



City Attorney's Communication #2024-455

March 19, 2024

TO: Max Wemyss, Principal Planner, AICP
Mario Sotolongo, Code Compliance Director

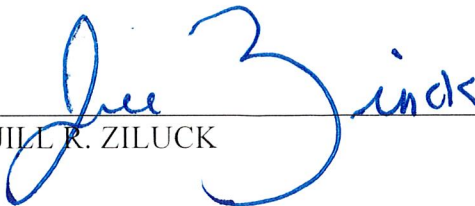
FROM: Jill R. Ziluck, Assistant City Attorney

RE: Ordinance – Amending Section 155.4303, “Standards for Specific Accessory Uses and Structures”

As per your request, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," BY MODIFYING REQUIREMENTS FOR STORED MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS OR TRAILERS ON RESIDENTIAL PROPERTY AND PROVIDING FOR EXEMPTION; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO PROVIDE APPROVAL OF SURFACING MATERIALS FOR OFF-STREET PARKING AND LOADING AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Should you have any further questions regarding this matter please feel free to contact me.


JILL R. ZILUCK

/jrm
l:cor/code-enf/2024-455

Attachment

ORDINANCE NO. 2024-_____

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," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," BY MODIFYING REQUIREMENTS FOR STORED MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS OR TRAILERS ON RESIDENTIAL PROPERTY AND PROVIDING FOR EXEMPTION; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO PROVIDE APPROVAL OF SURFACING MATERIALS FOR OFF-STREET PARKING AND LOADING AREAS; 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 155.4303. "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended as follows:

§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A. ACCESSORY DWELLING UNIT

...

X. PARKING OR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS OR TRAILERS IN RESIDENTIAL ZONING DISTRICTS

1. Purpose

In recognition that the continual or long-term parking or storing of certain vehicles on streets and on properties in residential neighborhoods detracts from the residential character of such neighborhoods, this provision is intended to prohibit such activity in residential zoning districts. It is not intended to prevent the occasional or short-term parking of such vehicles for purposes such as loading, unloading, or cleaning, or to apply in nonresidential zoning districts.

...

3. Applicability

a. General

The standards in this subsection apply to any motor vehicle, recreational vehicle, boat, or trailer parked or stored on a public right-of-way or property in a residential zoning district, except where exempted by subsection b below.

b. Exemptions

The following activities are exempt from the standards of this subsection:

- i. The active loading, unloading, or cleaning of a recreational vehicle, boat, or trailer on private property in preparation for or following an off-premises trip, where the loading/unloading/cleaning period does not exceed two 24-hour periods in any seven-day period;
- ii. Recreational vehicles and boats may be temporarily connected to utilities as needed to replenish electrical and water supplies in preparation for or following an off-premise trip;

- ~~ii.~~iii. The dockage of a boat used for recreational purposes in a canal or waterway or the landing of such a boat from a canal or waterway by a permanent hoist mechanism;
- ~~iii.~~iv. The storage of a canoe or kayak; ~~and~~
- ~~iv.~~v. The parking or storage of a light van with a permanently raised roof or other special vehicle for use by a person confined to a wheelchair, pursuant to a permit issued by the city for a defined time period, subject to renewal; ~~and~~ and

4. Standards

The parking or storing of a motor vehicle, recreational vehicle, boat, or trailer ~~on a required front yard or street-side yard~~ in a residential zoning district is allowed as an accessory use, subject to the following standards (unless exempted by subsection 3.b. above):

- a. The lot on which a motor vehicle, recreational vehicle, boat, or trailer is parked or stored shall contain a permitted principal structure and not be a vacant lot.

...

- e. Any motor vehicle, recreational vehicle, boat, or trailer parked or stored ~~in a required front yard or a street-side yard~~ shall be parked or stored on a hard, dustless, and bonded surface (such as asphaltic concrete, Portland cement, or other material normally used to surface vehicle areas) that is the same size or larger than the parked or stored motor vehicle, recreational vehicle, boat, airboat, or trailer. Driveways or accessways serving the parking or storage area need not be such a hard, dustless, and bonded surface.

...

- j. No parked or stored motor vehicle, recreational vehicle, boat, or trailer shall be inhabited ~~as a principal residence~~ and shall not be connected to utilities, except as provided in subsection 3.b.ii. above. ~~Recreational vehicles and boats may be~~

~~connected to utilities as needed to replenish supplies
in preparation for or following an off-premise trip.~~

...

SECTION 2. That Section 155.5102., “Off-Street Parking and Loading,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended as follows:

§ 155.5102. OFF-STREET PARKING AND LOADING

A. PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this Code. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve city policies of supporting development and redevelopment of transit-oriented development and commercial corridors, accommodating appropriate infill development, and encouraging pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

...

C. GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

1. Use of Parking and Loading Areas

...

2. Surfacing

a. General

Except as provided for in subsections b and c below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) ~~is encouraged~~ shall be in

accordance with an approved plan. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

. . .

SECTION 3. 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 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

JRZ/jrm
3/19/24
L:ord/ch155/2024-35