



City Attorney's Communication #2023-328

January 9, 2023

TO: Daniel T. Keester-O'Mills, AICP, Principal Planner

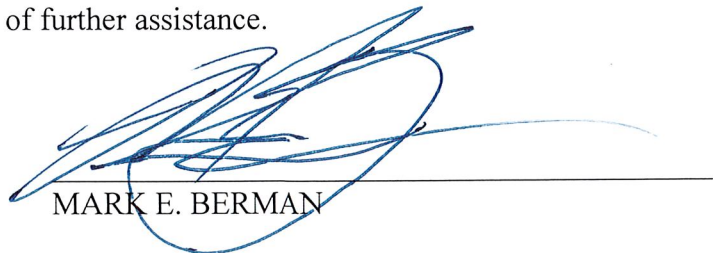
FROM: Mark E. Berman, City Attorney

RE: Ordinance – Amending Chapter 155 / Corrections and Architectural Design Modifications

As requested in your memorandum of December 28, 2022, Development Services memorandum No. 22-170, I have prepared and attached the following captioned Ordinance:

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 155.2408, "BUILDING DESIGN," BY AMENDING SECTION 155.3206, "SINGLE-FAMILY RESIDENCE LEISUREVILLE (RS-L)," BY AMENDING SECTION 155.3208, "MULTIPLE FAMILY RESIDENCE 7 (RM-7)," BY AMENDING SECTION 155.3209, "MULTIPLE FAMILY RESIDENCE 12 (RM-12)," BY AMENDING SECTION 155.5302, "FENCES AND WALLS," BY AMENDING SECTION 155.5601, "MULTIPLE FAMILY RESIDENTIAL DESIGN STANDARDS," AND BY AMENDING SECTION 155.5602, "COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS," TO ENSURE GENERAL PURPOSE OF EACH ZONING DISTRICT REFLECTS THE USES PERMITTED IN THAT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

MEB/jrm
l:cor/dev-srv/2023-328

Attachment

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 155.2408, "BUILDING DESIGN," BY AMENDING SECTION 155.3206, "SINGLE-FAMILY RESIDENCE LEISUREVILLE (RS-L)," BY AMENDING SECTION 155.3208, "MULTIPLE FAMILY RESIDENCE 7 (RM-7)," BY AMENDING SECTION 155.3209, "MULTIPLE FAMILY RESIDENCE 12 (RM-12)," BY AMENDING SECTION 155.5302, "FENCES AND WALLS," BY AMENDING SECTION 155.5601, "MULTIPLE FAMILY RESIDENTIAL DESIGN STANDARDS," AND BY AMENDING SECTION 155.5602, "COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS," TO ENSURE GENERAL PURPOSE OF EACH ZONING DISTRICT REFLECTS THE USES PERMITTED IN THAT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

WHEREAS, in accordance with Florida Statutes Section 166.041(3)(a), advertisements have been published in a newspaper of general circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings 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 155.2408., Building Design," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.2408. BUILDING DESIGN

...

D. BUILDING DESIGN APPROVAL REVIEW STANDARDS

An application for Building Design shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building, or structure:

- 1. Complies with the applicable design standards in Sections 155.3501.O., 155.3708., 155.3709., 155.3703.F. and Article 5;

...

E. BUILDING DESIGN - VERNACULAR OR SUPERIOR DESIGN ALTERNATIVE

- 1. In conjunction with approval of an application for Building Design, the AAC may grant requested deviations for buildings and development which, due to their vernacular or superior design, may not be able to comply with the strict application of the design standards listed in Sections 155.3501.O., 155.3703.F.7, 155.5601., 155.5602., and 155.5603. Except for as it applies to developments within the Transportation (T) and Public Utilities (PU) Zoning Districts, the AAC shall not grant a deviation from the following standards:

...

SECTION 2. That Section 155.3206., "Single-Family Residence Leisureville (RS-L)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.3206. SINGLE-FAMILY RESIDENCE LEISUREVILLE (RS-L)

A. Purpose

The Single-Family Residence Leisureville (RS-L) district is established and intended to accommodate primarily cluster developments containing single-family dwellings including family community residences at a density of one dwelling per 5,000 square feet of site area, and where the site area is held in common by all owners of dwellings in the development. The district also accommodates accessory dwelling units and development-serving recreation facilities ~~and community centers, as well as places of worship (as a Special Exception).~~

B. Use Standards

See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards.

C. Intensity and Dimensional Standards ¹

...

SECTION 3. That Section 155.3208., Multiple-Family Residence 7 (RM-7)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.3208. MULTIPLE-FAMILY RESIDENCE 7 (RM-7)

A. Purpose

The Multiple-Family Residence 7 (RM-7) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) including community residences and recovery communities at low to moderate densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, ~~assisted living facilities~~, and continuing care retirement communities. Limited nonresidential uses are allowed as Special Exceptions.

B. Use Standards

See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards.

C. Intensity and Dimensional Standards ¹

...

SECTION 4. That Section 155.3209., Multiple-Family Residence 12 (RM-12)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.3209. MULTIPLE-FAMILY RESIDENCE 12 (RM-12)

A. Purpose

The Multiple-Family Residence 12 (RM-12) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) including community residences and recovery communities at moderate densities. The district also accommodates single-family and two-

family dwellings, zero-lot-line development, ~~assisted living facilities~~, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings with a floor area of 2,000 square feet or less, are allowed as Special Exceptions.

B. Use Standards

See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards.

C. Intensity and Dimensional Standards ¹

...

SECTION 5. That Section 155.5302., Fences and Walls," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.5302. FENCES AND WALLS

...

D. HEIGHT REQUIREMENTS FOR FENCES AND WALLS

1. Applicability

a. General

Except for fences or walls exempted by subsection b₂ below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from natural grade.

b. Exemptions

i. Required Screening

A fence or wall provided to meet the standards of Section 155.5301., Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

...

2. Fences and Walls in Residential Districts

Except as otherwise provided in 155.5302.D.5, Fences and Walls Adjacent to Waterways, the following height limits shall apply to fences and walls within Residential zoning districts:

- a. No fence or wall within a front yard shall exceed a height of four feet.
- b. Fence posts, including decorative finials, may extend up to six inches above the maximum fence height.
- c. No fence or wall within an interior side yard, street side yard or a rear yard shall exceed a height of six feet.

...

SECTION 6. That Section 155.5601., “Multi-Family Residential Design Standards,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.5601. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

...

C. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

All multifamily development subject to this section shall comply with the following standards:

1. Building Orientation and Configuration

...

5. Roofs

- ~~a.~~ Sloped roofs on principal buildings shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
- ~~b.a.~~ Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet facade plane.
- ~~e.b.~~ Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
- ~~d.c.~~ All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise

be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

...

SECTION 7. That Section 155.5602., Commercial, Institutional, and Mixed-Use Design Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.5602. COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS

...

C. GENERAL COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS

All commercial, institutional, industrial uses within a commercial zoning district, and mixed-use development subject to this section shall comply with the following standards:

1. Business Activities to be Conducted in Enclosed Buildings

...

8. Roofs

~~a. Sloped roofs on principal buildings shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.~~

~~b.a. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet facade plane.~~

~~e.b. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.~~

~~d.c. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.~~

...

SECTION 8. 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 9. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm:jrm
1/9/23
L:ord/ch155/2023-85