	\$473
High Rise Apartments (4 floors or more)		All	\$219	\$474	\$241
Duplex		1	\$182	\$396	\$199
Triplex		2	\$325	\$686	\$344
Fourplex		3	\$516	\$1,094	\$554

Mobile Homes	1	\$293	\$628	\$325
	2	\$364	\$774	\$390
	3	\$505	\$1,075	\$550

(5) Neighborhood park dedication of land in-lieu-of fee contribution. In the event the City Commission agrees to accept a dedication of land in lieu of a deposit of money, the amount of land which must be dedicated to meet the neighborhood park needs generated by the proposed development shall be as follows: the population generated by the dwelling units proposed in the application for building permit shall be the numerator in a fraction which has as its denominator the number 1,000, and that fraction shall be multiplied against the total of two acres and the result shall be the minimum amount of land necessary to meet the neighborhood park needs generated by the development. The amount of land to be dedicated may be either on or off the development site; however, the land must be located within the same Consolidated Neighborhood Park Service District as the dwelling units which are described in the building permit application.

(6) Community park contribution. In addition to those fees required to be deposited in order to meet the neighborhood level park level of service requirements, a developer must deposit an amount of money proportionate to the community level park level of service needs created by the proposed development.

(7) Fee schedule for community park contributions. The following fee schedule has been computed and is hereby established as of December 12, 2013. The amount of money to be deposited for each dwelling unit to be constructed shall be as follows, and for each fiscal year thereafter the amount shall be adjusted by the amount of the change reflected for the previous 12-month period in the Consumer Price Index for All Urban Customers in the All Items Category as published by the U.S. Department of Labor, Bureau of Labor Statistics.

		<i>Community Parks</i>
<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fee per Unit</i>
Single Family	1 - 2	\$527
	3	\$776
	4	\$1,009
	5 or more	\$1,128
Garden Apartments (Apartments over 4 units. Not exceeding 3 stories)	1	\$298
	2	\$480
	3	\$858
Town Houses	2	\$500
	3	\$705
High Rise Apartments (4 floors or more)	All	\$357

Duplex	1	\$295
Triplex	2	\$520
Fourplex	3	\$831
Mobile Homes	1	\$474
	2	\$580
	3	\$817

(8) Spending area for community park contributions. Community park contributions may be spent on the acquisition and development of community parks, so long as that park is located within the city limits.

(9) Community park dedication of land in-lieu-of fee contribution. In the event the City Commission agrees to accept a dedication of land in lieu of a deposit of money, the amount of land which must be dedicated to meet the community park needs generated by the proposed development shall be as follows: the population generated by the dwelling units proposed in the application for building permit shall be the numerator in a fraction which has as its denominator the number 1,000, and that fraction shall be multiplied against the total of one acre and the result shall be the minimum amount of land necessary to meet the community park needs generated by the development. The amount of land to be dedicated may be either on or off the development site; however, the land must be located within City of Pompano Beach and must be located in a manner which provides an opportunity for the development of a community park that achieves the 10-acre minimum size requirement.

(10) Park Acquisition and Improvement Fund. Monies deposited by a developer pursuant to this subchapter to meet the neighborhood and community park requirements shall be deposited in the Park Acquisition and Improvement Fund established by § 36.036 of this code.

(11) Program to meet existing neighborhood park and community park needs. The City Commission shall establish an effective program for the acquisition of lands for development as neighborhood and community parks in order to meet, within a reasonable period of time, the existing need for neighborhood and community level parks, and to meet, as it occurs, the need for neighborhood and community level parks which will be created by further residential development constructed after the effective date of this subchapter. The annual budget and capital program of the city shall provide for appropriations of funds as may be necessary to carry out the city's program for acquisition of land for neighborhood and community level parks. The funds necessary to acquire and develop lands to meet the existing need for neighborhood and community level parks shall be provided from a source of revenue other than from the amounts deposited in the trust funds.

(12) The Chief Building Official of the city shall be charged with the collection of the neighborhood and community park impact fees, which shall be collected as a condition precedent to the issuance of a building permit by the Building Department. Payment for park impact fees shall be made by certified check, cashier's check, cash, or money order only, any of which shall be made payable to the "City of Pompano Beach." Subsequent to collection, and in any event, on a daily basis, the Chief Building Official shall remit monies collected pursuant to this section to the Treasury Division of the City Finance Department.