

155.2204. PLANNING AND ZONING BOARD (P&Z)

A. Establishment

The Planning and Zoning Board (P&Z) is hereby established in accordance with state law.

B. Powers and Duties

The P&Z shall have the following powers and duties under this Code:

1. Decide Applications for Development Permit

To review and decide the following applications for a development permit:

- a. Major Site Plan (Sec. [155.2407](#));
- b. Major Administrative Adjustment (Sec. [155.2421](#)); and
- c. Air Park Obstruction (Sec. [155.2422](#)).

2. Make Recommendations on Applications for Development Permit

To review and make a recommendation on the following applications for a development permit:

- a. Text Amendment (Sec. [155.2402](#));
- b. General Map Amendment (Rezoning) (Sec. [155.2403](#));
- c. Site-Specific Map Amendment (Rezoning) (Sec. [155.2404](#));
- d. Planned Development (Sec. [155.2405](#));
- e. Plat (Sec. [155.2410](#));
- f. Interim Use Permit (Sec. [155.2415](#));
- g. Development Agreement (Sec. [155.2427](#));
- h. Takings or Vested Right Determination (Sec. [155.2429](#)) [placeholder]; and
- i. Right-of-Way of Easement Vacation or Abandonment (Sec. [155.2431](#)).

3. Other Powers and Duties

- a. To act as the city's local planning agency and assume general responsibility for conduct of the city's comprehensive planning program;
- b. To work in conjunction with the Development Services Director and other city staff to prepare the city's comprehensive plan and plan amendments, and to make final recommendations to the City Commission regarding the adoption or amendment of the plan;
- c. To monitor and oversee the effectiveness and status of the comprehensive plan, make recommendations to the City Commission regarding necessary changes to the plan, work with the Development Services Director and other city staff to prepare periodic evaluation and appraisal reports assessing the city's progress in implementing its comprehensive plan in accordance with Florida Statutes (Sec. 163.3191, Fla. Stat.), and make recommendations to the City Commission regarding adoption of the report;
- d. To promote public interest in an understanding of the comprehensive plan and the city's planning, development regulation, and community development programs;
- e. To annually submit to the City Commission, not less than 90 days before the beginning of the budget year, a prioritized list of recommended capital improvement projects deemed necessary or desirable in the next five years;
- f. To work with the Development Services Director and other city staff to prepare the official city map of streets and changes to such map, and to make recommendations to the City Commission regarding adoption or amendment of the map;
- g. To request city staff assistance in the preparation of special studies;
- h. To seek through the City Manager information from other city agencies that is pertinent to the board's work; and
- i. To carry out any other powers and duties delegated to it by the City Commission, consistent with state law.

C. Membership, Appointment, and Terms of Office

1. Membership and Appointment

- a. The P&Z shall consist of seven regular voting members and three alternate members appointed by resolution of the City Commission as a whole.
- b. Appointed regular voting members shall include:
 - i. One member nominated by the Mayor;
 - ii. One member nominated by each City Commissioner from among residents of the Commissioner's district-provided, however, that a City Commissioner may nominate a person who does not reside in the City Commissioner's district on determining such person would better serve the public interest; and
 - iii. One member appointed by the City Commission as a whole.

- c. Alternate members shall be appointed by the City Commission as a whole.
- d. Each regular voting member and alternate member shall be a resident of the city.
- e. The P&Z shall also include one nonvoting member appointed by the Broward County School Board, to attend those meetings at which the board considers applications for a comprehensive plan amendment (See [Chapter 154](#) (Planning) of the Code of Ordinances.), General Zoning Map Amendment (Rezoning) (See Section [155.2403.](#)), Site-Specific Zoning Map Amendment (Rezoning) (See Section [155.2404.](#)), or Planned Development (See Section [155.2405.](#)) that proposes increasing the residential density of land.
- f. Regular voting members and alternate members shall serve without compensation.

2. Terms

- a. Regular voting members of the P&Z shall be appointed for a term which shall run concurrently with the term of the member of the City Commission who appointed them.
- b. Alternate members shall be appointed for three-year, concurrent terms.
- c. Regular and alternate members shall continue to serve until their successors are appointed.

3. Alternate Members

The Chair of the P&Z shall be authorized to assign one of the three alternate members to serve as a substitute for a regular voting member who is temporarily absent or disqualified, in accordance with the following:

- a. The Chair shall rotate assignments among the alternate members unless the unavailability of alternate members makes such rotation impossible.
- b. No alternate member may serve as a substitute member for a period of more than three months.
- c. No more than two alternate members may serve as substitute members at any one time.
- d. No alternate member may take action as a substitute member unless the Chair first announces assignment of that role and the assignment is recorded in the official minutes of the meeting.
- e. When substituting for regular voting members, alternate members shall have the same powers and duties as the regular voting member they replace.



4. Removal and Replacement; Attendance

a. Removal for Good Cause

The City Commission may, by majority vote of a quorum present, remove and replace any member of the P&Z at any time for good cause, including, but not limited to, poor attendance (See subsection b below.), lack of participation, unfitness, malfeasance, and conflict of interest (See Section [155.2204.H.](#)). Any allegation of cause for removal shall be in writing, and the City Commission shall hold a public hearing on such an allegation before taking action to remove a board member.

b. Removal for Poor Attendance

Any member of the P&Z who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the P&Z or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

5. Vacancies

Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only, in accordance with the following:

- a. A vacancy in the term of a regular voting member nominated by the Mayor or by an individual City Commissioner shall be filled with a person nominated by the Mayor or the City Commissioner, respectively.
- b. A vacancy in the term of the regular voting member and alternate members appointed by the City Commission as a whole shall be filled by the City Commission as a whole.

D. Chair and Vice-Chair

1. The P&Z shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term. The Chair and Vice-Chair may be elected to successive terms without limitation.

2. The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the P&Z shall vote to determine who shall serve as acting Chair for the meeting.

E. Staff

The Development Services Director shall serve as the professional staff liaison to the P&Z, provide it with administrative support, and serve as its Secretary, notifying board members of all meetings and keeping the minutes of the meetings.

F. Meetings

1. Schedule

The P&Z shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the P&Z shall meet at least once in a calendar month. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call special meetings.

2. Official Record

The P&Z shall keep a written record of its recommendations, transactions, findings, and determinations. Such record shall include minutes of meetings in accordance with state law (Sec. 286.011, Fla. Stat.) and shall be a public record and filed with the Development Services Director.

3. Notice of Meetings

a. The Development Services Director shall provide notice of P&Z meetings to each board member at least 48 hours before the meeting.

b. Notice of all P&Z meetings and public hearings shall be provided in accordance with state law and the public hearing requirements in Section [155.2305.C](#), Public Hearing Notice, as appropriate.

4. Open Meetings

All meetings of the P&Z shall be open to the public.

5. Procedure

In conducting its meetings, the P&Z shall follow rules of procedure adopted in accordance with Section [155.2204.I](#), Rules of Procedure.

G. Quorum and Necessary Vote

1. Quorum

Four voting members of the P&Z shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

2. Voting

An affirmative vote of the majority of P&Z members present and constituting a quorum is required for all decisions of the P&Z.



H. Disqualification from Participation and Voting Based on Conflict of Interest

1. A member of the P&Z shall not participate in the review of, or vote on, an application for a development permit if the action proposed by the application creates a conflict of interest—that is, if the action proposed by the application would inure to the special private gain or loss of the member, any principal or corporation (or a parent organization or subsidiary of such corporation) that employs or otherwise retains the services of the member, or a close relative (e.g., parent, sibling, spouse, or parent- or sibling-in-law) or business associate of the member.

2. If an objection is raised to a board member's participation in a matter based on a conflict of interest (as defined in subsection 1 above), and that member does not recuse himself or herself, the remaining members of the board present shall, by majority vote of a quorum present, determine whether the member is or is not disqualified from participating in and voting on the matter.

3. If a board member is disqualified on a regular and continuing basis due to a conflict of interest (as defined in subsection 1 above), the Chair of the board may request, in writing, that the member resign. If the member does not resign in response to such a request, the Chair shall report the conflict of interest to the Mayor and City Commission, who may consider whether to remove and replace the member in accordance with Section [155.2204.C.4](#), Removal and Replacement; Attendance.



I. Rules of Procedure

The P&Z shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Development Services Department.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2015-75](#), passed 9-8-15; Am. Ord. [2017-60](#), passed 7-25-17)

Mitzi Scott

From: Daniel Keester
Sent: Monday, July 23, 2012 11:07 AM
To: Davis, Heidi
Cc: Robin Bird; Vicky Newson; Mitzi Scott; Shelley Bartholomew
Subject: RE: Pompano Distribution Center -- Appeals
Attachments: 12_12000009_PZ_DO.pdf; 157.060-62_AppealsAndVestedRights.pdf

Ms. Davis,

As per code section §157.060 DEVELOPMENT OF LAND APPEALS, if someone were to want to appeal a decision made by the Planning & Zoning Board they would be required to file a "Notice of Appeal" with the City Manager within 30 days of the date of the rendering of a decision by the Planning and Zoning Board. I have confirmed with the City Manager's office that there have been no such appeals submitted for your project 12-12000009 Pompano Distribution Center as of today July 23, 2012.

Please let us know if there is anything more we can do for you.

Kind Regards,
Daniel Keester

Zoning Technician
954.786.5541



City Hall:
100 W Atlantic Blvd
Pompano Beach, FL 33060

Main Phone Number:
954.786.4600

Our Promise:

For people who value genuine hometown qualities but also want the lifestyle a progressive, modern city offers, we will provide an environment where your comfort, enjoyment and success is our top priority.

We will do everything possible to make it easy and pleasant for you to enjoy our beaches and parks or to do business here. In every interaction we will affirm your choice of Pompano Beach by welcoming you warmly and making you feel like a valued part of our community.

*Excerpt from the City of Pompano Beach Code of Ordinance
Chapter 157/ full code available online at www.amlegal.com*

In accordance with F.S. § 163.3225, there shall be two public hearings conducted for entering into, amending or revoking a Development Agreement. One public hearing shall be conducted by the Local Planning Agency and one public hearing shall be conducted by the City Commission. Development Agreements shall be adopted, amended or revoked by resolution of the City Commission.

(Ord. 90-27, passed 2-6-90)

APPEALS AND VESTED RIGHTS

§ 157.60 DEVELOPMENT OF LAND APPEALS.

(A) Appeals from determination of Zoning Director, Planning Director or Development Review Committee.

(1) The denial or other disputed determination of a development permit by the Zoning Director or Planning Director pursuant to § 155.010, or the Development Review Committee may be appealed to the City Commission by the applicant for the development permit by filing a Notice of Appeal of development permit determination with the City Manager within 30 days of the date of the proposed action.

(2) After receipt of the Notice of Appeal of development permit determination, the appeal will be placed on a City Commission agenda for a hearing within a reasonable time. At the hearing the applicant may present evidence and testimony relating to the issues appealed. The applicant shall bear the burden of proof at the hearing to demonstrate that the action of the Development Review Committee or Director was inconsistent with the requirements of this chapter.

(3) At the hearing, the City Commission shall either grant the appeal, deny the appeal or grant the appeal subject to conditions or requirements. If the appeal is granted or granted subject to conditions or requirements the City Commission shall require the appropriate city official to issue the requested development permit as approved by the City Commission.

(B) Appeal from Planning and Zoning Board.

(1) A final decision of the Planning and Zoning Board may be appealed to the City Commission by any person who will suffer an adverse effect to a legally recognizable interest which will be affected by the Planning and Zoning Board's action by filing a Notice of Appeal with the City Manager within 30 days of the date of the rendering of a decision by the Planning and Zoning Board.

(2) The person appealing the Planning and Zoning Board's decision shall be responsible for providing an accurate transcript of the record of the proceedings for the purpose of permitting the City Commission to hear the appeal of the Planning and Zoning Board's decision. Such record of the proceedings shall be filed with the City Manager within 15 days after the filing of the Notice of Appeal. Failure to timely provide the transcript shall be grounds for dismissal of the appeal with prejudice by the City Manager.

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*Excerpt from the City of Pompano Beach Code of Ordinance
Chapter 157/ full code available online at www.amlegal.com*

(3) After receipt of the transcript, the appeal will be placed on the City Commission agenda for hearing within a reasonable period of time. The appellant shall bear the burden of proof. At the hearing, the City Commission shall determine if:

(a) There was a departure from the essential requirements of law in the proceedings appealed;
and

(b) The decision was not supported by competent, substantial evidence.

(4) Hearings before the City Commission are not trial de novo, but rather appellate in nature and such appeal shall be limited to the record of the Planning and Zoning Board proceedings. Argument may be made and public input may be heard during the meeting solely limited to whether the record supports or fails to support the decision of the Planning and Zoning Board based upon the criteria set forth in subsection (3) above.

(5) For the purpose of this section, **COMPETENT AND SUBSTANTIAL EVIDENCE** shall mean evidence deemed competent to the extent that it would be sufficiently relevant and material so that a reasonable person would accept it as adequate to support the conclusion reached. Evidence shall be deemed substantial if it will establish a substantial basis of fact from which the fact at issue can be reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate to support the conclusion.

(6) At the conclusion of the hearing, the City Commission shall either grant the appeal, deny the appeal or grant the appeal subject to conditions or requirements. If an appeal is granted or granted subject to conditions or requirements, the City Commission shall require the Planning and Zoning Board to take any action required as approved by the City Commission.

(C) Appeals from a final decision of the City Commission shall be to the Circuit Court by filing a Petition for Writ of Certiorari within 30 days of the City Commission's decision.

(Ord. 90-27, passed 2-6-90; Am. Ord. 95-66, passed 5-23-95; Am. Ord. 2007-70, passed 9-25-07)

§ 157.61 VESTED RIGHTS DETERMINATIONS.

(A) Nothing contained in this chapter shall be construed or applied to constitute a temporary or permanent taking of private property or the abrogation of validly existing rights. It shall be the duty and responsibility of the party alleging a taking or vested rights to affirmatively demonstrate the legal requisites of a taking or vested rights. Rights shall vest upon a demonstration to the City Commission that the provisions of F.S. § 163.3167(8), (1987) apply or that the applicant has relied in good faith upon some act or omission of the government; and has made such a substantial change in position or incurred such extensive obligations and expenses to their detriment that it would be highly inequitable to deny relief. To establish a taking, the burden shall be on the applicant to demonstrate that denial of the application will deny the applicant of all beneficial use of the property; and that no variances, alternative uses or other forms of relief are available which could, if approved afford the applicant a beneficial use of the property. Mere diminution of property value shall not constitute a temporary or permanent taking of private property.

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(B) Notwithstanding any contrary provisions of this chapter of the code, no applicant claiming this chapter as applied to a particular development action or order, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court or before a quasi-judicial body unless he has first made an application to the City Commission for vested rights or takings determination. The City Commission has final determination on said application. An application for a vested rights or takings determination processed in accordance with the appeals process set forth in this section.

(Ord. 90-27, passed 2-6-90)

§ 157.62 RECOVERY OF COST OF ADMINISTRATIVE REVIEW AND PROCESSING OF TRAFFIC STUDIES.

(A) There is hereby imposed an administrative fee for the various costs of administrative processing of traffic studies required to meet concurrency, such fees to be equal in amount to the city's actual costs as set forth in subsection (D) below, in terms of time expended by the city's staff and outside consultants.

(B) Persons who are required by the Development Review Committee, Planning Department report to submit a traffic study to meet concurrency requirements on the regional or local roadway systems shall pay, prior to or at the time the traffic study is submitted for review, a preliminary deposit as set forth in the Fee Schedule Appendix, which shall be credited toward the administrative fee charged for such review and processing, and additional shall pay additional deposits as may be required from time to time as provided herein.

(C) When the initial deposit has been paid, a financial account for said traffic study review (the "traffic study account") will be opened and maintained throughout the entire traffic study review process until the project is found to be in compliance and has received Planning and Zoning Board approval, at which time the traffic study account will be closed and any remaining funds therein shall be refunded to the person depositing same no later than two months after the traffic study account's closing date. The traffic study account will be monitored on a periodic basis. If the account balance is reduced to 25% of the initial deposit, a supplemental deposit will be required before any further review or processing continues. The person making the initial deposit will be notified in writing when a supplemental deposit will be required. The amount of the supplemental deposit will be 50% of the initial deposit.

(D) The Planning Department staff and the city's outside traffic consultants who are involved in the review and processing of traffic study review request shall maintain records of the time expended and tasks conducted regarding each such request. A debit based upon the time expended and the applicable hourly rate shall be charged against the project account. For purposes of this program, the applicable hourly rate shall be fully equal to a city staff person's approximate hourly compensation (based upon a weekly salary divided by 40 hours, a factor reflecting the city staff person's hourly fringe benefits, and indirect costs shall be added. The applicable hourly rate for the review and processing by the city's outside traffic consultants shall equal therein the actual hourly charge for such review and processing.

(E) This program shall not apply to traffic study review requests which are originally initiated by or on behalf of the city.

(Ord. 91-46, passed 4-23-91)

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Ord. 30

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 155.2204., "PLANNING AND ZONING BOARD (P & Z)" TO MODIFY THE POWERS AND DUTIES OF THE BOARD TO REVIEW DEVELOPMENT PERMIT APPLICATIONS REGARDING AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2207., "CITY STAFF," TO INCLUDE AUTHORITY TO REVIEW AND MAKE RECOMMENDATIONS FOR AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY VARIANCE PROCEDURES AND REVIEW STANDARDS; BY CREATING SECTION 155.2422 "AIR PARK OBSTRUCTION" TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES, APPROVAL REVIEW STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING SECTION 155.3707 "AIR PARK OVERLAY (APO) DISTRICT," TO INCLUDE FINDINGS AND PURPOSE, TO CREATE DEFINITIONS, TO DELETE CERTAIN LANGUAGE AND TO ESTABLISH AIR PARK OVERLAY PROTECTION AND LAND USE COMPATIBILITY REGULATIONS TO ENSURE COMPLIANCE WITH CHAPTER 333; FLORIDA STATUTES, WHICH REGULATES AIRPORT ZONING; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE AND RELATED SERVICES USES," TO REQUIRE COMPLIANCE WITH SECTION 155.3707.C.2 FOR LANDFILLS LOCATED WITHIN THE AIR PARK OVERLAY; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," TO ESTABLISH A DEFINITION FOR AIR PARK OBSTRUCTION; 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, pursuant to Fla. Stat. §333.05 (1), notice has also been given by publication in a paper of general circulation in the City, once a week for two (2) consecutive weeks; 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 155.2204., “Planning and Zoning Board (P & Z),” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended as follows:

155.2204. PLANNING AND ZONING BOARD (P&Z)

...

B. POWERS AND DUTIES

The P&Z shall have the following powers and duties under this Code:

...

1. Decide Applications for Development Permit

To review and decide the following applications for a development permit:

- a. Major Site Plan (Sec. 155.2407); ~~and~~
- b. Major Administrative Adjustment (Sec. 155.2421);
and
- c. Air Park Obstruction (Sec. 155.2422).

SECTION 2. That Section 155.2207., “City Staff,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follow:

155.2207. CITY STAFF

A. DEVELOPMENT SERVICES DIRECTOR

1. Decide Applications on Applications for Development Permit

...

2. Make Recommendations on Applications for Development Permit

To review and make recommendations on the following applications for a development permit:

- m. Major Administrative Adjustment (Sec. 155.2421);
- n. Air Park Obstruction (Sec. 155.2422);
- n-o. Development Agreement (Sec. 155.2428);
- o-p. Takings or Vested Right Determination (Sec. 155.2429) [placeholder];
- p-q. Right-of-Way or Easement Dedication Acceptance (Sec. 155.2430); and
- q-r. Right-of-Way of Easement Vacation or Abandonment (Sec. 155.2431).

SECTION 3. That Section 155.2420., “Variance,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follow:

155.2420. VARIANCE

C. VARIANCE PROCEDURE

1. Step 1: Pre-Application Conference

4. Step 4: Staff Review and Action

Applicable (See Section 155.2304.). The Development Services Director reviews, prepares a staff report, and makes a recommendation on the application. ~~If the application requests a Variance from standards established for the Air Park Overlay (APO) district, the Development Services Director shall refer the application to the Air Park Manager for advice on the aeronautical effects of the proposed variance, and to the Federal Aviation Administration (FAA) for a determination on the proposed variance's effect on the operation of air navigation facilities and the safe, efficient use of navigable air space.~~

D. VARIANCE REVIEW STANDARDS

...

1. A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

...

2. ~~If the Variance involves standards established for the Air Park Overlay (APO) district, approval of the Variance application shall also require the finding that there is competent substantial evidence in the record that the Variance would not create a hazard to air navigation.~~

- 3.2. The following factors do not constitute sufficient grounds for approval of a Variance:

...

SECTION 4. That Section 155.2422., “Air Park Obstruction,” of Chapter 155, “Zoning Code,” of the “Code of Ordinances of the City of Pompano Beach is hereby created to read as follow:

155.2422. ~~RESERVED~~ AIR PARK OBSTRUCTION

A. PURPOSE

The purpose of this section is to establish a standard process for reviewing and approving objects or structures that exceed the federal obstruction standards contained in 14 C.F.R. part 77, subpart C including any object of natural growth or terrain; permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or alteration of any permanent or temporary existing structure by a change in the structure’s height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

B. APPLICABILITY

An Air Park Obstruction approved in accordance with the standards in this section is required before approval of a Zoning Compliance Permit for development of any Air Park obstruction.

C. AIR PARK OBSTRUCTION PROCEDURE

Applications for Air Park Obstructions for new buildings shall be submitted concurrently with an application for Planned Development Rezoning or Site Plan, as applicable. All other applications for Air Park Obstructions may be submitted as a stand-alone application.

1. Step 1: Pre-Application Conference

Optional (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Not applicable.

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

4. Step 4: Staff Review and Action

Applicable to a recommendation by the Development Services Director following DRC review and comment (See Section 155.2304.). The Development Services Director may waive the requirement for DRC review for applications that do not require Planned Development Rezoning or Site Plan approval.

5. Step 5: Public Hearing Scheduling and Notice

Not Applicable.

6. Step 6: Advisory Body Review and Recommendation

Not Applicable.

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the P&Z (See Section 155.2307.) and shall be placed on the same P&Z agenda as the concurrent Planned Development Rezoning or Site Plan, if applicable.

D. AIR PARK OBSTRUCTION APPROVAL REVIEW STANDARDS

Following the receipt of a determination by the Federal Aviation Administration (FAA) that the proposed development would not result in an airport hazard, the Planning and Zoning Board may approve an Air Park Obstruction only on a finding that there is competent substantial evidence in the record that the issuance of the development order for Air Park Obstruction would not allow for the establishment or creation of an airport hazard based on the following criteria:

1. Comments received from the Florida Department of Transportation regarding the technical consistency with Florida State Statutes 333.025, as amended.
2. The safety of persons on the ground and in the air.
3. The safe and efficient use of navigable airspace and any other aeronautical impacts.
4. The nature of the terrain and height of existing structures.
5. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.
6. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.
7. The development order for Air Park Obstruction, if issued, would not permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.
8. Approval of a permit is not to be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard
9. The following impacts to the Pompano Air Park:
 - i. The potential to destroy or impair the utility of the Pompano Air Park and the public investment therein.
 - ii. The character of existing and planned flight operations and developments at the Pompano Air Park.

- iii. The effect of the obstruction on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.
- iv. The effect of the construction or alteration of the proposed obstruction on the minimum descent altitude or the decision height at the Pompano Air Park.

E. APPEAL

A party aggrieved by the final decision of the P&Z Board on an application for Air Park Obstruction may appeal the decision to the City Commission in accordance with the procedures and standards in Section 155.2424, Appeal.

F. EFFECT OF APPROVAL

A development order for Air Park Obstruction authorizes the submittal of an application for a Zoning Compliance Permit and any other development permit that may be required before construction or other development approved by the development order.

SECTION 5. That Section 155.3707., “Air Park Overlay (APO) District,” of Chapter 155, “Zoning Code,” of the “Code of Ordinances of the City of Pompano Beach is hereby amended to read as follow:

155.3707. AIR PARK OVERLAY (APO) DISTRICT

A. FINDINGS AND PURPOSE

1. Findings

The City Commission hereby finds:

- a. The city, as owner and operator of the Pompano Beach Air Park, is concerned with the safety and welfare of the traveling public as pilots and passengers of aircraft using runways at the air park;
- ...
- g. The prevention of these hazards-and, limitation of incompatible land uses, and the elimination, removal, alteration, mitigation, or marking and

lighting of existing airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power of the city.

2. Purpose

It is the purpose of the Air Park Overlay (APO) district to recognize an area adjacent to the runways of the Pompano Beach Air Park in which obstructions and incompatible land uses may pose a hazard to safe air park operations and to apply reasonable regulations that prevent such obstructions and limit such incompatible uses and are consistent with Florida State Statutes Chapter 333, Airport Zoning, and the standards for civilian airports established by the Federal Aviation Administration (FAA). The standards contained herein reflect the character of the flying operations expected to be conducted at the Pompano Beach Air Park, the nature of the terrain within the airport hazard area and runway protection zones, the character of the surrounding neighborhoods, and the impact of any new use, activity, or construction on the Pompano Beach Air Park's operating capability and capacity.

3. Definitions

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. Air Park hazard.** An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities. The term includes use, development or activity which:
- i. Has been determined by the FAA to pose a hazard to air navigation;
 - ii. Creates electrical interference with radio or navigational equipment used by aircraft, the airfield, or the FAA;
 - iii. Produces smoke, dust, steam, or other airborne substances in such amounts as to impair pilot visibility, mislead pilots, or otherwise interfere with the safe operation of overhead aircraft;

- iv. Produces light emissions—either direct or indirect (reflective)—of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft;
 - v. Causes glare which would interfere with airport operations; or
 - vi. Attracts birds or other wildlife, thereby creating hazards either on the ground or in the air.
- b. Obstruction.** Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C. The term includes:
- i. Any object of natural growth or terrain;
 - ii. Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or
 - iii. Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
- c. Structure.** Any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines.
- d. Substantial modification.** Any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

B. AIR PARK ZONES AND HEIGHT LIMITS

...

C. PROHIBITED USES, DEVELOPMENT, AND ACTIVITIES

~~Notwithstanding any other provisions of this Code, no use, development, or activity may shall occur on land or water within any airport zone (as established in Section 155.3707.B, Air Park Zones and Height Limits) that:~~

- ~~1. Would interfere with the operation of an airborne aircraft, including any use, development, or activity that:~~
 - ~~a. Produces smoke, dust, or other airborne substances in such amounts as to impair pilot visibility, mislead pilots, or otherwise interfere with the safe operation of overhead aircraft;~~
 - ~~b. Produces light emissions either direct or indirect (reflective) of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft; or~~
 - ~~c. Produces electronic emissions that interfere with navigation signals or radio communications between aircraft and landing control facilities or with the aircraft's navigational or communication equipment.~~
- ~~2. Have a substantial potential to contribute to a major catastrophe as a result of an aircraft crash, including uses that involve high concentrations of people (including schools, hospitals, or other uses involving assemblages of large groups of people) or the storage of explosive material.~~

C. AIR PARK OVERLAY PROTECTION AND LAND USE COMPATIBILITY ZONING REGULATION

1. Air Park Hazards Prohibited

Notwithstanding any other provisions of this Code no airport hazard shall occur on land or water within any airport zone (as established in Section 155.3707.B, Air Park Zones and Height Limits).

2. Development Order for Air Park Obstruction Required.

A property owner proposing to construct, alter, or allow an obstruction within the APO must apply for a Development Order for Air Park Obstruction.

a. Obstruction Marking and Lighting.

A property owner for which a Development Order for Air Park Obstruction has been approved shall be required to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration.

b. Obstruction Construction or Alteration Notification.

A property owner for which a Development Order for Air Park Obstruction has been approved shall submit to the Development Services Director documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study.

3. Locational Restrictions on Residential Uses

New residential construction shall not be permitted within an area affected by the approved Part 150 Noise Study noise contours. The 2016 Pompano Beach Air Park Noise Contour Update Report's Figures 5 and 6 demonstrates that the 2015 and 2020 Noise Contours do not impact any land designated or zoned for residential uses.

4. Locational Restrictions on Educational Uses

a. New educational facilities, with the exception of aviation school facilities, shall not be permitted within an area affected by the approved Part 150 Noise Study noise contours. The 2016 Pompano Beach Air Park Noise Contour Update Report's Figures 5 and 6 demonstrates that the 2015 and 2020 Noise Contours do not impact any land designated or zoned for educational uses.

5. Restrictions for Landfills and Other Uses Which Attract Birds.

a. **Restricted Locations.** New landfills and other uses which store, handle, or process organic or any other materials that foster or harbor the growth of insects, rodents, amphibians, or other similar organisms, in

such a way as to significantly increase the potential for aircraft bird strike hazard to aircraft operations are restricted within the following areas:

- i. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.
- ii. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.
- iii. Outside the perimeters defined in subsections i. and ii. above, but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19.

b. Bird Management Techniques. Uses subject to the restricted locations in subsection a(iii) may be permitted within the listed locations provided the applicant submits a Bird Management Technique plan which effectively demonstrates techniques and practices which will be used to minimize bird hazards.

6. New incompatible uses, activities, or substantial modifications to existing incompatible uses shall not be permitted within Runway Protection Zones (RPZ). The Airport Property Map dated 3-20-14 on file with the City of Pompano Beach shows the RPZs do not impact any land designated or zoned for residential or educational uses.

D. AIRPORT HAZARD AREAS IN MULTIPLE POLITICAL SUBDIVISIONS

1. Where an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located wholly or partly outside the territorial limits of said political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located, shall either:
 - a. By interlocal agreement, in accordance with the provisions of chapter 163, adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question; or

- b. By ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested in paragraph (a) in the political subdivision within which such area is located. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a chair elected by a majority of the members so appointed. However, the airport manager or managers of the affected political subdivisions shall serve on the board in a nonvoting capacity.

SECTION 6. That Article 4: Use Standards, “Industrial Waste-Related Service Uses,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 4: USE STANDARDS

...

155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

A. Purpose

...

E. ADDITIONAL STANDARDS FOR OUTDOOR WASTE-RELATED SERVICE USES

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section 155.4229.D, Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;

...

6. The Applicant shall comply with §155.3707.C.2 related to landfills located within the Air Park Overlay.

SECTION 7. That Article 9: Definitions and Interpretation, Part 5, “Terms and Uses Defined,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

...

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

AIR PARK OBSTRUCTION

A development permit for the construction or alteration of an existing or proposed object, terrain, or structure that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C and which is reviewed and decided by the Planning and Zoning Board in accordance with Section 155.2420, Air Park Obstruction

AIRCRAFT OR AVIATION EQUIPMENT SALES OR RENTAL

The use of land or structures for the display and sale or lease of aircraft or aviation equipment.

...

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 11th day of July, 2017.

PASSED SECOND READING this 25th day of July, 2017.



LAMAR FISHER, MAYOR

ATTEST:


ASCELETA HAMMOND, CITY CLERK

MEB/tal:jrm
7/13/17
L:ord/ch155/2017-252

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203., "ZONING BOARD OF APPEALS (ZBA)" AND SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE; BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE AND ESTABLISH SUPPLEMENTAL CRITERIA FOR PROJECT REVIEW; BY AMENDING SECTION 155.2405., "PLANNED DEVELOPMENT," TO MODIFY PROCEDURES AND STANDARDS FOR PLANNED DEVELOPMENT APPLICATIONS, REVIEW AND APPROVALS; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY THE APPLICABILITY OF MAJOR SITE PLANS AND TO MODIFY STANDARDS FOR MAJOR AND MINOR SITE PLAN REVIEW; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY THE APPLICABILITY OF MAJOR BUILDING DESIGN AND TO MODIFY STANDARDS FOR APPROVAL REVIEW STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO REVIEW STANDARDS; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," TO MODIFY COMPLIANCE PERMIT REVIEW STANDARDS; BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO MODIFY THE APPLICABILITY TO OBTAIN A ZONING USE CERTIFICATE, AND THE EFFECT OF APPROVAL OF SAME, AND TO MODIFY THE EFFECT OF A REVOCATION OF A ZONING USE CERTIFICATE; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION 155.2424., "APPEAL," TO MODIFY THE TYPES OF DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR THAT MAY BE APPEALED TO THE ZONING BOARD OF APPEALS; BY AMENDING SECTION 155.3602., "GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS," TO MODIFY REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT PLANS; BY AMENDING SECTION 155.4214., "COMMERCIAL: ANIMAL CARE USES," TO REVISE SETBACK STANDARDS FOR ANIMAL EXERCISE AREAS, OUTDOOR RUNS AND PENS FOR AN ANIMAL SHELTER OR KENNEL; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO REVISE DEFINITION OF A GASOLINE FILLING STATION; BY AMENDING SECTION 155.4220., "COMMERCIAL: OFFICE USES," TO REVISE STANDARDS FOR PROFESSIONAL OFFICES IN MULTIFAMILY RESIDENTIAL DISTRICTS; BY AMENDING SECTION 155.4221., "COMMERCIAL: RETAIL SALES AND SERVICE USES –

PERSONAL SERVICES," TO MODIFY STANDARDS FOR BANK OR FINANCIAL INSTITUTION USES; BY AMENDING SECTION 155.4222., "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE REQUIREMENTS FOR GROCERY OR CONVENIENCE STORES WHICH SELL GASOLINE AND SIMILAR FUELS; BY AMENDING SECTION 155.5101., "ACCESS AND CIRCULATION," TO MODIFY VEHICLE STACKING SPACE REQUIREMENTS FOR DRIVE-THROUGH AND RELATED USES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE QUANTITY AND SIZE OF OFF-STREET PARKING SPACES, AND TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AREAS AND VALET PARKING PLANS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING DEFINITIONS FOR BANKS OR FINANCIAL INSTITUTIONS AND FOR GASOLINE FILLING STATIONS; 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 155.2203., "Zoning Board of Appeals (ZBA)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2203. ZONING BOARD OF APPEALS (ZBA)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the ZBA who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the ZBA or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

SECTION 2. That Section 155.2204., "Planning and Zoning Board (P&Z)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2204. PLANNING AND ZONING BOARD (P&Z)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the P&Z who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the P&Z or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

SECTION 3. That Section 155.2205., "Architectural Appearance Committee (AAC)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

...

4. Removal and Replacement; Attendance

...

b. Removal for Poor Attendance

Any member of the AAC who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the AAC or the Development Services Director shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

...

J. SUPPLEMENTAL CRITERIA

The AAC may adopt Supplemental Criteria subject to City Commission approval, which augments the design standards found within the Zoning Code. The Supplemental Criteria will enable the AAC to determine if the design elements of proposed developments would enhance the City and, more specifically, if the City's desired aesthetics are actualized in the design of the proposed developments. Copies shall be made available for public inspection in the Development Services Department.

SECTION 4. That Section 155.2405., "Planned Development," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2405. PLANNED DEVELOPMENT

...

B. SCOPE

Planned developments are established by amendments of the Official Zoning Map that rezone land to a Planned Development (PD) zoning district for which applicable development regulations are defined by a planned development master plan (PD Plan) ~~and a planned development agreement~~

~~(PD Agreement)~~. Subsequent development within the PD district occurs through the appropriate site plan and plat review procedures and standards (as appropriate), which ensure compliance with the PD Plan ~~and PD Agreement~~.

C. PLANNED DEVELOPMENT PROCEDURE

...

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.), except that applications may be initiated only by the owner(s) of all property included in the proposed planned development district (to ensure unified control), and shall include the following:

- a. A PD Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing; and
- ~~b. A PD Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development incorporated in the PD Plan; and~~
- ~~e- b.~~ A copy of the title to all land that is part of the proposed PD district (to ensure unified control).

...

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the City Commission, following a quasi-judicial public hearing (See Section 155.2307.), except that the City Commission's final decision shall be one of the following:

- a. Approval of the application subject to the PD Plan ~~and PD Agreement~~ included in the application;
- b. Approval of the application subject to conditions related to the PD Plan ~~and the PD Agreement~~; or
- c. Denial of the application.

D. PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification; and the PD Plan, and PD Agreement with the review standards in Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards, and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

E. REQUIRED CONCURRENT OR PRIOR APPROVAL OF FLEX OR RESERVE UNITS

The applicant shall submit an application for and obtain flex or reserve units necessary to implement the PD Plan ~~and PD Agreement~~ prior to or concurrent with the approval of the Planned Development (PD) Zoning District.

F. RECORDATION

The Development Services Director shall record the adopting ordinance, and the PD Plan, and the PD Agreement with the Broward County Records.

...

H. EFFECT OF APPROVAL

Lands rezoned to a PD zoning district shall be subject to the approved PD Plan ~~and PD Agreement~~. The PD Plan ~~and PD Agreement~~ is binding on the land as an amendment to the Official Zoning Map. ~~They~~ The PD Plan shall be binding on the landowners and their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan ~~and the PD Agreement~~. The applicant may apply for and obtain subsequent development permits necessary to implement the PD Plan in accordance with the appropriate procedures and standards set forth in this Code. Any development permits shall be in substantial compliance with the PD Plan ~~and PD Agreement~~.

I. EXPIRATION

The PD Plan ~~and PD Agreement~~ shall automatically expire if an application for a Site Plan (Major or Minor) for any part of the development shown on the approved PD Plan is not submitted within two years after approval of the Planned Development, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

J. MINOR DEVIATIONS FROM APPROVED PD PLAN

Subsequent applications for development permits within an approved PD district may include minor deviations from the PD Plan ~~or PD Agreement~~, without the need to amend the PD Plan ~~or PD Agreement~~, provided such

deviations are limited to changes that the Development Services Director determines:

1. Address technical considerations that could not reasonably be anticipated during the planned development approval process; and
2. Have no material effect on the character of the approved PD district, and the basic terms and concept of the PD Plan, ~~and the terms in the PD Terms and Conditions.~~ These include, but are not limited to, the following:

...

K. AMENDMENT

Deviations from the PD Plan ~~or PD Agreement~~ that would have a material effect on the character of the approved PD district, and the basic terms and concept of the PD Plan, ~~or the terms in the PD Agreement,~~ including, but not limited to, the following modifications, shall require amendment of the Planned Development in accordance with Section 155.2308.C, Modification or Amendment of Development Order:

...

SECTION 5. That Section 155.2407., "Site Plan," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2407. SITE PLAN

...

B. APPLICABILITY

There are two types of Site Plans authorized by this Code: Major Site plans and Minor Site Plans.

1. Major Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Major Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for the ~~following~~ development listed in Table 155.2407.B.1:

~~a.~~ Residential Use

- ~~i. Development of more than ten new or additional multifamily dwelling units.~~

~~b.~~ Institutional Use, Commercial Use, and Industrial Use

- i. ~~New Development that contains more than 5,000 square feet of gross floor area; or~~
 - ii. ~~Development that adds a total of more than 25,000 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 25%, or that increases the gross floor area of the primary building of such existing development by more than 25%.~~
- e. ~~Property owned by the City, regardless of use type and Brownfield Designation~~
- i. ~~All new development and additions to existing development.~~
- d. ~~Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site~~
- i. ~~Development of more than fifteen new or additional multifamily dwelling units.~~
 - ii. ~~New non-residential development that contains more than 7,500 square feet of gross floor area; or~~
 - iii. ~~Non-residential development that adds a total of more than 37,500 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 37.5%, or that increases the gross floor area of the primary building of such existing development by more than 37.5%.~~

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY				
PROPERTY TYPE	RESIDENTIAL AND NONRESIDENTIAL USE			
<u>Property owned by the City</u>	All new free standing buildings and all new attached additions.			
	<u>RESIDENTIAL USE</u>		<u>NONRESIDENTIAL USE</u>	
<u>Designated Brownfield Area or Brownfield site</u>	<u>New Development</u>	<u>More than 15 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 7,500 sq ft gfa</u>

	<u>Existing Development</u>	<u>Addition of more than 15 new multifamily dwelling units</u>	<u>Existing Development that is 7,500 sq ft gfa or less</u>	<u>An addition that results in development that contains more than 7,500 sq ft gfa</u>
			<u>Existing Development that is more than 7,500 sq ft gfa</u>	<u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <u>An addition that adds more than 37,500 sq ft gfa.</u> <u>An addition that increases the amount of lot coverage of such existing development by more than 37.5%.</u> <u>An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.</u>
<u>All Other Property Types</u>	<u>New Development</u>	<u>More than 10 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 5,000 sq ft gfa</u>
	<u>Existing Development</u>	<u>Addition of more than 10 new multifamily dwelling units</u>	<u>Existing Development that is 5,000 sq ft gfa or less:</u>	<u>An addition that results in development that contains more than 5,000 sq ft gfa</u>
			<u>Existing Development that is more than 5,000 sq ft gfa:</u>	<u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> <u>An addition that adds more than 25,000 sq ft gfa.</u> <u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u> <u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u>

E. SITE PLAN REVIEW STANDARDS

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

...

8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and

9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support; and
10. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

...

SECTION 6. That Section 155.2408., "Building Design," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2408. BUILDING DESIGN

...

B. APPLICABILITY

1. Major Building Design

Unless exempted in accordance with subsection 3 below, a development order for Major Building Design in accordance with this section is required before issuance of a Zoning Compliance Permit for the following development listed in Table 155.2408.B.1:

a. ~~Residential Use~~

- i. ~~Development of more than ten new or additional multifamily dwelling units.~~

b. ~~Institutional Use, Commercial Use, and Industrial Use~~

- i. ~~New development that contains more than 5,000 square feet of gross floor area; or~~
- ii. ~~Development that adds a total of more than 25,000 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 25%, or that increases the gross floor area of the primary building of such existing development by more than 25%.~~

c. ~~Property owned by the City, regardless of use type and Brownfield Designation~~

- i. ~~All new development and additions to existing development.~~

d. ~~Redevelopment of a property located within the City's designated Brownfield Area or property that has been designated a Brownfield site~~

- i. ~~Development of more than fifteen new or additional multifamily dwelling units.~~
- ii. ~~New non-residential development that contains more than 7,500 square feet of gross floor area; or~~
- iii. ~~Non-residential development that adds a total of more than 37,500 square feet of gross floor area to existing development, that increases the amount of lot coverage of such existing development by more than 37.5%, or that increases the gross floor area of the primary building of such existing development by more than 37.5%.~~

TABLE 155.2408.B.1: MAJOR BUILDING DESIGN APPLICABILITY

PROPERTY TYPE	RESIDENTIAL AND NONRESIDENTIAL USE			
All property	Landscape projects of at least 10,000 sq ft.			
Property owned by the City	All new free standing buildings and all new attached additions.			
Property abutting a designated arterial or collector road as defined by the Broward County Trafficways Plan	All new free standing buildings and all new attached additions facing or visible from the roadway. New free standing buildings or attached additions that are not facing or visible from the roadway shall comply with other applicable thresholds below.			
	RESIDENTIAL USE		NONRESIDENTIAL USE	
Designated Brownfield Area or Brownfield Site	New Development	More than 15 new multifamily dwelling units	New Development	More than 7,500 sq ft gfa
	Existing Development	Addition of more than 15 new multifamily dwelling units	Existing Development that is 7,500 sq ft gfa or less	An addition that results in development that contains more than 7,500 sq ft gfa
			Existing Development that is more than 7,500 sq ft gfa	One of the following, whichever is less: <ul style="list-style-type: none"> An addition that adds 37,500 sq ft gfa. An addition that increases the amount of lot coverage of such existing development by more than 37.5%. An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.

<u>All Other Property Types</u>	<u>New Development</u>	<u>More than 10 new multifamily dwelling units</u>	<u>New Development</u>	<u>More than 5,000 sq ft gfa</u>
	<u>Existing Development</u>	<u>Addition of more than 10 new multifamily dwelling units</u>	<u>Existing Development that is 5,000 sq ft gfa or less:</u>	<u>An addition that results in development that contains more than 5,000 sq ft gfa</u>
			<u>Existing Development that is more than 5,000 sq ft gfa:</u>	<u>One of the following, whichever is less:</u> <ul style="list-style-type: none"> • <u>An addition that adds more than 25,000 sq ft gfa.</u> • <u>An addition that increases the amount of lot coverage of such existing development by more than 25%.</u> • <u>An addition that increases the gross floor area of the primary building of such existing development by more than 25%.</u>

...

3. Exemptions

The following development shall be exempted from the requirements of this section:

- a. ~~Construction or alteration of a single-family dwelling; and or~~
two-family dwelling; or
- b. ~~Construction or alteration of a two-family dwelling~~
Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

...

E. BUILDING DESIGN APPROVAL REVIEW STANDARDS

An application for Major Building Design or Minor 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, or sign:~~

1. Complies with the applicable design standards in Section 155.3703.F and Article 5;
2. Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC supplemental Criteria; ~~and~~

3. Complies with CPTED Standards for natural surveillance, natural access control, territorial reinforcement, and maintenance-;
4. Complies with the Ch 156: Sign Code, if applicable;
5. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable; and
- 4.6. Additionally, any application for Minor Building Design not required to comply with the Design Standards in Part 6 of Article 5:, shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the building or structure is cohesive, consistent, and complimentary to the existing vernacular design.

...

SECTION 7. That Section 155.2410., "Plat," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2410. PLAT

...

D. PLAT REVIEW STANDARDS

An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

...

4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to public by deed or grant of easement; ~~and~~
5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance-; and
6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

...

SECTION 8. That Section 155.2413., "Zoning Compliance Permit," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2413. ZONING COMPLIANCE PERMIT

...

D. ZONING COMPLIANCE PERMIT REVIEW STANDARDS

A Zoning Compliance Permit shall be approved only on a finding that the application complies with all applicable standards in this Code and all conditions as required by review and decision-making authorities as set forth in a development order.

...

SECTION 9. That Section 155.2414., "Zoning Use Certificate," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2414. ZONING USE CERTIFICATE

...

B. APPLICABILITY

A Zoning Use Certificate is required for any person to operate or engage in any use (which includes business, profession or occupation) within the city limits. A new Zoning Use Certificate is required for any change in use, additional use, change in location, change in ownership, and/or change in business name. A Zoning Use Certificate is required before prior to the issuance of a Business Tax Receipt, which is required before operation of any business or the occupation of a premises where a business is conducted.

...

E. EFFECT OF APPROVAL

A Business Tax Receipt shall only be issued for the use specified in the approved Zoning Use Certificate. An approved Zoning Use Certificate is only valid for the specific address, business name, corporate name, and type of business for which it was approved.

...

EF. EXPIRATION

A Zoning Use Certificate shall automatically expire if a Business Tax Receipt is not obtained within 60 days after the date of approval. A Zoning Use Certificate may be revoked in accordance with Section 155.8502.B.2, Revocation of Zoning Use Certificate.

FG. APPEAL

A party aggrieved by the decision rendered by the Development Services Director may appeal the decision to the ZBA in accordance with the procedures in Section 155.2424, Appeal.

GH. REVOCATION

A Zoning Use Certificate may be revoked in accordance with the procedures in Section 155.8402.B.2, Revocation of Zoning Use Certificate. A Zoning Use Certificate that has been revoked nullifies the accompanying Business Tax Receipt.

SECTION 10. That Section 155.2421., "Administrative Adjustment," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2421. ADMINISTRATIVE ADJUSTMENT

...

B. APPLICABILITY

1. General

...

TABLE 155.2421.B.1: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS		
STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT	
	MINOR ADMINISTRATIVE ADJUSTMENT (All Zoning Districts)	MAJOR ADMINISTRATIVE ADJUSTMENT (AOD, TO, CRAO, and Nonresidential Districts)

	DEVELOPMENT WITHIN ATLANTIC BOULEVARD OVERLAY DISTRICT OR REDEVELOPMENT OF BROWNFIELD SITE WITHIN DESIGNATED BROWNFIELD AREA	OTHER DEVELOPMENT	
Minimum vehicular use area interior landscaped island or area width	20%	40%	30%
...			

...

SECTION 11. That Section 155.2424., "Appeal," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2424. APPEAL

...

B. RIGHT TO APPEAL

1. Parties aggrieved by a final decision by the Development Services Director.

A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with the procedures as set forth in Section 155.2424.C, Appeal Procedure.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
Application Type	Board Responsible for Reviewing Appeal
Minor Building Design	Architectural Appearance Committee (AAC)
Minor Certificate of Appropriateness	Historic Preservation Committee (HPC)
Interpretation All other application types and waiver requests	Zoning Board of Appeals (ZBA)
Sexually Oriented Business	Zoning Board of Appeals (ZBA)
Zoning Use Certificate	Zoning Board of Appeals (ZBA)

...

SECTION 12. That Section 155.3602., "General Standards for all Planned Development Districts," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3602. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district classification, ~~as well as~~ and the associated PD Plan and the PD Agreement included as part of the application, comply with the following standards:

A. PD PLAN

The PD Plan shall include the following:

1. ~~Include a~~ A statement of planning objectives for the district;
2. Detailed description of the following for the entire PD District and for each development area:
 - a. Dimensional Standards as follows:
 - i. the land area;
 - ii. Types and mix of land uses;
 - iii. Maximum number of residential units (by use type);
 - iv. Maximum nonresidential floor area (by use type);
 - v. Minimum lot area;
 - vi. Minimum lot width;
 - vii. Maximum impervious surface area;
 - viii. Maximum building height;
 - ix. Maximum individual building size;
 - x. Minimum and maximum setbacks; and
 - xi. Minimum setbacks from adjoining residential development or residential zoning districts.
 - b. Modifications of Development Standards;

- c. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - d. Provisions related to environmental protection and monitoring;
 - e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;
 - f. Development Phasing Plan;
 - g. Conversion Schedule; and
 - h. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.
2. 3. Identify the general location of the following: ~~individual development areas, identified by land use(s) and/or development density or intensity;~~
- a. Individual development areas, identified by land use(s) and/or development density or intensity;
 - b. Open space (whether designated for active or passive recreation), including amount, and type of;
 - c. All public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;
 - d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
 - e. On-site potable water and wastewater facilities, and how they will connect to city systems;
 - f. On-site stormwater management facilities, and how they will connect to city systems; and
 - g. All other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.

3. ~~Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;~~
4. ~~Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;~~
4. Graphics demonstrating the following:
 - a. Projects with structures greater than 35 feet in height, the shadowing on adjacent properties at the following times: two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.
 - b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.
5. ~~Identify the location of environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;~~
6. ~~Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;~~
7. ~~Identify the general location of on-site potable water and wastewater facilities, and how they will connect to city systems;~~
8. ~~Identify the general location of on-site stormwater management facilities, and how they will connect to city systems; and~~
9. ~~Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.~~

B. ~~CONSISTENCY WITH CITY PLANS~~

The PD zoning district designation, and the PD Plan, ~~and the PD Agreement~~ shall be consistent with the comprehensive plan.

...

G. ~~PD AGREEMENT~~

The PD Agreement ~~shall incorporate by reference or include, but not be limited to:~~

- ~~1. Conditions related to approval of the application for the PD zoning district classification;~~
- ~~2. The PD Plan, including any density/intensity standards, dimensional standards, and development standards established in the PD Plan;~~
- ~~3. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;~~
- ~~4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;~~
- ~~5. Provisions related to environmental protection and monitoring;~~
- ~~6. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and~~
- ~~7. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.~~

H. G. USES

The principal, accessory, and temporary uses allowable in each type of PD district are identified in Appendix A: Consolidated Use Table. Allowed principal uses in a particular PD district shall be established in the PD Plan, subject to conversion in accordance with a schedule incorporated in the PD Plan in accordance with Section 155.3602.E, Conversion Schedule. Allowed uses shall be consistent with city plans and the purpose of the particular type of PD district, and subject to applicable use-specific standards in (Principal Uses), Part 3 (Accessory Uses and Structures), and Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, and any additional limitations or requirements set forth in Sections 155.3603 to 155.3607 for the particular type of PD district.

I. H. DENSITIES/INTENSITIES

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the comprehensive plan and other adopted special area and city plans, and with the purpose of the particular type of PD district.

J. I. DIMENSIONAL STANDARDS

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the purpose of the

particular type of PD district. ~~The PD Plan shall include at least the following types of dimensional standards, unless the PD Plan expressly states otherwise:~~

- ~~1. Maximum dwelling units per acre (residential development) and/or maximum floor area ratio (nonresidential development);~~
- ~~2. Minimum lot area;~~
- ~~3. Minimum lot width;~~
- ~~4. Maximum impervious surface area;~~
- ~~5. Maximum building height;~~
- ~~7. Minimum and maximum setbacks; and~~
- ~~8. Minimum setbacks from adjoining residential development or residential zoning districts.~~

K J. DEVELOPMENT STANDARDS

All development in a PD district shall comply with the development standards of Article 5: Development Standards, or any modifications of those standards established in the PD Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Section 155.3603 to 155.3607 for the particular type of PD district.

L. M. AMENDMENTS TO APPROVED PD PLAN ~~OR PD AGREEMENT~~

Deviations from and amendments to a PD Plan ~~or PD Agreement~~ shall be considered in accordance with the standards in Sections 155.24

SECTION 13. That Section 155.4214., "Commercial: Animal Care Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4214. COMMERCIAL: ANIMAL CARE USES

...

B. ANIMAL SHELTER OR KENNEL

...

3. Standards

An animal shelter or kennel shall comply with the following standards:

- a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ~~b. Any open exercise runs or pens shall be located at least 75 feet from any lot line, and at least 100 feet from any residential use, with a type B perimeter buffer provided between the run or pen and the property line.~~
- e b. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 8:00 a.m.
- d c. Accessory uses to an animal shelter may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
- e d. No crematory facilities are allowed.
- e. Exercise runs or pens shall comply with the following distance requirements:

i. **From property line abutting a residential district and/or education use:**

Outdoor runs, animal exercise areas or pens shall not be located within 50 feet of the property line. Except that outdoor runs, animal exercise areas or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located 25 feet from the property line.

ii. **From property line abutting a non-residential district (except education use):**

Outdoor runs, animal exercise areas or pens shall not be located within 25 feet of the property line. Except that outdoor runs, animal exercise areas or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located 10 feet from the property line.

iii. From property line abutting a roadway:

Outdoor runs, animal exercise areas or pens shall not be located within 15 feet from the property line.

...

SECTION 14. That Section 155.4219., "Commercial: Motor Vehicle Sales and Service Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

...

I. GASOLINE FILLING STATION

...

2. Definition

A gasoline filling station consists of buildings and premises where gasoline and similar fuels for automotive use are supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). This use may also involve the sale of oils and greases, batteries, tires, automobile accessories, drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. ~~The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.~~

...

SECTION 15. That Section 155.4220., "Commercial: Office Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4220. COMMERCIAL: OFFICE USES

...

B. PROFESSIONAL OFFICE

...

3. Standards

In the ~~Multifamily Residential (RM) districts~~ RM-12 District, a professional office use is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less.

SECTION 16. That Section 155.4221., "Commercial: Retail Sales and Service Uses – Personal Services," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

...

C. BANK OR FINANCIAL INSTITUTION

...

2. Definition

A bank or financial institution is an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type also includes those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. ~~Banks and financial institutions are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

~~3. Standards~~

~~A bank or financial institution shall comply with the following standards:~~

- ~~a. In the Multifamily Residential (RM) districts, a bank or financial institution is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less.~~

...

SECTION 17. That Section 155.4222., "Commercial: Retail Sales and Service Uses – Retail Sales," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4222. COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES

...

F. GROCERY OR CONVENIENCE STORE

...

3. Standards

Grocery or Convenience Stores where gasoline and similar fuels for automotive use are supplied and dispensed at retail shall comply with §155.4219.I.3, Gasoline Filling Station, Standards.

...

SECTION 18. That Section 155.5101., "Access and Circulation," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5101. ACCESS AND CIRCULATION

...

G. VEHICULAR ACCESS AND CIRCULATION

...

8. Vehicle Stacking Space

a. For Drive-through and Related Uses

i. Required Number of Stacking Spaces

...

TABLE 155.5101.G.8.A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES

Use or Activity	Minimum Number of Stacking Spaces	Measured From
...		

<u>Valet Parking for Residential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 5 spaces</u>	<u>Designated Drop-Off Area</u>
<u>Valet Parking for Nonresidential Uses</u>	<u>10% of the total parking capacity of the facility up to a maximum of 8 spaces</u>	<u>Designated Drop-Off Area</u>
Other	...	

...

SECTION 19. 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 to read as follows:

§ 155.5102. OFF-STREET PARKING AND LOADING

...

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

...

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
Use Category	Use Type		Minimum Number of Parking
RESIDENTIAL USES			
Household Living Uses	Dwelling, live/work		1 per DU
	Dwelling, multifamily	...	
		Townhouse Guest Spaces	1 per 5 Townhouse Units; In addition to the required parking spaces based on dwelling unit
		...	

...

I. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

1. General

...

TABLE 155.5102.I.1: ABOVE: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES					
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	 AISLE WIDTH	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT)

A	B	C	D	E	F
RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL USES					
0	10	10	14	23	24
45	10	21.2	14	14.1	56.4
60	10	22.3	16	11.5	60.6
90	10	20 ²	23	10	63
INDUSTRIAL USES					
0	9	9	14	23	32
45	9	19.1	14	12.7	52.2
60	9	20.1	16	10.4	56.2
90	9	18	23	9	59

2. ~~Smaller Parking Spaces for Tandem Parking and Certain Uses and Districts~~ **Compact Parking Spaces in Parking Garages**

~~The~~ When provided in a parking garage, the dimensions of up to 20% of the required off-street parking stalls spaces may be reduced to a width of 9 8 feet and 6 inches and a depth/length of 18 16 feet where the parking stalls are. The spaces shall be marked as Compact Parking Spaces.

a. — Used for tandem parking (See Section 155.5102.J.6, Valet and Tandem Parking.);

b. — Located within a development containing industrial services uses, manufacturing and production uses, or warehouse and freight movement uses; or

e. — Located within the Atlantic Boulevard Overlay district (AOD) Northwest Community Redevelopment Area, or the Transit-Oriented (TO) District.

...

J. **OFF-STREET PARKING ALTERNATIVES**

...

6. **Valet and Tandem Parking**

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for a development with commercial uses in accordance with the following standards:

a. **Number of Valet or Tandem Spaces**

- ~~i. The development served by the valet or tandem parking shall provide a total of 75 or more off-street parking spaces.~~
- ~~ii. No more than 30 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 100 percent of parking spaces may be designated for valet parking.~~
- i. All uses, except Hotels, may designate a maximum of 75 percent of the total number of required off-street parking spaces as valet parking. The valet spaces may be tandem.
- ii. Hotels may designate a maximum of 100 percent of the total number of required off-street parking spaces as valet parking. The valet spaces maybe tandem.

b. Drop-Off and Pick-Up Areas

~~The development shall provide a designated drop-off and pick-up area; in compliance with the following standards: The drop-off and pickup area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.~~

- i. The drop-off and pickup area shall be in compliance with Table 155.5101.G.8.a, Minimum Stacking Spaces for Drive-Through and Related Uses.
- ii. The drop-off and pick up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or internal drive aisle serving the development.

c. Valet Parking Plan

The alternative parking plan requesting valet shall include, but not be limited to, the following:

- i. Identification of the type and nature of the use for which the valet service is being provided;
- ii. The location of the valet parking and self-parking spaces, including how the valet parking area shall be isolated from use by the general public.

- iii. The pick-up and drop off area(s);
- iv. A site traffic circulation plan; and
- v. The number of parking attendants (and any other personnel) needed to operate the valet service.

e.d. Valet Parking Agreement

Valet parking may be established and managed only in accordance with a valet agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking, except for Residential and Visitor Accommodation Uses, which shall provide valet parking attendants twenty-four hours a day. The agreement shall also include a legal description of the parcel where parking will be located and states the number of parking spaces utilized for valet parking. The agreement shall be submitted to the Development Services Director, who shall forward it to the City Attorney for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Zoning Compliance Permit or Zoning Use Certificate for any use to be served by the valet parking. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

SECTION 20. That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

...

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

BANK OR FINANCIAL INSTITUTION

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type also includes those

establishments engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. ~~Banks and financial institutions are distinguished between those whose total gross floor area is 2,000 square feet or less and those whose total gross floor area exceeds 2,000 square feet.~~ Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

...

GASOLINE FILLING STATION

Buildings and premises where gasoline, oils and greases, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). This use may also involve the sale of drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation. ~~The use does not include establishments selling gasoline where the sales of convenience goods constitute a principal use—such uses are classified as convenience stores.~~

...

SECTION 21. 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 22. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 28th day of July, 2015.

PASSED SECOND READING this 8th day of September, 2015.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

GBL/jrm
9/9/15
L:ord/ch155/2015-390

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE ZONING CODE, CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2101, "SUMMARY TABLE," TO INDICATE NONCONFORMING CERTIFICATE REVIEW AND QUASI-JUDICIAL PROCEDURES; BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS (ZBA)," SECTION 155.2204, "PLANNING AND ZONING BOARD (P&Z)," AND SECTION 155.2206, "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)," TO PROVIDE THAT SAID BOARDS SHALL MEET AT LEAST ONCE IN A CALENDAR MONTH; BY AMENDING SECTION 155.2305, "PUBLIC HEARING SCHEDULING AND NOTICE," TO PROVIDE NOTICE REQUIREMENTS FOR MAJOR TEMPORARY AND INTERIM USE PERMITS AND TO PROVIDE FOR SIGN NOTICE FOR REZONING APPLICATIONS; BY AMENDING SECTION 155.2407, "SITE PLAN," TO ALTER SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2421, "ADMINISTRATIVE ADJUSTMENT," TO ALLOW ADMINISTRATIVE ADJUSTMENTS OF MINIMUM PERVIOUS AREA REQUIREMENT; BY AMENDING SECTION 155.2424, "APPEAL," TO PROVIDE FOR APPEALS FROM THE ZONING BOARD OF APPEALS AND THE CITY COMMISSION; BY AMENDING SECTION 155.3203, "SINGLE-FAMILY RESIDENCE 2 (RS-2)," TO CORRECT A SCRIVENER'S ERROR; BY AMENDING SECTION 155.3213, "MOBILE HOME PARK (MH-12) TO REVISE STANDARDS FOR MOBILE HOME PARKS WITH INTERNAL PUBLIC ROADWAYS AND PRIVATE ROADWAYS; BY AMENDING SECTION 155.3604, "PLANNED COMMERCIAL/INDUSTRIAL (PCD)," SECTION 155.3605, "PLANNED DEVELOPMENT – TRANSIT ORIENTED (PD-TO)," AND 155.3607, "PLANNED DEVELOPMENT – INFILL (PD-I) TO CORRECT SCRIVENER'S ERRORS; BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO PROVIDE FOR MINIMUM RESIDENTIAL UNIT SIZES IN SAID OVERLAY DISTRICT; BY AMENDING SECTION 155.4201, "GENERAL," TO PROVIDE FOR ACCESSORY USE STANDARDS FOR DEVELOPMENT WITH MULTIPLE PRINCIPAL USES; BY AMENDING SECTION 155.4204, "INSTITUTIONAL: COMMUNICATION USES," TO REVISE DISTRICTS WHERE RADIO AND TELEVISION STATIONS ARE PERMITTED, THEIR DEFINITION AND COMPLIANCE STANDARDS, AND TO AMEND DEFINITION OF TELECOMMUNICATIONS FACILITY; BY AMENDING SECTION 155.4207, "INSTITUTIONAL: EDUCATION USES," TO REVISE DEFINITION OF COLLEGE OR UNIVERSITY AND DEFINITION OF VOCATIONAL OR TRADE SCHOOL, AND TO REVISE DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR SPECIALTY ARTS SCHOOLS; BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES,"

TO ALTER A DISTRICT WHERE HOSPITALS ARE PERMITTED; BY AMENDING SECTION 155.4210, "INSTITUTIONAL: OPEN SPACE USES," TO DELETE REFERENCE TO PUBLIC SQUARE AND AMENDING DEFINITION OF PARKS OR PLAZA; BY AMENDING SECTION 155.4212, "INSTITUTIONAL: TRANSPORTATION USES," TO DELETE ALL PROVISIONS FOR AIRCRAFT FLIGHT INSTRUCTION, AIRCRAFT FUEL SALES, AIRCRAFT REPAIR OR SERVICING AND AIRPORT USES, AND PROVIDING FOR DISTRICTS WHERE PERMITTED AND DEFINITION OF AVIATION RELATED USES; BY AMENDING SECTION 155.4213, "INSTITUTIONAL; UTILITY USES," TO REVISE DEFINITION AND STANDARDS FOR MAJOR UTILITY USES; BY AMENDING SECTION 155.4214, "COMMERCIAL: ANIMAL CARE USES," TO ALTER DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR ANIMAL SHELTER OR KENNEL, DELETING PREVIOUS PROVISIONS RELATING TO KENNELS AND PROVIDING FOR DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR PET SHOP; BY AMENDING SECTION 155.4217, "COMMERCIAL: COMMERCIAL OR MEMBERSHIP RECREATION / ENTERTAINMENT USES," TO DELETE PROVISIONS RELATING TO JAI ALAI FRONTON, MARINE MAMMAL PARK AND AUTOMOBILE OR MOTORCYCLE RACING FACILITY; BY AMENDING SECTION 155.4218, "COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS," TO PROVIDE STANDARDS FOR BAR OR LOUNGE, AND REVISING DEFINITIONS OF BAR OR LOUNGE, BREWPUB, NIGHTCLUB AND RESTAURANT; BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO MODIFY DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR AUTOMOTIVE WRECKER SERVICE, AMENDING DEFINITION AND STANDARDS FOR NEW AUTOMOBILE AND LIGHT TRUCK SALES, AND TO REVISE DEFINITIONS OF USED AUTOMOBILE AND LIGHT TRUCK SALES WITH INDOOR AND OUTDOOR DISPLAY; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO REVISE THE DEFINITION OF ART, MUSIC OR DANCE STUDIO, PERSONAL AND HOUSEHOLD GOODS REPAIR ESTABLISHMENT AND PERSONAL SERVICES ESTABLISHMENT, DELETING ALL PROVISIONS RELATING TO ARTIST'S, PHOTOGRAPHER'S AND MUSICIAN'S STUDIO; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO REVISE DISTRICTS WHERE PERMITTED AND DEFINITION OF GROCERY OR CONVENIENCE STORE AND FLEA MARKET; DELETING PREVIOUS PROVISIONS FOR GROCERY STORE AND MEAT, POULTRY OR SEAFOOD MARKET; ADDING DISTRICTS WHERE PERMITTED AND DEFINITION OF INDOOR MALL OR MARKET PLACE, AND AMENDING DEFINITION OF OTHER RETAIL SALES ESTABLISHMENT; BY AMENDING SECTION 155.4225, "COMMERCIAL: VISITOR ACCOMMODATION USES," TO MODIFY DISTRICTS WHERE PERMITTED AND STANDARDS FOR HOTEL OR MOTEL; BY AMENDING SECTION 155.4226, "INDUSTRIAL: INDUSTRIAL SERVICE USES," TO DELETE PROVISIONS RELATING TO HEAVY EQUIPMENT SALES, RENTAL OR STORAGE, LEATHER WORKING

OR UPHOLSTERY ESTABLISHMENT AND WOOD WORKING ESTABLISHMENT; REVISE DEFINITION AND STANDARDS FOR HEAVY EQUIPMENT ESTABLISHMENTS; MODIFY DISTRICTS WHERE PERMITTED AND DEFINITION OF AUDIO AND VISUAL RECORDING AND PRODUCTION STUDIO, AND CHANGE DISTRICTS WHERE PERMITTED FOR PRINTING OR OTHER SIMILAR REPRODUCTION FACILITY; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," TO DELETE PROVISIONS RELATING TO BAKERY PRODUCTS MANUFACTURING, BREWERY, WINERY OR DISTILLERY, FISH HATCHERY, HYDROPONIC GARDEN FACILITY AND VEGETABLE OR FRUIT PACKING, TO REVISE DISTRICTS WHERE PERMITTED AND DEFINITION OF FURNITURE MANUFACTURING AND WOODWORKING, TO MODIFY DISTRICTS WHERE PERMITTED, DEFINITION AND STANDARDS FOR FOOD AND/OR BEVERAGE PRODUCTS MANUFACTURING, AND TO AMEND THE DEFINITION OF HEAVY MANUFACTURING, ASSEMBLY OR FABRICATION; BY AMENDING SECTION 155.4228, "INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES," TO CHANGE DEFINITION AND STANDARDS FOR OUTDOOR STORAGE; TO REINSTATE STANDARDS FOR OUTDOOR STORAGE FACILITIES EXISTING PRIOR TO APRIL 27, 1999; AND REVISE DISTRICT WHERE PERMITTED, DEFINITION AND STANDARDS FOR JUNKYARD OR SALVAGE FACILITY; BY AMENDING SECTION 155.4229, "INDUSTRIAL: WASTE-RELATED SERVICE USES," TO DELETE DEFINITION OF RECOVERED MATERIALS PROCESSING FACILITY; BY AMENDING SECTION 155.4302, "GENERAL," TO CLARIFY APPLICABILITY OF PROVISIONS FOR ACCESSORY USES AND STRUCTURES, AND TO AMEND A STANDARD FOR ALL ACCESSORY USES AND STRUCTURES; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO REVISE A STANDARD FOR GARAGES OR CARPORTS; AND TO CHANGE DEFINITION OF OUTDOOR STORAGE AND TO REINSTATE STANDARDS FOR OUTDOOR STORAGE FACILITIES EXISTING PRIOR TO APRIL 27, 1999; TO MODIFY DISTRICTS WHERE PERMITTED AND STANDARDS FOR SWIMMING POOLS, SPAS OR HOT TUBS AND TO AMEND DISTRICTS WHERE PERMITTED, DEFINITIONS AND STANDARDS FOR EATING AND DRINKING ESTABLISHMENTS AND BAND SHELLS OR OUTDOOR STAGES; BY AMENDING SECTION 155.5101, "ACCESS AND CIRCULATION," TO CHANGE THE APPLICABILITY OF ACCESS AND CIRCULATION PROVISIONS, TO ALTER DRIVEWAY LENGTH REQUIREMENT FOR SINGLE-FAMILY DWELLINGS, TO REVISE BICYCLE ACCESS REQUIREMENTS; TO REVISE PEDESTRIAN ACCESS REQUIREMENTS AND TO PROVIDE FOR WAIVER OF STANDARDS BY DEVELOPMENT SERVICES DIRECTOR; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO MODIFY CERTAIN GENERAL REQUIREMENTS FOR OFF STREET PARKING AND LOADING AREAS, TO REVISE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES, AND TO PERMIT SMALLER PARKING SPACES FOR CERTAIN USES IN THE TRANSIT ORIENTED (TO) DISTRICT; BY AMENDING SECTION 155.5203, "LANDSCAPING," TO REVISE

APPLICABILITY OF CERTAIN LANDSCAPING PROVISIONS; TO MODIFY GENERAL REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF LANDSCAPING, PROVIDE EXCEPTIONS TO INTERIOR LANDSCAPING STANDARDS AND REVISE PERIMETER BUFFER STANDARDS; BY AMENDING SECTION 155.5701, "PURPOSE," TO EXPAND STATED PURPOSE; BY AMENDING SECTION 155.5702, "APPLICABILITY," TO CLARIFY WHEN LOT STANDARDS APPLY; BY AMENDING SECTION 155.5704, "FRONTAGE AND ACCESS," TO PROVIDE ADDITIONAL FRONTAGE AND ACCESS REQUIREMENTS; BY AMENDING SECTION 155.5802, "SUSTAINABLE DEVELOPMENT POINT REQUIREMENT," TO CLARIFY THAT SUSTAINABLE DESIGN REQUIREMENT IS APPLICABLE TO APPROVAL OF MAJOR SITE PLANS; BY AMENDING SECTION 155.7502, "APPLICABILITY," TO ADD EXTERIOR LIGHTING AS A NONCONFORMING SITE FEATURE; BY AMENDING PART 5, "TERMS AND USES DEFINED," TO RESTATE CERTAIN CHANGES MADE BY THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach ("City Commission") found it necessary to revise its Zoning Code of Ordinances ("Code") in order to update its zoning regulations and procedures; and

WHEREAS, the City Commission finds it now necessary to revise the City of Pompano Beach Zoning Code; and

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)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid 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 have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

WHEREAS, the City Commission finds that adoption of the amendments to Zoning Code through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City's Comprehensive Plan; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That the City of Pompano Beach Zoning Code is hereby amended as provided in Exhibit "A," attached hereto and made a part hereof.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 14th day of January, 2014.

PASSED SECOND READING this 28th day of January, 2014.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
12/5/13
L:ord/ch155/2014-81

Article 2: Administration

PART 1: SUMMARY AND ORGANIZATION

155.2101. SUMMARY TABLE

TABLE 155.2101: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES							
C = COMMENT R = RECOMMENDATION D= DECISION A = APPEAL							
< > = STANDARD PUBLIC HEARING				[] = QUASI-JUDICIAL PUBLIC HEARING			
APPLICATION REVIEW PROCEDURE				REVIEW AND DECISION-MAKING AUTHORITIES			
				DEVELOPMENT REVIEW COMMITTEE	DEVELOPMENT SERVICES DIRECTOR	HISTORIC PRESERVATION COMMITTEE	ARCHITECTURAL APPEARANCE COMMITTEE
							PLANNING AND ZONING BOARD 1
							ZONING BOARD OF APPEALS
							CITY COMMISSION
PERMITS AND DEVELOPMENT APPROVALS							

Major Site Plan (Sec. 155.2407)				C	R		D [D] [A]

Major Building Design (Sec. 155.2408)				C	R		D [D] [A]

Major Certificate of Appropriateness (Sec. 155.2409)					R	D [D]	[A]

OTHER PROCEDURES							
Right-of-Way or Easement Vacation or Abandonment (Sec. 155.2431)					R		[R] [D]
Nonconforming Certificate (Sec. 155.2433)					D		

PART 2: REVIEW AND DECISION MAKING AUTHORITIES

155.2203. ZONING BOARD OF APPEALS (ZBA)

F. MEETINGS

1. Schedule

The ZBA shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the ZBA shall meet at least once in a calendar month. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call special meetings.

155.2204. PLANNING AND ZONING BOARD (P&Z)

F. MEETINGS

1. Schedule

The P&Z shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the P&Z shall meet at least once in a calendar month. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call special meetings.

155.2206. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

F. MEETINGS

1. Schedule

The AAC shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the AAC shall meet at least once in a calendar month. The Chair may adjourn a

Article 2: Administration

regular meeting on determining that there are no agenda items for consideration, and may call special meetings.

Part 3: Standard Review Procedures

155.2305 Public Hearing Scheduling and Notice

C. PUBLIC HEARING NOTICE

1. General Notice Requirements

TABLE 155.2305.C: PUBLIC HEARING REQUIREMENTS			
CC = CITY COMMISSION ZBA = ZONING BOARD OF APPEALS P&Z = PLANNING AND ZONING BOARD			
AAC = ARCHITECTURAL APPEARANCE BOARD HPC = HISTORIC PRESERVATION COMMITTEE			
NOTICE REQUIREMENT			
APPLICATION TYPE	TIMING OF PUBLISHED NOTICES	MAILED NOTICES	
		TIMING	RECEIPIENTS

Major Temporary Use Permit	***	Mail Notice of the public hearing at least 5 calendar days before the hearing date	<ul style="list-style-type: none">• <u>Applicant</u>• <u>Owner(s) of land subject to the application</u>• <u>Owners of real property within 500 ft of the parcel(s) subject to the application</u>⁵• <u>Local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 ft of the parcel(s) subject to the application</u>
Interim Use Permit	***		

5. Posted Sign Notice for Rezoning Applications

For all Rezoning Application types, including General Zoning Map Amendment, Site-Specific Zoning Map Amendment, and Planned Development, the following shall be required:

- A four foot by four foot sign with large lettering shall be placed upon the property by city personnel at least five days prior to the scheduled hearing before the Planning and Zoning Board and removed by city personnel upon final disposition (or earlier applicant withdrawal) of such rezoning request by the City Commission;
- One said sign shall be placed adjacent to each street or thoroughfare abutting the property.
- The lettering shall read: "Rezoning of this property is under consideration. For information call City of Pompano Beach, City Hall, telephone: 954-786-4600."

~~6.~~ 6. Affidavit of Notice

~~6.~~ 7. Finding of Substantial Compliance with Notice Requirements

Part 4: Application-Specific Review Procedures

155.2407 SITE PLAN

E. SITE PLAN REVIEW STANDARDS

3. Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, of Article 5, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose.;

9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance, and activity support.

155.2421 ADMINISTRATIVE ADJUSTMENT

B. APPLICABILITY

1. General

TABLE 155.2421.B.I: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS			
STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT		
	MINOR ADMINISTRATIVE ADJUSTMENT (All Zoning Districts)		MAJOR ADMINISTRATIVE ADJUSTMENT (AOD, TO, CRAO, and Nonresidential Districts)
	DEVELOPMENT WITHIN ATLANTIC BOULEVARD OVERLAY DISTRICT OR REDEVELOPMENT OF BROWNFIELD SITE WITHIN DESIGNATED BROWNFIELD AREA	OTHER DEVELOPMENT	

Maximum lot coverage	***	***	***
Minimum pervious area of lot or <u>Minimum pervious area of required front yard</u>	<u>30%</u>	<u>20%</u>	<u>40%</u>
Minimum yard encroachment	***	***	***

155.2424 Appeal

B. RIGHT TO APPEAL

3. A party aggrieved by a final decision by the Zoning Board of Appeals as provided for herein, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.
4. A party aggrieved by a final decision by the City Commission as provided for herein, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.
- ~~3.~~ 5. Decisions relating to application of the Building Code are appealable in accordance with the Florida Building Code and Chapter 152 (Buildings) of the Code of Ordinances.

ARTICLE 3: Zoning Districts

PART 2 RESIDENTIAL BASE ZONING DISTRICTS

155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

C. INTENSITY AND DIMENSIONAL STANDARDS ¹	

Rear yard setback, minimum (ft)	20 ^{5.4}

155.3213. MOBILE HOME PARK (MH-12)

C. INTENSITY AND DIMENSIONAL STANDARDS FOR MOBILE HOME PARKS WITH PUBLIC INTERNAL ROADWAYS ¹	

Front yard setback per mobile home space <u>from public internal roadway, minimum (ft)</u>	25 ³ <u>6</u>
Front yard setback per mobile home space <u>from public external roadway, minimum (ft)</u>	<u>25</u>
Street side setback per mobile home space <u>from public internal roadway, minimum (ft)</u>	25 ³ <u>6</u>
Street side yard setback per mobile home space <u>from public external roadway, minimum (ft)</u>	<u>25</u>

Dimensional Standards for Accessory Structures	See Accessory Use-Specific standards in Article 4: Part 3. <u>However there shall be a minimum of 25ft feet between a mobile home and any accessory structure or service structure used in conjunction with the park.</u>
NOTES: *** 3. If the mobile home park was zoned R-1T under former county zoning and consists of mobile home spaces that are individually owned or leased for terms of one year or more, the minimum front and street side yard setbacks are 6 ft, the interior side yard setback is 4 ft, the rear yard setback is 8 ft, and the interior side yard setback for roofed carports is 2 ft. 4. 25ft feet between a mobile home and any accessory structure or service structure used in conjunction with the park.	

D. INTENSITY AND DIMENSIONAL STANDARDS FOR MOBILE HOME PARKS WITH PRIVATE INTERNAL ROADWAYS¹	
<u>Lot area, minimum (acres)</u>	<u>5</u>
<u>Lot width, minimum (ft) 300</u>	<u>300</u>
<u>Density, maximum (du/ac)</u>	<u>12²</u>
<u>Height, maximum (ft)</u>	<u>12</u>
<u>Setback from a waterway or canal, minimum (ft)</u>	<u>25</u>
<u>Front yard setback per mobile home space from public roadway, minimum (ft)</u>	<u>25</u>
<u>Front yard setback per mobile home space from private roadway, minimum (ft)</u>	<u>15</u>
<u>Street side yard setback per mobile home space from public or private roadway, minimum (ft)</u>	<u>25</u>
<u>Interior side yard setback per mobile home space from public or private roadway, minimum (ft)</u>	<u>10</u>
<u>Rear yard setback per mobile home space from public or private roadway, minimum (ft)</u>	<u>15</u>
<u>Spacing between mobile homes, minimum (ft)</u>	<u>10</u>
<u>Dimensional Standards for Accessory Structures</u>	<u>See Accessory Use-Specific standards in Article 4: Part 3. However there shall be a minimum of 25ft feet between a mobile home and any accessory structure or service structure used in conjunction with the park.</u>
NOTES: <u>1. See measurement rules and allowed exceptions/exceptions in Article 9:Part 4 .</u> <u>2. On land classified Residential by the Land Use Plan, maximum gross residential density may not exceed that established for the particular land use classification.</u>	

PART 6 PLANNED DEVELOPMENT ZONING DISTRICTS

155.3604. PLANNED COMMERCIAL/INDUSTRIAL (PCD)

C. INTENSITY AND DIMENSIONAL STANDARDS		

Density, maximum (du/ac) ^{2,3}	To be established in PD Plan— see Section 155.3602.A, PD Plan	***

155.3605. PLANNED DEVELOPMENT – TRANSIT ORIENTED (PD-TO)

C. INTENSITY AND DIMENSIONAL STANDARDS		

Density, maximum (du/ac) ^{2,3}	To be established in PD Plan— see Section 155.3602.A, PD Plan	***

155.3607. PLANNED DEVELOPMENT – INFILL (PD-I)

C. INTENSITY AND DIMENSIONAL STANDARDS		D. DEVELOPMENT STANDARDS	
***		Development Standard	Means of Modifying
Density, maximum (du/ac) ^{2,3 1}	To be established in PD Plan— see Section 155.3602.A, PD Plan	***	
***		Screening ²	Specify in Alternative Screening Plan

PART 7 OVERLAY ZONING DISTRICTS

155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

G. BUILDING PLACEMENT REGULATING DIAGRAM AND MODIFIED DIMENSIONAL STANDARDS.

4. Minimum Unit Sizes for Residential Development

<u>Floor area per dwelling unit, minimum (sq ft)</u>	<u>SF</u>	<u>950</u>
	<u>2F</u>	<u>750</u>
	<u>MF</u>	<u>Efficiency units: 500</u> <u>Other units: 650 + 100 per BR>1</u>

ARTICLE 4: USE STANDARDS

PART 2 PRINCIPAL USES AND STRUCTURES

155.4201. GENERAL

C. DEVELOPMENT WITH MULTIPLE PRINCIPAL USE TYPES

A development may include multiple principal uses, provided each principal use is a principal use type allowed in the applicable zoning district and the development complies with any use-specific standards applicable to each of the included use types. If a use within a development is determined to be an accessory use to a principal use in the development, such accessory use shall be subject to the accessory use standards in Article 4:Part 3 (Accessory Uses and Structures). However if no accessory use standards are established in ~~this Code, then the principal use standards shall be required.~~ Section 155.4303, Standards for Specific Accessory Uses and Structures, such accessory use shall be subject to the principal use standards in Article 4: Part 2, Principal Uses and Structures, as well as the standards in Section 155.4302.B, General Standards for All Accessory Uses and Structures.

155.4204 INSTITUTIONAL: COMMUNICATION USES

B. RADIO OR TELEVISION STUDIO STATION**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-J
														P	P			P	P	P		P		S					P	P	P	P

2. Definition

A radio or television ~~studio station~~ is a facility for the staging ~~and~~ recording ~~and~~ broadcasting of audio or television productions. This use does not include an Audio and Visual Recording and Production Studio, which does not include broadcasting.

3. Standards

The equipment and components utilized for broadcasting shall comply with the standards for 155.4204.C, Telecommunications Facility.

C. TELECOMMUNICATIONS FACILITY

2. Definition

A telecommunications facility is the set of equipment and network components necessary to provide transmission and/or reception of wireless communication and broadcast services, ~~including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and telecommunications services to a discrete geographical area.~~ The equipment and network components may include towers, including those utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission ~~antennas, antenna arrays for FM/TV/ broadcasting transmission facilities, transmitters, receivers, base stations, power supplies, cabling, and associated equipment.~~ A telecommunications facility may consist of (a) telecommunications facility equipment and network components that are collocated (attached) on an existing telecommunications tower, or (b) telecommunications facility equipment and network components that are collocated (attached or mounted) on an existing building or structure other than a telecommunications tower (such building or structure is not considered part of the telecommunications facility), or (c) a freestanding lattice, monopole, or other tower or other similar structure whose sole or primary purpose is to support and elevate telecommunications facility equipment and network components above the ground, and including any ground-based accessory structures used to house equipment and any guy wires and guy anchor supports.

155.4207 INSTITUTIONAL: EDUCATION USES**A. COLLEGE OR UNIVERSITY**

2. Definition

A college or university is ~~a public or private, non-profit~~ an institution that is part of the Florida College System, State University System, or a nonpublic postsecondary education institution subject to licensure by the Commission for Independent Education, except for institutions whose curriculum is focused on specialty trades or vocational education. ~~for post secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for~~ A college or university includes the administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. ~~Vocational or trade schools are a different use type.~~

E. VOCATIONAL OR TRADE SCHOOL

2. Definition

A vocational or trade school is ~~a public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility.~~ Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution an institution, other than a college, teaching specialized curriculum at the postsecondary level, including vocational and specialty trades, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses.

F. SPECIALTY ARTS SCHOOL**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
												P	P	P	P		P	P	P	P	P	P	P	P	P			P	P	P	P	P

2. Definition

A specialty arts school is a private institution teaching specialized curriculum including performing and visual arts, photography, theatrics, music, culinary arts, or other or courses or program the objective of which is not occupational but is only for personal enrichment or enjoyment.

3. Standards

In the B-1 and B-2 zoning districts, a specialty arts school shall be limited to a total gross floor area of 5,000 square feet.

155.4209 INSTITUTIONAL: HEALTH CARE USES

C. HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														P	P							Is P		P					P	P	P	

155.4210 INSTITUTIONAL: OPEN SPACE USES

D. PARK OR GREENWAY PLAZA

2. Definition

A park or plaza consists of land generally open and readily accessible to the public that is used for recreation, exercise, sports, education, rehabilitation, outdoor meeting or gathering, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, ~~specifically excluding commercially operated amusement parks.~~ A greenway is a linear park that links various parts of the community ~~with bicycle and facilities such as bicycle paths and footpaths.~~ This use does not include commercially operated amusement parks.

~~E. PUBLIC SQUARE OR PLAZA~~**~~1. Districts Where Permitted~~**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P

~~2. Definition~~

~~A public square or plaza is community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.~~

155.4212 INSTITUTIONAL: TRANSPORTATION USES

A. AIRCRAFT FLIGHT INSTRUCTION**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																										P						

2. Definition

Aircraft flight instruction is the use of land or structures for the providing instruction in flying aircraft.

B. AIRCRAFT FUEL SALES**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																										P						

2. Definition

Aircraft fuel sales consist of the use of land or structures for the sale of aviation fuel for use in aircraft.

G. A. AIRCRAFT OR AVIATION EQUIPMENT SALES OR RENTAL**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P							P			P			

B. AVIATION RELATED USES**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																										P						

2. Definition

Aviation related uses include facilities for the following uses: landing and take-off of aircraft (commonly referred to as an airport), housing and storage of aircraft, aircraft flight instruction, aircraft fuel sales, aircraft repair or servicing, and services to aircraft passengers and users.

D. AIRCRAFT REPAIR OR SERVICING

Article 4: Use Standards

1. ~~Districts Where Permitted~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																										P						

2. ~~Definition~~

~~Aircraft repair or servicing is the use of land or structures for the repair and servicing of aircraft or aviation equipment.~~

E. ~~AIRPORT~~

1. ~~Districts Where Permitted~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																										P						

2. ~~Definition~~

~~An airport is an area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and the provision of services to aircraft passengers and users.~~

F. ~~C. HELICOPTER LANDING FACILITY~~

G. ~~D. TRANSPORTATION PASSENGER STATION/TERMINAL~~

155.4213 INSTITUTIONAL: UTILITY USES

B. UTILITY USE, MAJOR

2. Definition

A major utility use consists of a structure or facility that is a relatively major component of an infrastructure system providing community-or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, ~~solid waste facilities~~, gas compressor stations, and electrical substations.

3. Standards

~~An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.~~

A major utility use shall comply with the following standards:

- a. An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.
- b. A type B perimeter buffer shall be provided around all perimeters of the site for potable water treatment plants, wastewater treatment plants, electrical power facilities, and other like uses, except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers.

155.4214 COMMERCIAL: ANIMAL CARE USES

B. ANIMAL SHELTER OR KENNEL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S	P			P	P					P					P	P	P

2. Definition

An animal shelter or kennel ~~is a facility~~ are facilities used to house and care for more than four dogs, cats, or other animals. The facility ~~may be stray, homeless, abandoned, or neglected animals~~ that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization for the care of stray, homeless, abandoned, or neglected animals. Alternatively, the facility may be privately owned and used for the breeding and grooming of animals.

3. Standards

An animal shelter or kennel shall comply with the following standards:

b. Any open exercise runs or pens shall be located at least 75 feet from any lot line, and at least 100 feet from any residential use, with a type B perimeter buffer provided between the run or pen and the property line.

~~b.c.~~ All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 8:00 a.m.

~~c.d.~~ Accessory uses to an animal shelter may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.

~~d.e.~~ No crematory facilities are allowed.

C. KENNEL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															S	P			P	P					P					P	P	P

2. Definition

A kennel ~~is a facility where more than four dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.~~

3. Standards

A kennel shall comply with the following standards:

a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

b. Any open exercise runs or pens shall be located at least 75 feet from any lot line, with a type B perimeter buffer provided between the run or pen and the property line.

c. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 8:00 a.m.

Article 4: Use Standards

- d. ~~Accessory uses to a kennel may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.~~
- e. ~~No crematory facilities are allowed.~~

D. C. PET HOTEL

E. D. VETERINARY HOSPITAL OR CLINIC

E. PET SHOP

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P	P														P		P

2. Definition

A pet shop is a retail store that sells domesticated animals including, but not limited to, cats, dogs, birds, fish, and reptiles, as well as other products related to such animals.

3. Standards

A pet shop shall have all activities enclosed within the building; soundproofing and lack of windows shall result in no outside noise detection from the treatment or boarding rooms.

155.4217 COMMERCIAL: COMMERCIAL OR MEMBERSHIP RECREATION/ ENTERTAINMENT USES

H. JAI ALAI FRONTON

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
																								P					P	P	P	

2. Definition

A jai alai fronton is a building or structure that contains a playing court with three walls designed and constructed for playing the sport of jail alai or pelota. If the facility is a licensed pari-mutuel wagering facility under Chapter 849 of the Florida Statutes, it may also include cardrooms (in which authorized card games are played for money or other things of value) and/or slot machines, subject to state licensing requirements and regulations.

3. Standards

A jai alai fronton shall comply with the following standards:

- The fronton shall be located on a site with an area of at least five acres.
- The fronton shall be located on a site that, at the primary point of access, has at least 200 feet of frontage on an arterial street.
- Access points to the site shall be located and designed to minimize traffic to and through local streets in residential neighborhoods.
- Safety fences, up to the height of eight feet, shall be provided as necessary to protect the general health, safety, and welfare.

I. MARINE MAMMAL PARK

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
															S		S												P			

2. Definition

A marine mammal park is a commercial theme park or aquarium where marine mammals such as dolphins, orcas, and sea lions are kept within water tanks and displayed to the public in special shows.

3. Standards

A marine mammal park shall comply with the following standards:

- The park shall be located on a site with an area of at least five acres.
- The park shall be located on a site that, at the primary point of access, has at least 200 feet of frontage on an arterial street.
- Access points to the site shall be located and designed to minimize traffic to and through local streets in residential neighborhoods.
- Safety fences, up to the height of eight feet, shall be provided as necessary to protect the general health, safety, and welfare.

J.H. MINIATURE GOLF COURSE

K.I. MOTION PICTURE THEATER

L. RACING FACILITY, AUTOMOBILE OR MOTORCYCLE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TQ	LAC	PD-I
																	S												P			

2. Definition

An automobile or motorcycle racing facility consists of a paved racetrack used primarily for the spectator-oriented sport of automobile and/or motorcycle racing. The facility may include seating, concession areas, related retail sales, and facilities for the temporary storage and preparation of racing automobiles and motorcycles.

3. Standards

An automobile or motorcycle racing facility shall comply with the following standards:

- The facility shall be located on a site with an area of at least 15 acres.
- The facility shall be located on a site that, at the primary point of access, has at least 200 feet of frontage on an arterial street.
- Access points to the site shall be located and designed to minimize traffic to and through local streets in residential neighborhoods.
- Safety fences, up to the height of eight feet, shall be provided as necessary to protect the general health, safety, and welfare.

M.J. RACING FACILITY, DOG OR HORSE

N.K. RACQUET SPORTS FACILITY

O.L. SPORT SHOOTING AND TRAINING RANGE

P. RESERVED

QM. OTHER INDOOR COMMERCIAL OR MEMBERSHIP RECREATION/ENTERTAINMENT USE

R.N. OTHER OUTDOOR COMMERCIAL OR MEMBERSHIP RECREATION/ENTERTAINMENT USE

155.4218 COMMERCIAL: EATING AND DRINKING ESTABLISHMENTS

A. BAR OR LOUNGE

2. Definition

A bar or lounge is an establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. This use includes bottle clubs, as defined in Chapter 561 of the Florida Statutes, in which patrons consume alcoholic beverages they bring onto the premises. ~~This use does not include a bar or lounge that is an accessory use to a restaurant, apartment hotel, hotel, or other principal use.~~

3. Standards

A bar or lounge may be considered an accessory use to a restaurant provided it is operated by the same management, and the restaurant has dining accommodations for service of 200 or more patrons at tables occupying more than 3,000 square feet of customer service area, and the sale of alcoholic beverages is strictly incidental to the serving of food.

B. BREWPUB

2. Definition

A brewpub is an alcoholic beverage establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. Such establishments are licensed by the state as both manufacturers and vendors of malt beverages. This use may also offer food for onsite consumption, ~~but does not include brewpubs that are accessory to a restaurant. It also does not include brewpubs that are accessory to an apartment hotel, hotel, or other principal use.~~ If an establishment produces more than 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually, it shall be considered a Brewery, Winery, or Distillery food and/or beverage products manufacturing use.

D. NIGHTCLUB

2. Definition

A nightclub is a place of entertainment that provides on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use may also offer food and alcoholic beverages for onsite consumption. This use does not include a sexually oriented business. ~~This use does not include a nightclub that is an accessory use to a restaurant, apartment hotel, hotel, or other principal use.~~

E. RESTAURANT

2. Definition

A restaurant is an establishment where meals or prepared food, including beverages and confections, are served to customers. Accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and facilities providing for drive-through service. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge or a brewpub if it derives no more than ten percent of its gross revenue from the sale of food consumed on the premises. ~~This use does not include a restaurant that is an accessory use.~~

155.4219 COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

F. AUTOMOTIVE WRECKER SERVICE**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															P			P	P										P			

2. Definition

An automotive wrecker service is an establishment operated for the purpose of temporary storage onsite of towed and recovered motor vehicles, including operable, wrecked or inoperable motor vehicles. If an establishment regularly stores ~~inoperable~~ vehicles for more than 90 days, stacks vehicles, or dismantles or removes portions of the vehicles for resale, it shall be considered a salvage and junkyard.

3. Standards

An automotive wrecker service use shall comply with the following standards:

a. In the B-4 District, vehicles shall not be stored outdoors.

a-b. A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers.

b-c. Vehicles shall not be stored outdoors for more than 90 days.

J. NEW AUTOMOBILE AND LIGHT TRUCK SALES

2. Definition

A new automobile and light truck sales use consists of premises on which new automobiles, light trucks, ~~and collector cars~~, motorcycles, mopeds, and golf carts in operating condition are displayed for sale or lease.

3. Standards

A new automobile and light truck sales use shall comply with the following standards:

a. New automobile and light truck sales agencies, excluding those that sell or lease collector cars, motorcycles, mopeds, and golf carts, may have accessory used car sales and auto service. Agencies that sell or lease collector cars motorcycles, mopeds, and golf carts may have accessory auto service subject to Special Exception approval.

K. USED AUTOMOBILE AND LIGHT TRUCK SALES WITH INDOOR DISPLAY ONLY

2. Definition

A used automobile and light truck sales with indoor display only consists of premises on which used automobiles ~~and light trucks~~, motorcycles, mopeds, and golf carts, in operating condition are displayed for sale or lease within a fully enclosed structure. This use does not include outdoor display, which is considered to be Used Automobile and Light Truck Sales With Outdoor Display.

L. USED AUTOMOBILE AND LIGHT TRUCK SALES WITH OUTDOOR DISPLAY

2. Definition

A used automobile and light truck sales with outdoor display consists of premises on which used automobiles ~~and light trucks~~, motorcycles, mopeds, and golf carts, in operating condition are stored or displayed for sale or lease outdoors.

155.4221. **COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES**

A. ART, MUSIC, OR DANCE, OR MARTIAL ARTS STUDIO/SCHOOL

2. Definition

An art, music, or dance, or martial arts studio/school is an establishment ~~with space used for the production of or instruction in art, music, dance, or the martial arts, consisting of workspace primarily used by one or more artists, artisans, photographers, or musicians for the production of visual and performing art. This use does not include formal instruction, which is considered a Specialty Arts School.~~

B. ~~ARTIST'S, PHOTOGRAPHER'S, OR MUSICIAN'S STUDIO~~

1. ~~Districts Where Permitted~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	P B-1	P B-2	P B-3	P B-4	M-1	CR	I-1	LX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
												P	P	P	P							P						P	P	P	P	P

2. ~~Definition~~

An artist's, photographer's, or musician's studio is an establishment consisting of workspace primarily used by one or more artists, artisans, photographers, or musicians for the production of artwork, crafts, photographs, or vocal or instrumental music. The use may include instruction and performances by the resident artists, artisans, photographers, or musicians, music recording facilities, and the incidental retail sale of items produced on the premises.

J. PERSONAL AND HOUSEHOLD GOODS REPAIR ESTABLISHMENT

2. Definition

A personal and household goods repair establishment is an establishment that ~~provides nonmedically related services rather than goods including, but not limited to, beauty and barber shops, clothing rental, shoe repair shops, massage facilities, tanning salons, and similar establishments but not including any sexually oriented business, primarily engaged in the provision of repair services for TVs, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment—including tailor, locksmith, and upholsterer services.~~

K. PERSONAL SERVICES ESTABLISHMENT

2. Definition

A personal services establishment is an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not medically related. Examples include but are not limited to, hair salons, tanning salons, and nail care stores, salons, barber shops, yoga studios, martial arts studios, and similar establishments—but not including any sexually oriented business.

155.4222 Commercial: Retail Sales and Service Uses – Retail Sales

F. GROCERY OR CONVENIENCE STORE

1. Districts Where Permitted

	RS-1		RS-2		RS-3		RS-4		RS-L		RD-1		RM-7		RM-12		RM-20		RM-30		RM-45		MH-12		P	B-1		P	B-2		P	B-3		P	B-4		P	M-1		CR		I-1		I-X		P	OIP		M-2		TO		PR		CF		PU		T		BP		P	RPUD		P	PCD		P	PD-TO		P	LAC		P	PD-I
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2. Definition

A grocery or convenience store is a retail establishment engaged in the sale of food and foodstuffs, sundries, tobacco products, beer, wine, papers and magazines, which offers for sale, primarily, the following types of articles: bottled drinks, candy, canned foods, bread, milk, cheese, tobacco products, beer, wine, papers and magazines, and general hardware articles. Fast food may be offered, but only as a secondary activity of the convenience store.

I. FLEA MARKET

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
															ISO P							S		P					P	P	P	P

2. Definition

A flea market is a market held in an open area that is not totally and permanently enclosed or that is located within a structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The use does not include a farmers' market, where food items predominate, or a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items. This use does not include an indoor mall or marketplace.

J. GROCERY STORE1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
												P	P	P	P							P							P	P	P	P

2. Definition

A grocery store is an establishment primarily engaged in the retail and/or wholesale sale of food and foodstuffs to members of the public. The use also includes the sale of sundries or other common household items.

K.J. HOME AND BUILDING SUPPLY CENTER

L.K. LIQUOR OR PACKAGE STORE

M. MEAT, POULTRY, OR SEAFOOD MARKET

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
												P	P	P	P	P						P							P	P	P	P

2. Definition

A meat, poultry, or seafood market is a retail shop selling fresh meat products, poultry products, and/or seafood products (e.g., fish, shellfish).

N.L. PAWN SHOP

O.M. THRIFT SHOP

P.N. RETAIL SALES ESTABLISHMENT, LARGE

O. INDOOR MALL OR MARKETPLACE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
														P	P														P		P	P

2. Definition

An indoor mall or marketplace is an establishment where parts of a building or buildings are partitioned to provide individual, semi-permanent spaces for the sale of goods and merchandise, including new merchandise and antiques, by multiple tenants, lessees, or licensees.

Q. P. OTHER RETAIL SALES ESTABLISHMENT

2. Definition

Other retail sales establishments include any establishment primarily engaged in the sale, rental, and incidental servicing of goods or commodities that are generally delivered or provided on the premises to a consumer, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, furniture stores, floor covering stores, window treatment stores, computer and electronics stores, camera stores, optical goods stores, clothing stores, shoe stores, luggage stores, jewelry stores, sporting goods stores, piece goods stores, department stores, florists, office supply stores, gift stores, and pet ~~shops~~ supply stores.

155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

C. HOTEL OR MOTEL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
								S	S	S			S	P	P	S	P	P		P		P							P	P	P	P

3. Standards

A hotel or motel shall comply with the following standards:

- a. ~~Hotels or motels with at least 25 sleeping rooms may have an eating or drinking establishment as an accessory use, and no more than 20 percent of the gross floor area of such a hotel or motel may be devoted to eating and drinking establishments as an accessory use. The eating or drinking establishments(s) may have a patron entrance from outside the principal building. In the I-1 District, Hotels are permitted only if located directly abutting a principal arterial street.~~

155.4226 INDUSTRIAL: INDUSTRIAL SERVICES USES

G. HEAVY EQUIPMENT REPAIR AND SERVICING ESTABLISHMENTS

2. Definition

A heavy equipment ~~repair and servicing use~~ establishment is an establishment engaged in the repair and servicing, display, sales, leasing, rental, or storage of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

3. Standards

A heavy equipment ~~repair and servicing use~~ establishment shall comply with the following standards:

- e. No heavy equipment displays shall be located within a required yard or perimeter buffer.
- f. The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage. A display pad shall not exceed 750 square feet in area.
- g. No heavy equipment shall be displayed on the top of a building.
- h. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

H. HEAVY EQUIPMENT SALES, RENTAL, OR STORAGE**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	P-1	P-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P										P			

2. Definition

A heavy equipment sales, rental, or storage use is an establishment engaged in the display, sale, leasing, rental, or storage of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

3. Standards

A heavy equipment sales, rental, or storage use shall comply with the following standards:

- a. A type C perimeter buffer shall be provided along all perimeters of the site
- b. No heavy equipment displays shall be located within a required yard or perimeter buffer.
- c. The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage. A display pad shall not exceed 750 square feet in area.
- d. No heavy equipment shall be displayed on the top of a building.
- e. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

I.H. LAUNDRY, DRY CLEANING, CARPET CLEANING, OR DYEING FACILITY

J. LEATHER WORKING OR UPHOLSTERY ESTABLISHMENT**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	P-1	P-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																P		P	P										P			P

~~2. Definition~~

A leather-working or upholstery establishment is an establishment primarily engaged in processing animal hides into leather by tanning or curing and fabricating the leather into products for consumption, or in supplying furniture and furnishing with stiffing, springs, cushions, and covering fabric, or repairing and replacing such upholstery.

K.I. MACHINE SHOP

L.J. METAL-WORKING, WELDING, PLUMBING, OR GAS, STEAM, OR WATER PIPE FITTING

M.K. MOTION PICTURE AUDIO AND VISUAL RECORDING AND PRODUCTION STUDIO

1. Districts Where Permitted

	RS-1
	RS-2
	RS-3
	RS-4
	RS-L
	RD-1
	RM-7
	RM-12
	RM-20
	RM-30
	RM-45
	MH-12
	B-1
	B-2
	B-3
	B-4
\$	M-1
P	CR
	I-1
P	I-X
P	OIP
	M-2
P	TO
	PR
S	CF
	PU
	T
	BP
	RPUD
P	PCD
	PD-TO
	LAC
	PD-I

2. Definition

An audio and visual recording and production, motion picture studio is a facility primarily engaged in the staging and recording, producing, or producing and distributing, of audio and/or video products, including but not limited to motion pictures, videos, television programs, or television commercials, digital media, or music.

N.L. PRINTING OR OTHER SIMILAR REPRODUCTION FACILITY

1. Districts Where Permitted

RS-1
RS-2
RS-3
RS-4
RS-L
RD-1
RM-7
RM-12
RM-20
RM-30
RM-45
MH-12
B-1
B-2
B-3
P B-4
M-1
CR
P I-1
P I-X
P OIP
M-2
TO
PR
CF
PU
T
BP
RPUD
P PCD
PD-TO
LAC
P PD-I

O.M. REPAIR OF SCIENTIFIC OR PROFESSIONAL INSTRUMENTS

P.N. TOOL REPAIR SHOP

~~Q. WOODWORKING ESTABLISHMENT~~

~~1. Districts Where Permitted~~

RS-1
RS-2
RS-3
RS-4
RS-L
RD-1
RM-7
RM-12
RM-20
RM-30
RM-45
MH-12
B-1
B-2
B-3
P B-4
M-1
CR
P I-1
P I-X
OIP
M-2
TO
PR
CF
PJ
T
BP
RPUD
P PCD
PD-TO
LAC
PD-1

2. Definition

~~A woodworking establishment is an establishment primarily engaged in millwork and other manufacturing of wood products, such as windows and doors, moldings, flooring. The use also includes millwork, but does not include cabinet or furniture manufacturing, which is considered a separate principal use.~~

155.4227. INDUSTRIAL: MANUFACTURING AND PRODUCTION USES**A. ~~BAKERY PRODUCTS MANUFACTURING~~****1. ~~Districts Where Permitted~~**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																P			P	P									P			

2. Definition

A ~~bakery products manufacturing use is an establishment primarily engaged in manufacturing fresh and frozen bread and other bakery products (e.g., cookies, crackers).~~

B. A. BOAT MANUFACTURING

C. BREWERY, WINERY, OR DISTILLERY**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																P			P	P	P								P			

2. Definition

A ~~brewery, winery, or distillery use is state licensed establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery).~~

D. B. CABINET OR FURNITURE MANUFACTURING AND WOODWORKING**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																P			P	P	P								P			

2. Definition

A ~~cabinet or furniture manufacturing and woodworking use is an establishment primarily engaged in the manufacturing cabinets or of furniture, cabinets, and other wood products, such as windows, doors, moldings, and flooring; or in supplying furniture and furnishing with stuffing, springs, cushions, and covering fabric, or repairing and replacing such upholstery; or in the processing of animal hides into leather by tanning or curing and fabricating the leather into products for consumption. The cabinets or furniture may be made on a stock or custom basis and may be assembled or unassembled.~~

E. C. CEMENT CONCRETE BATCH PLANT

F.D. CEMENT CONCRETE OR BRICK PRODUCTS MANUFACTURING

G. FISH HATCHERY**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	PL-1	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P										P			

2. Definition

A fish hatchery is a facility where fish eggs are hatched and the fry raised, especially to stock water bodies.

H.E. FOOD PROCESSING AND/OR BEVERAGE PRODUCTS MANUFACTURING (WITHOUT SLAUGHTERING)**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	PL-1	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																S		P	P	P									P			

2. Definition

A food processing and/or beverage products manufacturing use is an establishment primarily engaged in processing livestock or agricultural products into food products for immediate or final consumption. Such products are typically sold to wholesalers or retailers for distribution to consumers. manufacturing of food and/or beverage products including, but not limited to, products made from livestock or agricultural products; fresh and frozen bread and other bakery products (e.g., cookies, crackers); frozen food products such as ice or ice cream; alcoholic beverages such as ale, beer, malt liquors, wine; and nonalcoholic beverages. This use also includes vegetable or fruit packing, fish hatcheries and hydroponic garden facilities. Food processing does not include slaughtering animals.

3. Standards

A food and/or beverage products manufacturing use shall comply with the following standards:

- No animal slaughtering shall be permitted.
- Greenhouses are permitted as an accessory structure provided they comply with the standards in Section 155.4302.B, General Standards for All Accessory Uses and Structures

I. HYDROPONIC GARDEN FACILITY**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	PL-1	LIX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P									P				

2. Definition

Article 4: Use Standards

~~A hydroponic garden facility is an establishment primarily engaged in the commercial cultivation of plants in a root medium other than soil, generally nutrient rich water with or without the mechanical support of an inert medium such as sand, gravel, peat, rock wool, or vermiculite. Accessory uses include greenhouses, lighting and climate control systems, irrigation equipment, and storage facilities for water and the nutrient medium.~~

J.F. MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

2. Definition

A heavy manufacturing, assembly, or fabrication use is an establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; ~~the processing of food and related products; and~~ lumber mills, pulp and paper mills, and the manufacture of other wood products; ~~and electric power generation plants.~~

K.G. MANUFACTURING, ASSEMBLY, OR FABRICATION, LIGHT

L. VEGETABLE OR FRUIT PACKING

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	PL-1	PLX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		P	P	P									P			

2. Definition

~~A vegetable or fruit packing use is a facility where vegetables or fruit are transported in bulk, then processed (e.g., cleaned, sorted, graded, sized, waxed) and packed into containers for distribution to wholesale and retail markets.~~

155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES**A. OUTDOOR STORAGE (AS A PRINCIPAL USE)**

2. Definition

Outdoor storage as a principal use is the keeping, in an area that is not totally and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage yard facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

Outdoor storage as a principal use shall comply the following standards:

a. Perimeter buffer and screening standards

a.i. The area(s) used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 155.5302, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

b.i. Perimeter buffers in accordance with Section 155.5203.F, Perimeter Buffers, shall be provided between the outdoor storage area(s) and the site's boundaries, with a type C buffer provided between an outdoor storage area and the front lot line, a type B buffer provided between an outdoor storage area and any side or rear lot line adjoining a street, and a type A buffer provided between an outdoor storage area and any other side or rear lot line.

iii. Development Existing on or Before April 27, 1999

Outdoor storage facilities existing on or before April 27, 1999 shall comply with the following standards by April 27, 2001. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use.

(A) A 25-foot wide landscaped area shall be provided between the front lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall consist of a combination of walls or fences, berms, shrubs, trees and ground cover. Chain link fencing shall not be allowed in the front landscape strip.

(B) A 15-foot wide landscaped area shall be provided between the street side lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall consist of a combination of walls or fences, berms, shrubs, trees and ground cover. If a property owner elects to construct a six-foot high solid fence or wall the width of the landscape strip may be reduced to 7.5 feet.

(C) A ten-foot wide landscaped area shall be provided between the side and rear lot lines and any outdoor storage area provided, however, that any lot on public record prior to June 25, 1991 is 100 feet or less in width shall be required to provide a five-foot wide landscaped area. One ornamental tree shall be provided for each 25 feet of lot length and width. This requirement shall not apply to a property line abutting an active railroad siding servicing the property.

(D) All repairs of equipment shall be done on a paved surface.

c.b. Any repair of equipment shall be conducted within an enclosed building.

d.c. Customers and vehicles shall be allowed to circulate through the area used for outdoor storage.

Article 4: Use Standards

e.d. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

D. JUNKYARD OR SALVAGE YARD FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																		S	S									P				

2. Definition

A junkyard or salvage yard facility is an building, structure, or parcel of land, or portion thereof, establishment that is not totally and permanently enclosed or that is located within a structure and used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material metal, paper, glass, plastic, textile, rubber, or other discarded materials. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

3. Standards

A junkyard or salvage yard facility shall comply with the following standards:

- a. ~~The facility shall be located on a site with an area of at least one acre;~~
- b. ~~A type C perimeter buffer shall be provided around all perimeters of the site;~~
- c. ~~A lot containing a junkyard shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from a lot containing another junkyard or an Outdoor Waste-Related Service Use;~~
- d. ~~Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet; and~~
- e. ~~Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.~~
- a. In the I-1 District, all of the facility's operations, including storage and sorting, shall occur and be located within a fully enclosed structure.
- b. In the I-1X and PCD districts, if all or a portion of the facility's operations, including storage and sorting, are located outside of a fully enclosed structure, then the facility shall comply with the following standards:
 - i. The use shall be located on property with an area of at least one acre;
 - ii. The lot shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from another lot containing a junkyard or an Outdoor Waste-Related Service Use;
 - iii. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable; and
 - iv. A type C perimeter buffer shall be provided around all perimeters of the site.

155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

C. DEFINITION

~~4. Recovered Materials Processing Facility~~

~~A recovered materials processing facility is a solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials as provided for in FAC 62-701.200. However this use does not include facilities where the majority of the recovered materials is demonstrated to be sold, used, or reused within one year, and shall instead be considered a General Industrial Services Use.~~

~~5. 4. Solid Waste Transfer Station~~

~~6. 5. Tire Disposal or Recycling Facility~~

~~7. 6. Waste Composting Facility~~

~~8. 7. Waste-to-Energy Plant~~

PART 3 ACCESSORY USES AND STRUCTURES

155.4302. GENERAL

A. APPLICABILITY

This part applies to uses that are Any use that is customarily incidental and subordinate to a principal use of the same lot is allowed as an accessory use to the principal use, and . Further this part also applies to any nonhabitable structure that is detached from a principal structure on the same lot and that is incidental and subordinate in use and size to the principal structure and the principal use of the same lot is allowed as an accessory structure to the principal structure and uses use. Section 155.4302.B, General Standards for All Accessory Uses and Structures, establishes general standards that apply to all allowed accessory uses and structures. Section 155.4302.C, Abbreviations Used in Accessory Use/Structure District Tables, explains the abbreviations used in the tables showing whether a particular type of accessory use or structure is permitted or prohibited within the various zoning districts. Section 155.4303, Standards for Specific Accessory Uses and Structures, establishes a list of allowed accessory uses and structures, along with standards that apply to particular types of the accessory uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Code. The uses are organized alphabetically. If a use is determined to be an accessory use in a development, and the use is not established in Section 155.4303, Standards for Specific Accessory Uses and Structures, such accessory use shall be subject to the principal use standards in Article 4: Part 2, Principal Uses and Structures, as well as the standards in Section 155.4302.B, General Standards for All Accessory Uses and Structures.

B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. Relationship to Principal Use or Structure

- c. Unless otherwise provided for in a use-specific standard in Article 4: Part 2, Principal Uses and Structures, or in Section 155.4303, Standards for Specific Accessory Uses and Structures, the maximum cumulative aggregate gross floor area of all accessory uses or structures on a parcel shall be 49% of the gross floor area of a principal building or use on the development site.

155.4303 STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

P. GARAGE OR CARPORT

3. Standards

- b. A garage or carport, including attached and unattached, shall be located at least 20 feet from the street side lot line.

W. OUTDOOR STORAGE (AS AN ACCESSORY USE)

2. Definition

Outdoor storage as an accessory use is the keeping, in an area that is not totally and permanently enclosed on the site of a principal use, of any finished goods, material, merchandise, boats, or vehicles associated with the principal use in the same place for more than 24 hours. This use does not include a junkyard or salvage yard facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

Outdoor storage may be allowed as an accessory use to any commercial or industrial use, subject to the following standards:

- d. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way as follows:

vi. Development Existing on or Before April 27, 1999

Outdoor storage facilities existing on or before April 27, 1999 shall comply with the following standards by April 27, 2001. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use.

(A) A 25-foot wide landscaped area shall be provided between the front lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall consist of a combination of walls or fences, berms, shrubs, trees and ground cover. Chain link fencing shall not be allowed in the front landscape strip.

(B) A 15-foot wide landscaped area shall be provided between the street side lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall consist of a combination of walls or fences, berms, shrubs, trees and ground cover. If a property owner elects to construct a six-foot high solid fence or wall the width of the landscape strip may be reduced to 7.5 feet.

(C) A ten-foot wide landscaped area shall be provided between the side and rear lot lines and any outdoor storage area provided, however, that any lot on public record prior to June 25, 1991 is 100 feet or less in width shall be required to provide a five-foot wide landscaped area. One ornamental tree shall be provided for each 25 feet of lot length and width. This requirement shall not apply to a property line abutting an active railroad siding servicing the property.

(D) All repairs of equipment shall be done on a paved surface.

GG. SWIMMING POOL, SPA, OR HOT TUB**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

3. Standards

- ~~A~~In all zoning districts except I-1 and OIP, a swimming pool, spa, or hot tub is allowed as an accessory use or structure, provided it complies with all applicable standards in the Building Code—including, but not limited to, barrier requirements.
- In the I-1 and OIP zoning districts, a swimming pool, spa, or hot tub shall only be permitted as an accessory use or structure to an approved Hotel, provided it complies with all applicable standards in the Building Code—including, but not limited to, barrier requirements.
- In all zoning districts, when constructed as an accessory use or structure to an approved Hotel, the swimming pool, spa, or hot tub may be located in front of the hotel's principal structure upon demonstration of design and exposure.

b-d. Setbacks

PP. EATING AND DRINKING ESTABLISHMENTS (AS ACCESSORY TO A HOTEL OR APARTMENT HOTEL)**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
								S	S	S		S	A	A	A	S	A	A	A	A	A	A							A	A	A	A

2. Definition

Eating and drinking establishments as an accessory use are a bar or lounge, brewpub, hall for hire, nightclub, restaurant, or specialty eating or drinking establishment on the site of a hotel or apartment hotel.

3. Standards

Eating and drinking establishments as accessory to a hotel or motel shall comply with the following standards:

- An eating or drinking establishment shall only be permitted in the RM-20, RM-30, and RM-45 zoning districts provided the hotel or apartment hotel has 50 or more rooms.
- In all zoning districts, if the establishment's cumulative gross square footage is less than 20% of the gross floor area of the hotel or apartment hotel use, and no exterior signage is provided for the establishment, no off-street parking shall be required.
- In all zoning districts, if the establishment's cumulative gross square footage is 20% or more of the gross floor area of the hotel or apartment hotel use, and no exterior signage is provided for the establishment, off-street parking spaces shall be required at 50% of that required for the eating and drinking establishment per Table 155.5102.D.1, Minimum Number of Off-Street Parking.

Article 4: Use Standards

- d. In all zoning districts, if exterior signage is provided for the establishment, off-street parking spaces shall be required at 75% of that required for the eating and drinking establishment per Table 155.5102.D.1, Minimum Number of Off-Street Parking.

QQ. BANDSHELL OR OUTDOOR STAGE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-1X	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
																	A						A	A	A				A	A	A	

2. Definition

A bandshell or outdoor stage is an open air structure used or designed for the viewing of musical, theatrical or other entertainment performances.

3. Standards

All outdoor musical performances shall be in compliance with City Code of Ordinances Section 132.26.

Article 5: Development Standards

Part 1 Access, Circulation, Parking, and Loading

155.5101 ACCESS AND CIRCULATION

B. APPLICABILITY

~~Except as otherwise provided in this section, the standards in this section shall apply to all new development in the city.~~ All applications for approval of a Major Site Plan shall comply with the standards in this section, except the sections listed below are also required for applications for approval of a Minor Site plan, in which the application includes a change in circulation:

1. Section 155.5101.G, Vehicular Access and Circulation
2. Section 155.5101.C, Consistency with Plans
3. Section 155.5101.H, Bicycle Access and Circulation
4. Section 155.5101.I, Pedestrian Access and Circulation

G. VEHICULAR ACCESS AND CIRCULATION

7. Driveway Layout and Design

b. Driveway Width and Dimensional Requirements for Single-Family Dwellings

Driveways serving single-family dwellings shall comply with the following minimum requirements:

i. Driveways shall be a minimum 20 feet in length.

~~i.ii.~~ No front yard shall be accessible by more than two driveways.

~~ii.iii.~~ Driveways shall be located at least three feet from a side or rear lot line and the resulting area located between the side lot line (or rear lot line for corner lots) and the driveway shall be pervious.

~~iii.iv.~~ Front yards with two driveways shall contain a landscaped island that is at least 60 square feet and extends from the front property line to the paved area.

H. BICYCLE ACCESS AND CIRCULATION

1. Required Bicycle Access

a. General Bicycle Access

~~All new development except~~ Except individual lot development of a single-family dwelling or two family dwelling, all developments shall be served by an internal bicycle circulation system (including bike routes, bike lanes, and/or bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development, as well as between the internal bicycle circulation system and adjoining parts of an existing or planned external, community-wide bicycle circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

b. Bikeway Improvements Required

~~i. All new development except~~ Except individual lot development of a single-family dwelling or two-family dwelling, all developments may be required to install bike lanes, bike paths, or other bicycle improvements within the development site and

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along the development site's frontage on existing streets where called for by a city bicycle plan (when adopted).

2. Bicycle Connectivity

~~All new multifamily~~ Multifamily residential, nonresidential, and mixed-use development shall comply with the following standards:

I. PEDESTRIAN ACCESS AND CIRCULATION

1. Required Pedestrian Access

a. General Pedestrian Access

~~All new development except~~ Except individual lot development of a single-family dwelling or two family dwelling, all developments shall be served by an internal pedestrian circulation system walkways(including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the internal pedestrian circulation system and adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

b. Sidewalks Required

i. ~~All new development except~~ Except individual lot development of a single-family dwelling or two-family dwelling, all developments shall install sidewalks on both sides of all roadways within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting city standards is already in place).

2. Pedestrian Connectivity

~~All new multifamily~~ Multifamily residential, nonresidential, and mixed-use development shall comply with the following standards:

4. Waiver

The Development Services Director may waive all or part of the standards in this subsection if it is demonstrated that pedestrian access and circulation is unneeded or undesirable in the proposed development or that compliance with the required pedestrian improvements is infeasible.

155.5102 OFF-STREET PARKING AND LOADING

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

3. Location and Arrangement

b. Backing onto Streets Prohibited

Except for parking areas serving single-family, two-family, triplex, fourplex, and mobile home dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street. However, for all use types, off-street parking may be arranged to allow for back out onto alleys subject to demonstrating adequate back-out distance.

4. Markings

a. Except for parking areas serving single-family, two-family, triplex, fourplex, and mobile home dwellings, each required off street parking area and space, and each off-street loading area and berth, shall be identified by double striping as well as other surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

~~b. For development containing industrial services uses, manufacturing and production uses, or warehouse and freight movement uses, and for any development within the Atlantic Boulevard Overlay district (AOD) and Northwest Community Redevelopment Area, each parking space~~ Each required off-street parking areas serving triplex and fourplex shall be identified with double single striping.

9. ~~Wheel Stops~~ Curbing

a. Except for off-street parking areas serving single-family dwellings, each off-street parking space shall include ~~a permanently anchored wheel stop, provided that wheel stops are not required between parking spaces used for tandem parking a~~ continuous curb.

b. ~~Wheel stops shall be made of concrete, wood, metal, or material of comparable durability, and shall be at least six feet long and at least six inches high. The continuous curb shall be a maximum 5 ½ inches high.~~

c. ~~The vehicular overhang area shall be no more than 2 ½ feet wide and shall not be credited toward any required sidewalk or landscape areas.~~

d. In place of continuous curbs, wheel stops may be provided when required for compliance with accessibility guidelines promulgated under the Americans with Disabilities Act (ADA). When permitted, the wheel stops shall be made of concrete, wood, metal, or material of comparable durability, and shall be at least six feet long and a maximum 5 ½ inches high.

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES

Use Category	Use Type	Minimum Number of Parking Spaces

INSTITUTIONAL USES		
Communication Uses	***	***
	Radio or television studio station	***

Education Uses	***	
	School, specialty arts	1 per 500 sq ft

Open Space Uses	***	
	Park or greenway plaza	See Section 155.5102.D.2
	Public square or plaza	n/a

Transportation Uses	Aircraft flight instruction	See Section 155.5102.D.2
	Aircraft fuel sales	See Section 155.5102.D.2

	Aircraft repair or servicing	See Section 155.5102.D.2
	Airport	1 per hangar
	Aviation related uses	See Section 155.5102.D.2

COMMERCIAL USES		
Animal Care Uses	***	
	Animal shelter or kennel	1 per 250 sq ft used for boarding (excluding exercise areas)
	Pet boarding kennel	1 per 250 sq ft used for boarding (excluding exercise areas)

	Pet Shop	1 per 300 ft

Commercial or Membership Recreation / Entertainment Uses	***	
	Jai-alai fronton	1 per 4 persons of maximum occupancy capacity
	Marine mammal park	See Section 155.5102.D.2

	Racing facility, automobile or motorcycle	1 per 4 persons of maximum occupancy capacity

Retail Sales and Service Uses – Personal Services	Art, music, or dance, or marital arts studio / school	1 per 300 sq ft
	Artist, photographer's or musicians studio	1 per 300 sq ft

Retail Sales and Service Uses – Personal Services	***	
	Grocery or Convenience Store	1 per 300 sq ft

	Grocery Store	1 per 300 sq ft

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	Meat, poultry, or seafood market	1 per 300 sq ft

	Indoor Mall or Shopping center ⁶	***
	***	***

INDUSTRIAL USES		
Industrial Services Uses	***	
	Heavy equipment repair and servicing establishments	1 per 300 sq ft of indoor waiting area and sales area
	Heavy equipment sales, rental, or storage	1 per 300 sq ft of indoor waiting area and sales area

	Leather working or upholstery establishment	1 per 1,000 sq ft ⁷

	Motion Picture Audio or visual recording and production studio	See section 155.5102.D.2
Manufacturing and Production Uses	***	
	Woodworking establishment	1 per 1,000 sq ft ⁷
	Bakery products manufacturing	1 per 1,000 sq ft ⁷

	Brewery, winery, or distillery	1 per 1,000 sq ft ⁷
	Cabinet or Furniture manufacturing and woodworking	1 per 1,000 sq ft ⁷

	Fish hatchery	See section 155.5102.D.2
	Food processing and/or beverage products manufacturing (without slaughtering)	1 per 1,000 sq ft ⁷
	Hydroponic garden facility	1 per 1,000 sq ft ⁷
Waste-Related Services Uses	***	
	Materials Recovery Facility	1 per 1,000 sq ft ⁷ of indoor space plus 1 per 5,000 sq ft of outdoor storage or processing area

I. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

2. Smaller Parking Spaces for Tandem Parking and Certain Uses and Districts

- c. Located within the Atlantic Boulevard Overlay district (AOD) or the Northwest Community Redevelopment Area, or the Transit Oriented (TO) District.

PART 2 LANDSCAPING AND TREE PRESERVATION

155.5203 LANDSCAPING

A. APPLICABILITY

2. Existing Development

a. Development Existing on or Before October 30, 1973

- i. ~~Notwithstanding the provisions elsewhere in this section, any development other than a single family dwelling that existed on or before October 30, 1973 shall comply with the following requirements within 18 months after the city has inspected the development, confirmed applicability of the requirements, and notified the property owner of such applicability. Any development, other than a single-family dwelling, existing on or before October 30, 1973 shall comply with the following standards by August 24, 1999.~~

4. Landscape Plan Required

Uses subject to the standards in this section shall include a landscape plan as a part of any application for a Special Exception (Section 155.2406), Site Plan Approval (Section 155.2407), or Zoning Compliance Permit (Section 155.2413), as appropriate. Landscape plans shall be prepared ~~in accordance with the requirements in the Administrative Manual, by a Landscape Architect registered in Florida and shall show replacements~~ trees for any trees missing from previously approved landscape plans.

B. GENERAL REQUIREMENTS FOR LANDSCAPING

2. Installation

a. General

- i. All required landscaping and landscape areas shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

c. Turf Grass

- ii. Turf grass shall not be treated as fill-in material, but consolidated and placed so it can be irrigated separately from other types of landscape plants.

i. Stabilization

- i. All required landscape planting areas and berms shall be stabilized and maintained with turf, ground cover, ~~non-cypress (e.g., melaleuca) mulches~~ specified mulch at minimum two inch depth, or other approved materials to prevent soil erosion and allow rainwater infiltration.

6. Maintenance of Landscaping

- a. All required landscaping and landscape areas ~~including abutting portions of public rights-of-way, swales, lakes, and canals banks~~ shall maintained in accordance with landscaping BMPs and the following standards.

- v. Required landscaping shall be weeded, as well as mown, trimmed, or pruned in a manner and at a frequency appropriate to the use made of the plant material and species and so as not to detract from the appearance of the general area.

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- x. All prohibited plant species shall be eradicated from the site and re-establishment of prohibited species shall not be permitted.

D. VEHICULAR USE AREA LANDSCAPING

4. Interior Landscaping Standards

a. Applicability

ii. Exceptions

(C) For all other uses, other suitable solutions or innovative designs to reduce heat-glare may be substituted when approved by the Development Services Director, provided landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicular use area, and such planting areas shall be distributed within the vehicular use area so as to avoid the appearance of an unbroken expanse of paved area.

F. PERIMETER BUFFERS

TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS		
WHERE REQUIRED ¹	REQUIRED BUFFER TYPE BY FUNCTION AND OPTIONAL SCREENING STANDARDS ^{2,3,4,5,6,7}	
***	TYPE B BUFFER	

	Option 1	Option 2
	<p>At least 10 feet wide</p> <p>+</p> <p>A wall or semi-opaque fence at least 6 feet high</p> <p>+</p> <p>1 tree per 30 linear feet + a continuous hedge at least 4 feet high on the residential exterior side of the wall or fence</p> <p>+</p> <p>1 shrub per 10 linear feet on the nonresidential interior side of the wall or fence</p>	***
Between a proposed industrial use and land within a residential non-industrial zoning district, or as required per a use-specific standard in Article 4.	TYPE C BUFFER	

	Option 1	Option 2
	<p>At least 10 feet wide</p> <p>+</p> <p>An opaque masonry wall at least 8 feet high</p> <p>+</p> <p>1 understory tree per 30 linear feet + a continuous hedge at least 5 feet high on the residential exterior side of the wall or fence</p> <p>+</p> <p>1 canopy tree per 30 feet on the nonresidential interior side of the wall or fence</p>	<p>At least 25 feet wide</p> <p>+</p> <p>A wall or opaque fence at least 4 feet high atop a berm at least 4 feet high</p> <p>+</p> <p>1 understory tree per 15 linear feet on the residential exterior side of the wall or fence</p> <p>+</p> <p>1 canopy tree per 30 linear feet on the nonresidential interior side of the wall or fence</p>

PART 7 LOTS

155.5701. PURPOSE

The purpose of this Part is to establish standards for the creation of new lots and further development of existing lots within the city.

155.5702. APPLICABILITY

~~The~~ Unless specifically stated otherwise, the lot standards in this Part shall apply to any new lot created in accordance with Section 155.2410, Plat.

155.5704. FRONTAGE AND ACCESS

- C. All local, collector, minor arterial and principal arterial streets which are within or abutting a residential base zoning district, including Residential Planned Unit Development, shall have a minimum width of 50 feet.
 - 1. All property with a residential zoning district including Residential Planned Unit Development, which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than 25 feet to the center line of the street(s).
 - 2. All lots subject to a Plat, Rezoning, or Major Site Plan approval, as well as lots not subject to Major Site Plan approval but are developing a new structure or increasing an existing structure by 50% of the existing gross floor area, shall dedicate the required right-of-way.
- D. All local, collector, minor arterial and principal arterial streets which are within or abutting a non-residential base zoning district shall have a minimum width of 60 feet.
 - 1. All property with a nonresidential zoning district which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than 30 feet to the center line of the street(s).
 - 2. All lots subject to a Plat, Rezoning, or Major Site Plan approval, as well as lots not subject to Major Site Plan approval but are developing a new structure or increasing an existing structure by 50% of the existing gross floor area, shall dedicate the required right-of-way.

PART 8 SUSTAINABLE DEVELOPMENT STANDARDS

155.5802 Sustainable Development Point Requirement

A. APPLICABILITY

All applications for approval of a Major Site Plan for multifamily residential, nonresidential, and mixed-use development shall incorporate a sufficient number of sustainable design options from Table 155.5802, Sustainable Development Options and Points, to demonstrate achievement of the minimum number of points required below for the specific type of development.

ARTICLE 7: NONCONFORMITIES

PART 5 NONCONFORMING SITE FEATURES

155.7502. APPLICABILITY

- A. For purposes of this section, the term “nonconforming site features” includes the following:
1. Nonconforming off-street parking;
 2. Nonconforming landscaping (including perimeter buffers);
 3. Nonconforming screening; ~~and~~
 4. Nonconforming landscaping of walls or fences; and
 5. Nonconforming exterior lighting.

ARTICLE 9: DEFINITIONS AND INTERPRETATION

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PART 5 TERMS AND USES DEFINED

AIRCRAFT FLIGHT INSTRUCTION

~~The use of land or structures for the providing instruction in flying aircraft.~~

AIRCRAFT FUEL SALES

~~The use of land or structures for the sale of aviation fuel for use in aircraft.~~

AIRCRAFT REPAIR OR SERVICING

~~The use of land or structures for the repair and servicing of aircraft or aviation equipment.~~

AIRPORT

~~Any area of land or water designed and set aside for the landing and take off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and the provision of services to aircraft passengers and users.~~

ANIMAL SHELTER OR KENNEL

~~A facility~~ Facilities used to house and care for more than four dogs, cats, or other animals. The facility may be stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization for the care of stray, homeless, abandoned, or neglected animals. Alternatively, the facility may be privately owned and used for the breeding and grooming of animals.

APPEAL

~~An appeal of an administrative decision-maker's interpretation or a final decision of the Development Services Director or a decision-making body on certain applications and other matters, and that is reviewed and decided by the P&Z and City Commission in accordance with Section 155.2424, Appeal.~~

ART, MUSIC, OR DANCE, OR MARTIAL ARTS STUDIO/SCHOOL

~~An establishment with space used for the production of or instruction in art, music, dance, or the martial arts consisting of workspace primarily used by one or more artists, artisans, photographers, or musicians for the production of visual and performing art. This use does not include formal instruction, which is considered a Specialty Arts School.~~

ARTIST'S, PHOTOGRAPHER'S, OR MUSICIAN'S STUDIO

~~An establishment consisting of workspace primarily used by one or more artists, artisans, photographers, or musicians for the production of artwork, crafts, photographs, or vocal or instrumental music. The use may include instruction and performances by the resident artists, artisans, photographers, or musicians, music recording facilities, and the incidental retail sale of items produced on the premises.~~

AUTOMOTIVE WRECKER SERVICE

~~An establishment operated for the purpose of temporary storage onsite of towed and recovered motor vehicles, including operable, wrecked or inoperable motor vehicles. If an establishment regularly stores~~

ARTICLE 9: DEFINITIONS AND INTERPRETATION

~~inoperable~~ vehicles for more than 90 days, stacks vehicles, or dismantles or removes portions of the vehicles for resale, it shall be considered a salvage and junkyard.

AVIATION RELATED USES

Facilities for the following uses: landing and take-off of aircraft (commonly referred to as an airport), housing and storage of aircraft, aircraft flight instruction, aircraft fuel sales, aircraft repair or servicing, and services to aircraft passengers and users.

BAKERY PRODUCTS MANUFACTURING

~~An establishment primarily engaged in manufacturing fresh and frozen bread and other bakery products (e.g., cookies, crackers).~~

BANDSHELL OR OUTDOOR STAGE

An open air structure used or designed for the viewing of musical, theatrical or other entertainment performances.

BREWERY, WINERY, OR DISTILLERY

~~A state-licensed establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery). This use does not include a brewpub.~~

BREW PUB

An alcoholic beverage establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. Such establishments are licensed by the state as both manufacturers and vendors of malt beverages. This use may also offer food for onsite consumption, ~~but does not include brewpubs that are accessory to a restaurant. It also does not include brewpubs that are accessory to an apartment hotel, hotel, or other principal use.~~ If an establishment produces more than 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually, it shall be considered a Brewery, Winery, or Distillery food and/or beverage products manufacturing use.

CABINET OR FURNITURE MANUFACTURING AND WOODWORKING USE

~~An establishment primarily engaged in the manufacturing cabinets or of furniture, cabinets, and other wood products, such as windows, doors, moldings, and flooring; or in supplying furniture and furnishing with stiffing, springs, cushions, and covering fabric, or repairing and replacing such upholstery; or in the processing of animal hides into leather by tanning or curing and fabricating the leather into products for consumption. The cabinets or furniture may be made on a stock or custom basis and may be assembled or unassembled.~~

COLLEGE OR UNIVERSITY

~~A public or private, non-profit~~ An institution that is part of the Florida College System, State University System, or a nonpublic postsecondary education institution subject to licensure by the Commission for Independent Education, except for institutions whose curriculum is focused on specialty trades or vocational education, for post secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for A college or university includes the administrative and faculty offices, classrooms, laboratories, chapels,

ARTICLE 9: DEFINITIONS AND INTERPRETATION

auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. ~~Vocational or trade schools are a different use type.~~

GROCERY OR CONVENIENCE STORE

~~A retail establishment engaged in the sale of food and foodstuffs, sundries, tobacco products, beer, wine, papers and magazines. which offers for sale, primarily, the following types of articles: bottled drinks, candy, canned foods, bread, milk, cheese, tobacco products, beer, wine, papers and magazines, and general hardware articles. Fast food may be offered, but only as a secondary activity of the convenience store.~~

EATING OR DRINKING ESTABLISHMENT (AS ACCESSORY TO A HOTEL OR APARTMENT HOTEL)

~~A bar or lounge, brewpub, hall for hire, nightclub, restaurant, or specialty eating or drinking establishment on the site of a hotel or apartment hotel.~~

FISH HATCHERY

~~A facility where fish eggs are hatched and the fry raised, especially to stock water bodies.~~

FLEA MARKET

~~A market held in an open area that is not totally and permanently enclosed or that is located within a structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The use does not include a farmers' market, where food items predominate, or a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items. This use does not include an indoor mall or marketplace where lessees rent partitioned space on a permanent basis for the sale of new merchandise.~~

GREENWAY

~~See "Park or Greenway Plaza."~~

GROCERY STORE

~~An establishment primarily engaged in the retail and/or wholesale sale of food and foodstuffs to members of the public. The use also includes the sale of sundries or other common household items.~~

HEAVY EQUIPMENT REPAIR AND SERVICING ESTABLISHMENT

~~An establishment engaged in the repair and, servicing, display, sales, leasing, rental, or storage of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).~~

HEAVY EQUIPMENT SALES, RENTAL, OR STORAGE

~~An establishment engaged in the display, sale, leasing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).~~

ARTICLE 9: DEFINITIONS AND INTERPRETATION

HYDROPONIC GARDEN FACILITY

An establishment primarily engaged in the commercial cultivation of plants in a root medium other than soil, generally nutrient rich water with or without the mechanical support of an inert medium such as sand, gravel, peat, rock wool, or vermiculite. Accessory uses include greenhouses, lighting and climate control systems, irrigation equipment, and storage facilities for water and the nutrient medium.

INDOOR MALL OR MARKETPLACE

An establishment where parts of a building or buildings are partitioned to provide individual, semi-permanent spaces for the sale of goods and merchandise, including new merchandise and antiques, by multiple tenants or lessees.

JAI ALAI FRONTON

~~A building or structure that contains a playing court with three walls designed and constructed for playing the sport of jai alai or pelota. If the fronton is~~ If the facility is a licensed pari-mutuel wagering facility under Chapter 849 of the Florida Statutes, it may include cardrooms (in which authorized card games are played for money or other things of value) and/or slot machines, subject to state licensing requirements and regulations.

JUNKYARD OR SALVAGE YARD FACILITY

An building, structure, or parcel of land, or portion thereof, establishment that is not totally and permanently enclosed or that is located within a structure and used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material metal, paper, glass, plastic, textile, rubber, or other discarded materials. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

KENNEL

~~A facility where more than four dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.~~

LANDSCAPE AREAS

Areas which include but are not limited to abutting portions of public rights-of-way, easements, alleys, swales, lakes, canal banks, wet retention areas, and dry retention areas.

LEATHER WORKING OR UPHOLSTERY ESTABLISHMENT

~~An establishment primarily engaged in processing animal hides into leather by tanning or curing and fabricating the leather into products for consumption, or in supplying furniture and furnishing with stiffing, springs, cushions, and covering fabric, or repairing and replacing such upholstery.~~

MANUFACTURING, ASSEMBLY, OR FABRICATION, HEAVY

An establishment primarily engaged in manufacturing uses that include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; ~~the processing of food and related products; and~~ lumber mills, pulp and paper mills, and the manufacture of other wood products; ~~and electric power generation plants.~~

ARTICLE 9: DEFINITIONS AND INTERPRETATION

MARINE MAMMAL PARK

~~A commercial theme park or aquarium where marine mammals such as dolphins, orcas, and sea lions are kept within water tanks and displayed to the public in special shows.~~

MEAT, POULTRY, OR SEAFOOD MARKET

~~A retail shop selling fresh meat products, poultry products, and/or seafood products (e.g., fish, shellfish).~~

MOTION PICTURE STUDIO AUDIO AND VISUAL RECORDING AND PRODUCTION

A facility primarily engaged in the staging and recording, producing, or producing and distributing, of audio and/or video products, including but not limited to motion pictures, videos, television programs, or television commercials, digital media, or music.

NEW AUTOMOBILE AND LIGHT TRUCK SALES

Premises on which new automobiles, light trucks, ~~and~~ collector cars, motorcycles, mopeds, and golf carts in operating condition are displayed for sale or lease.

NIGHTCLUB

A place of entertainment that provides on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use may also offer food and alcoholic beverages for onsite consumption. This use does not include a sexually oriented business. ~~This use does not include a nightclub that is an accessory use to a restaurant, apartment hotel, hotel, or other principal use.~~

OTHER RETAIL SALES ESTABLISHMENT

Any establishment primarily engaged in the sale, rental, and incidental servicing of goods or commodities that are generally delivered or provided on the premises to a consumer, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, furniture stores, floor covering stores, window treatment stores, computer and electronics stores, camera stores, optical goods stores, clothing stores, shoe stores, luggage stores, jewelry stores, sporting goods stores, piece goods stores, department stores, florists, office supply stores, gift stores, and pet ~~shops~~ supply stores.

OUTDOOR STORAGE

The keeping, in an area that is not totally and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours. This use does not include a junkyard or salvage ~~yard~~ facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use. Outdoor storage may be the principal use of a lot or an accessory use to a principal use of the lot.

PUBLIC SQUARE OR PLAZA

~~A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.~~

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PARK OR GREENWAY PLAZA

Land generally open and readily accessible to the public that is used for recreation, exercise, sports, education, rehabilitation, outdoor meeting or gathering, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, ~~specifically excluding commercially operated amusement parks. A greenway is a linear park that links various parts of the community with bicycle and facilities such as bicycle paths and footpaths. This use does not include commercially operated amusement parks.~~

PERSONAL SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not medically related. Examples include but are not limited to, hair salons, tanning salons, and nail care stores, salons, barber shops, yoga studios, martial arts studios, and similar establishments—but not including any sexually oriented business.

PET SHOP

A retail store that sells domesticated animals including, but not limited to, cats, dogs, birds, fish, and reptiles, as well as other products related to such animals.

RACING FACILITY, AUTOMOBILE OR MOTORCYCLE

~~A facility consisting of a paved racetrack used primarily for the spectator-oriented sport of automobile and/or motorcycle racing. The facility may include seating, concession areas, related retail sales, and facilities for the temporary storage and preparation of racing automobiles and motorcycles.~~

RADIO OR TELEVISION STUDIO-STATION

A facility for the staging ~~and~~ recording and broadcasting of audio or television productions. This use does not include an Audio and Visual Recording and Production Studio, which does not include broadcasting.

RECOVERED MATERIALS PROCESSING FACILITY

~~A solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials as provided for in FAC 62-701.200. However this use does not include facilities where the majority of the recovered materials is demonstrated to be sold, used, or reused within one year, which is considered a General Industrial Services Use.~~

SPECIALTY ARTS SCHOOL

An institution teaching specialized curriculum including performing and visual arts, photography, theatrics, music, culinary arts, or other courses or program the objective of which is not occupational but is only for personal enrichment or enjoyment.

TELECOMMUNICATIONS FACILITY

~~A telecommunications facility is the~~ The set of equipment and network components necessary to provide transmission and/or reception of wireless communication and broadcast services,—including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment—

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~~necessary to provide wireless data and telecommunications services to a discrete geographical area. The equipment and network components may include towers, including those utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission antennas, antenna arrays for FM/TV/ broadcasting transmission facilities, transmitters, receivers, base stations, power supplies, cabling, and associated equipment. A telecommunications facility may consist of (a) telecommunications facility equipment and network components that are collocated (attached) on an existing telecommunications tower, or (b) telecommunications facility equipment and network components that are collocated (attached or mounted) on an existing building or structure other than a telecommunications tower (such building or structure is not considered part of the telecommunications facility), or (c) a freestanding lattice, monopole, or other tower or other similar structure whose sole or primary purpose is to support and elevate telecommunications facility equipment and network components above the ground, and including any ground-based accessory structures used to house equipment and any guy wires and guy anchor supports.~~

USED AUTOMOBILE AND LIGHT TRUCK SALES WITH INDOOR DISPLAY ONLY

Premises on which used automobiles ~~and~~ light trucks, motorcycles, mopeds, and golf carts, in operating condition are displayed for sale or lease within a fully enclosed structure. This use does not include outdoor display, which is considered to be Used Automobile and Light Truck Sales With Outdoor Display.

USED AUTOMOBILE AND LIGHT TRUCK SALES WITH OUTDOOR DISPLAY

Premises on which used automobiles ~~and~~ light trucks, motorcycles, mopeds, and golf carts, in operating condition are stored or displayed for sale or lease outdoors.

UTILITY, MAJOR

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, ~~solid waste facilities~~, gas compressor stations, and electrical substations.

VEGETABLE OR FRUIT PACKING

~~A facility where vegetables or fruit are transported in bulk, then processed (e.g., cleaned, sorted, graded, sized, waxed) and packed into containers for distribution to wholesale and retail markets.~~

VOCATIONAL OR TRADE SCHOOL

~~A public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution. An institution, other than a college, teaching specialized curriculum at the postsecondary level, including vocational and specialty trades, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses.~~

WASTE-RELATED SERVICE USES

ARTICLE 9: DEFINITIONS AND INTERPRETATION

Solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection's Bureau of Solid & Hazardous Waste, unless otherwise noted. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

~~WOODWORKING ESTABLISHMENT~~

~~An establishment primarily engaged in millwork and other manufacturing of wood products, such as windows and doors, moldings, flooring. The use also includes millwork, but does not include cabinet or furniture manufacturing, which is considered a separate principal use.~~

APPENDIX A: CONSOLIDATED USE TABLE

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USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE		RESIDENTIAL DISTRICTS										COMMERCIAL DISTRICTS					INDUSTRIAL DISTRICTS				SPECIAL DISTRICTS					PLANNED DEVELOPMENT DISTRICTS					USE-SPECIFIC STANDARDS								
		RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	T0	PR	CF	PU	T	BP	RPUD		PCD	PD-T0	LAC	PD-1				
PRINCIPAL USES																																							
INSTITUTIONAL USES																																							
Institutional Uses	Radio or television studio station																																			155.4204.B			

Education Uses	***																																						
	Specialty arts school														P	P	P	P		P	P	P	P		P		P				P	P	P	P	P	155.4207.F			

Health Care Uses	***																																						
	Hospital															P	P										P	S		P				P	P	P		155.4209.C	

Open Space Uses	***																																						
	Park or greenway plaza	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	155.4210.D			
	Public square or plaza	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	155.4210.E			

Transportation Uses	Aircraft flight instruction																																	P					155.4212.A
	Aircraft fuel sales																																	P					155.4212.B
	Aircraft or aviation equipment sales or rental																					P	P									P			P			155.4212.CA	
	Aircraft repair or servicing																																	P					155.4212.D
	Airport																																	P					155.4212.E
	Aviation related uses																																	P					155.4212.B

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COMMERCIAL USES																																				
Animal Care Uses	***																																			
	Animal shelter or kennel																		S	P															155.4214.B	
	Kennel																		S	P																155.4214.C
	Pet hotel	***																															155.4214.DC			
	Veterinary hospital or clinic	***																															155.4214.ED			
	Pet shop																			P	P															155.4214.E

Commercial or Membership Recreation / Entertainment Uses	***																																			
	Jai alai fronton																				P															155.4217.H
	Marine mammal park																		S	S																155.4217.I
	Miniature golf course	***																															155.4217.J-H			
	Motion picture theater	***																															155.4217.KI			
	Racing Facility, automobile or motorcycle																			S																155.4217.L
	Racing facility, dog or horse	***																															155.4217.M-J			
	Racquet sports facility	***																															155.4217.NK			
	Sport shooting and training range	***																															155.4217.OL			
	Other indoor commercial or membership recreation / entertainment use	***																															155.4217.QM			
Other outdoor commercial or membership recreation / entertainment use	***																															155.4217.RN				

Appendix A: Consolidated Use Table

[illegible]

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INDUSTRIAL USES																																			
Industrial Services Uses	***																																		
	Heavy equipment repair and servicing establishments																			P	P										P			155.4226.G	
	Heavy equipment sales, rental, or storage																			P	P										P			155.4226.H	
	Laundry, dry cleaning, carpet cleaning, or dyeing facility	***																																155.4226.I-H	
	Leather working or upholstery establishment															P			P	P										P			P	155.4226.J	
	Machine shop	***																																155.4226.K-I	
	Metal-working, welding, plumbing, or gas, steam, or water pipe fitting	***																																155.4226.L-J	
	Motion Picture Audio and visual recording and production studio																S	P		P	P	P		P		S					P			155.4226.M-K	
	Printing or other similar reproduction facility																P			P	P	P									P			P	155.4226.N-L
	Repair of scientific or professional instruments	***																																	155.4226.O-M
	Tool repair shop	***																																	155.4226.P-N
Woodworking establishment																P			P	P										P				155.4226.Q	
Manufacturing and Production Uses	Bakery products manufacturing															S			P	P										P				155.4227.A	
	Boat manufacturing	***																																155.4212.CA	
	Brewery, winery, or distillery																S			P	P	P									P			155.4227.C	
	Cabinet or furniture manufacturing and woodworking																P			P	P	P									P			155.4227.D-B	
	Cement concrete batch plant	***																																155.4227.E-C	
	Cement concrete or bricks products manufacturing	***																																155.4227.F-D	
	Fish hatchery																			P	P										P			155.4227.G	

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	Food processing and/or beverage products manufacturing (without slaughtering)																S			P	P	P									P				155.4227.H_E				
	Hydroponic garden facility																			P	P										P				155.4227.I				
	Manufacturing, assembly, or fabrication, heavy	***																																	155.4227.J_F				
	Manufacturing, assembly, or fabrication, light	***																																	155.4227.K_G				
	Vegetable or fruit packing																				P	P	P								P				155.4227.L				
Warehousing and Freight Movement Uses	***																																						
	Junkyard or salvage yard facility																				S	S										P				155.4228.D			
Waste-Related Services Uses	***																																						
	Recovered Materials processing facility																				S	S									S	S			P				155.4229.D&E

ACCESSORY USES AND STRUCTURES																																							

Swimming pool or spa or hot tub		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		A	A	A	A	A		A	A	A	A	A		155.4303.GG			

Eating and drinking establishments (as accessory to a hotel or apartment hotel)										S	S	S			S	A	A	S	A	A		A		A								A	A	A	A		155.4303.PP		

Bandshell or outdoor stage																				A					A	A	A					A	A	A			155.4303.QQ		

ORDINANCE NO. 2006- 18

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 154, "PLANNING", OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.16, "PLANNING AND ZONING BOARD", TO ADD A NON-VOTING REPRESENTATIVE OF THE BROWARD COUNTY SCHOOL BOARD TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY; PROVIDING FOR FUTURE APPOINTMENTS BY THE MAYOR; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3174 F.S. requires that municipalities include a representative of the Broward County School Board to be appointed as a non-voting member of the Planning and Zoning Board/Local Planning Agency to attend those meetings at which the Planning and Zoning Board/Local Planning Agency considers comprehensive plan amendments and rezoning requests that would, if approved, increase residential densities on subject properties; and

WHEREAS, the City Commission has passed Resolution 2003-173, effective April 22, 2003, which authorized the proper City officials to enter into an Interlocal Agreement with the School Board of Broward County, Florida, the City of Pompano Beach and various other municipalities, said Interlocal Agreement requiring that the City of Pompano Beach to include a representative of the School Board to serve on the Planning and Zoning Board/Local Planning Agency; and

WHEREAS, two public hearings, duly advertised, have been held pursuant to said published hearings and all persons so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 154.16, "Planning and Zoning Board", of Chapter 154, "Planning", of the Code of Ordinances of the City of Pompano Beach, Florida, is amended to read as follows:

§ 154.16 PLANNING AND ZONING BOARD.

(A) Creation. ~~In accordance with section 234 of the Charter,~~ There is hereby created the Planning and Zoning Board.

(B) (1) Members. There shall be seven voting members of the Planning and Zoning Board; all of which shall be city residents and ~~There shall be one non-voting member.~~ The Mayor shall nominate one voting member and each Commissioner shall nominate for appointment one voting member who shall be a resident of the nominating Commissioner's district; however, a Commissioner may nominate for appointment a member who does not reside in the nominating Commissioner's district if the Commissioner determines such person would better serve the interests of the public. The remaining one seat shall be filled by the City Commission. Thereafter, upon expiration of a member's term, the Mayor, if the member was the mayor's appointment, or the Commissioner, if the member was the Commissioner's appointment, in whose district the vacancy occurs shall nominate for appointment, or if in the event the vacancy was the one of the two seats the City Commission appointed, the City Commission shall fill such vacancy. In the event of a vacancy other than by expiration of the term, the appointment to fill such vacancy shall be of the unexpired term. The term of office of the voting members of the Planning and Zoning Board shall be three years except that of the seven members first appointed, two members shall be appointed for a term of one year; two shall be appointed for a term of two years; and three for a term of three years. Members of the Board shall serve without compensation. The Board shall elect a Chairman and Vice Chairman from its members. The City Manager, City Attorney and other city officials are considered as advisors to the Planning and Zoning Board and may be called on from time to time to meet with the Board.

(2) The City Commission shall by resolution appoint three alternate voting members of the Planning and Zoning Board, to be designated as alternate 1, alternate 2, and alternate 3. Each alternate member shall be appointed for a term of three years, the terms to run concurrently. Vacancies shall be filled for the unexpired term of any alternate member by the City Commission. In case of temporary absence or disqualification of any member of the Planning and Zoning Board, the Chairman of the Board shall have the right and authority to designate one of the alternate members to serve as a substitute for voting members on the Planning and Zoning Board during the continuance of absence or disqualification. The Chairman shall rotate assignments among the three alternate members, unless unavailability of an alternate or alternates make rotation

impossible. No substitute shall serve in such a capacity for a longer period than three months, nor shall more than two substitutes serve on the Planning and Zoning Board at any time. In cases where substitutes are designated to serve for such limited periods, that fact shall be recorded in the official minutes of the Planning and Zoning Board before the substitute shall act in any manner presented to the Board and, while serving, substitutes shall have the same powers as regular voting members.

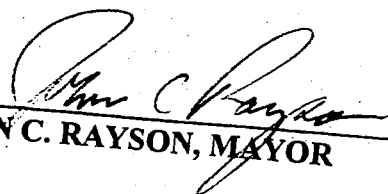
(3) A representative of the Broward County School Board, appointed by Broward County School Board, shall serve as a non-voting member of the Planning and Zoning Board/Local Planning Agency to attend those meetings at which the Planning and Zoning Board/Local Planning Agency considers comprehensive plan amendments and rezoning requests that would, if approved, increase the residential density on subject properties.

...
SECTION 2. If any section or provision of this Ordinance shall be held invalid, such holding shall not affect or indicate any other section or provision which may be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

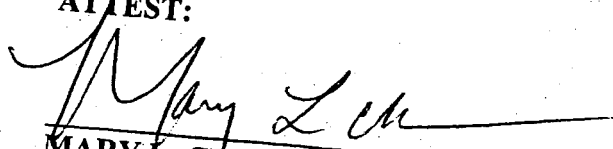
SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 10th day of January, 2006.

PASSED SECOND READING this 24th day of January, 2006.


JOHN C. RAYSON, MAYOR

ATTEST:


MARY L. CHAMBERS, CITY CLERK

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 154, "PLANNING", OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.16, "PLANNING AND ZONING BOARD", TO PROVIDE FOR NOMINATION OF A MEMBER OF THE PLANNING AND ZONING BOARD BY THE MAYOR AND ESTABLISHING A TERM OF OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission established the Planning and Zoning Board consisting of seven (7) members; and

WHEREAS, the City Commission now wishes to allow for the nomination of a member by the Mayor; and

WHEREAS, the City Charter has been amended to allow the City Commission to establish the number and term of office of members on advisory boards; and

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 154.16, "Planning and Zoning Board", of Chapter 154, "Planning", of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 154.16 PLANNING AND ZONING BOARD.

(B) (1) Members: There shall be seven members of the Planning and Zoning Board; all of which shall be city residents. The Mayor shall nominate one member and Each Commissioner shall nominate for appointment one member who shall be a resident of the nominating Commissioner's district; however, a Commissioner may nominate for appointment a member who does not reside in the nominating Commissioner's district if the Commissioner determines such person would better serve the interests of the public. The remaining ~~two~~ one seats shall be filled by the City Commission. Thereafter, upon the expiration of a member's term, the Commissioner in whose district the vacancy occurs shall nominate for appointment, or in the event the vacancy was one of the two seats the City Commission appointed, the City Commission shall fill such vacancy. In the event of a vacancy other than by expiration of the term, the appointment to fill such vacancy shall be for the unexpired term. ~~In accordance with section 234 of the Charter,~~ The term of office of the members of the Planning and Zoning Board shall be three years except that of the seven members first appointed, two members shall be appointed for a term of one year; two shall be appointed for a term of two years; and three for a term of three years. Members of the Board shall serve without compensation. The Board shall elect a Chairman and Vice-chairman from its members. The City Manager, City Attorney and other city officials are considered as advisors to the Planning and Zoning Board and may be called on from time to time to meet with the Board.

...

SECTION 2. 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 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 11th day of January, 2005.

PASSED SECOND READING this 25th day of January, 2005.

ATTEST:


MARY L. CHAMBERS, CITY CLERK


JOHN C. RAYSON, MAYOR

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE CREATING A SEVEN (7) MEMBER 'PLANNING AND ZONING BOARD' OF THE CITY OF POMPANO BEACH; PROVIDING FOR THE REPEAL OF THOSE ORDINANCES WHICH CREATED THE 'PLANNING BOARD' AND THE 'ZONING BOARD'; PROVIDING FOR THE DUTIES OF THE 'PLANNING AND ZONING BOARD'; PROVIDING FOR THE MEMBERSHIP AND TERMS OF THE 'PLANNING AND ZONING BOARD'; PROVIDING FOR THE 'PLANNING AND ZONING BOARD' TO RECOMMEND REGULATIONS REGARDING THE SUBDIVISION OR PLATTING OF LAND; PROVIDING FOR THE 'PLANNING AND ZONING BOARD' TO PREPARE MAPS OF STREETS TO BE EXTENDED, WIDENED, OR CONSTRUCTED AND TO PRESENT SUCH RECOMMENDATIONS TO THE CITY COMMISSION; PROVIDING FOR MONTHLY MEETINGS; PROVIDING THAT THE 'PLANNING AND ZONING BOARD' BE DESIGNATED AS THE LOCAL PLANNING AGENCY FOR THE CITY OF POMPANO BEACH; PROVIDING THAT REFERENCES TO 'PLANNING BOARD' AND 'ZONING BOARD' IN THE CODE OF ORDINANCES BE CHANGED TO 'PLANNING AND ZONING BOARD'; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the electorate of the City of Pompano Beach did on March 10, 1981 approve Charter Amendment No. 1 to repeal Articles XXI and XXII of the Charter of the City of Pompano Beach, which Articles established the City Planning Board and City Zoning Board; and

WHEREAS, the Charter Amendment repealing Articles XXI and XXII provided for the establishment by ordinance of either a Planning Board and a Zoning Board or a single board which would perform both the planning and zoning advisory functions; and

WHEREAS, it was provided in the Charter Amendment repealing the Articles which established the Planning Board and the Zoning Board that such Boards would remain in existence until such time as an ordinance creating a new board or boards was passed; and

WHEREAS, the electorate of the City of Pompano Beach did on March 9, 1982 approve Charter Amendment No. 1 which amended Section 234 of the City Charter to provide that a Planning and Zoning Board may consist of seven (7) members; and

WHEREAS, the City Commission is desirous of effectuating the mandate of the electorate with regard to the above approved Charter Amendments; and

WHEREAS, pursuant to law, fourteen (14) days notice has been given by publication in a newspaper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the Commission Meeting Room of the City of Pompano Beach, Florida; 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 Sections 41.04, 41.05, and 41.05.1 of Article II, Chapter 41 of the Code of Ordinances of Pompano Beach, Florida are hereby repealed.

SECTION 2: That a successor Article II of Chapter 41 of the Code of Ordinances of Pompano Beach, Florida is hereby created which shall be entitled "Planning and Zoning Board". Section 41.04 of the Code of Ordinances is hereby created as follows:

Sec. 41.04. Created; powers and duties.

In accordance with section 234 of the charter of the City of Pompano Beach, there is hereby created the City of Pompano Beach Planning and Zoning Board. The powers and duties of the Planning and Zoning Board are as follows:

- (1) To act as the local planning agency for the City of Pompano Beach and to fulfill the responsibilities of that agency as prescribed by the Local Government Comprehensive Planning Act (LGCPA) of 1975, Florida Statutes 163.3161 et seq;
- (2) To act in an advisory capacity with the director of planning to the city commission in the formulation of the City's comprehensive plan and any amendments thereto as required by the LGCPA of 1975;
- (3) To make recommendations and assist in the preparation of the official map of the city and to recommend proposed changes in such official map from time to time;
- (4) To submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Planning and Zoning Board are necessary or desirable to be constructed during the

forthcoming six (6) year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year;

- (5) To promote public interest in an understanding of the comprehensive plan, and of planning, zoning and community development;
- (6) To keep a public record of its resolutions, findings and determinations;
- (7) To seek pertinent information from the other agencies of the city government through the city manager in relation to the work of the Planning and Zoning Board;
- (8) To request of the city manager additional assistance for special studies who may at his discretion assign to the Planning and Zoning Board, members of the staff of any city department or direct such department to make special studies requested by the Planning and Zoning Board;
- (9) To review all rezoning petitions and plats before they are presented to the City Commission to determine that all right-of-way necessary to meet the requirements of the City Trafficways Plan and any other applicable city law, are designated as public right-of-way and dedicated to the City. Additionally the proposed plat or rezoning shall be reviewed for compliance with all other requirements of the city's comprehensive plan.
- (10) To review any changes or amendments relating to the boundaries of the various zoning districts, or any changes in the text of the city's zoning regulations. No action may be taken by the City Commission until it has received a recommendation from the Planning and Zoning Board on a proposed zoning change or a proposed change in the text of the regulations of any zoning district.
- (11) Such other powers and duties as are or may be provided for elsewhere in this Code of Ordinances or as may be established from time to time by the City Commission.

SECTION 3: Section 41.05 of the Code of Ordinances is hereby created as follows:

Sec. 41.05. Membership; terms; compensation.

There shall be seven (7) members of the City of Pompano Beach Planning and Zoning Board, each shall be appointed by separate resolution of the City Commission. In accordance with section 234 of the city charter, the term of office of the members of the Planning and Zoning Board shall be three years except that of the seven (7) members first appointed, two (2) members shall be appointed for a term of one year; two (2) shall be appointed for a term of two (2) years; and three (3) for a term of three (3) years. Members of the board shall serve without compensation. The board shall elect a chairman and vice-chairman from its members. The city manager, city attorney and other city officials are considered as advisors to the Planning and Zoning Board and may be called on from time to time to meet with the board.

The City Commission shall by resolution appoint three (3) alternate members of the Planning and Zoning Board, to be designated as Alternate 1, Alternate 2, and Alternate 3. Each alternate member shall be appointed for a term of three (3) years, said terms to run concurrently, and shall be subject to removal for cause by the City Commission on written charges and after public hearing. Vacancies shall be filled for the unexpired term of any alternate member whose term becomes vacant. In case of temporary absence or disqualification of any member of the Planning and Zoning Board, the Chairman of the Board shall have the right and authority to designate one of such alternate members to serve as a substitute on the Planning and Zoning Board during the continuance of such absence or disqualification. The Chairman shall rotate such assignments among the three (3) alternate members, unless unavailability of an alternate or alternates makes such rotation impossible. No substitute shall serve in such capacity for a longer period than three (3) months, nor shall more than two (2) substitutes serve on the Planning and Zoning Board at any time. In cases where substitutes are designated to serve for such limited periods, such facts shall be recorded in the official minutes of the Planning and Zoning Board before such substitute shall act in any matter presented to the Board and, while serving, substitutes shall have the same powers as regular members.

SECTION 4: Section 41.05.1. of the Code of Ordinances is hereby created as follows:

Sec. 41.05.1. Regulations governing the subdivision or platting of land.

The Planning and Zoning Board shall recommend to the City Commission for adoption regulations regarding the subdivision or platting of land within its jurisdiction. Such regulations may provide for the harmonious development of the city and its environs, for the coordination of streets and other ways within the subdivided or platted land with other existing or planned streets and ways, or for conformance to the comprehensive plan or official map, for adequate open spaces, for spaces for traffic, utilities, recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of a subdivision of plat.

SECTION 5: Section 41.05.2. of the Code of Ordinances is hereby created as follows:

Sec. 41.05.2. Lines of mapped streets.

The Planning and Zoning Board may request the City to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended, or widened streets in any portion of the City, and to make and certify to the City Commission plats of the area thus surveyed, on which are indicated the location of the lines recommended by the Planning and Zoning Board as the planned or mapped lines of future streets, street extensions or street widenings, together with the Planning and Zoning Board's estimate of the time period within which the land shown on the plat or street locations should be acquired for street purposes. The City Commission may by ordinance adopt any such plat, in accordance with the procedure prescribed by state statute for the adoption of municipal ordinances, provided, that notice of the time and place when and where it will be considered for first reading and final passage, shall be sent by mail to the record owners of land on or abutting which the future street lines designated on the plat are located. Any modification of such plat shall before passage be submitted to the Planning and Zoning Board for examination and recommendation to the City Commission.

SECTION 6: Section 41.05.3. of the Code of Ordinances is hereby created as follows:

Sec. 41.05.3. Meetings of the Board.

- (1) Regular monthly meetings of the board shall be held on the last Wednesday of each month, but emergency or special meetings may be called throughout the year.
- (2) All meetings shall be public and a quorum shall consist of four members and notice shall be given by the secretary to each member of the board at least forty-eight hours in advance of said meeting.
- (3) The board shall adopt reasonable rules and regulations for the presentation of matters before the board.

SECTION 7: That Section 41.06. of Article III of Chapter 41 of the Code of Ordinances, is hereby amended as follows:

Sec. 41.06. ~~-Planning-board-~~ Planning and Zoning Board to serve as local planning agency; officers, staff, budget, meetings, etc.

~~The-planning-board-~~ Planning and Zoning Board of the City of Pompano Beach is hereby designated as the local planning agency for the City of Pompano Beach Comprehensive Plan. The agency has that title as defined under the Local Government Comprehensive Planning Act of 1975. The proper city officials are hereby directed to officially inform the ~~-Division-of-State-Planning-of-the-State-of-Florida-~~ Department of Veteran and Community Affairs and the South Florida Regional Planning Agency- Council of the aforesaid designation. The agency shall choose its officers and set its rules of procedure. Clerical and secretarial staff for the local planning agency shall be provided by the administration of the City of Pompano Beach. The agency shall be funded by the city commission in the annual budget of the City of Pompano Beach. All meetings of the agency shall be public meetings and its records shall be public records. Regular meetings of the agency shall be ~~-regularly-scheduled-and-held-twice-monthly-~~ held on the last Wednesday of each month. Special meetings may be called by the chairman of the agency when deemed appropriate. The agency shall encourage comments from any citizen regarding the plan and its development. All written comments will be acknowledged and will become a part of the public records of the agency. The agenda for each meeting of the agency shall be published at least three (3) days prior to the date of the meeting and copies made available at Pompano Beach City Hall. Each agenda shall contain an "audience to be heard" item where members of the audience may speak on any subject not on that meeting's agenda.

SECTION 8: That Section 41.10.(3) of Article IV of Chapter 41 of the Code of Ordinances, is hereby amended as follows:

Sec. 41.10.(3)

Board shall mean the ~~the-planning-~~ Planning and Zoning Board of the City of Pompano Beach.

SECTION 9: That Sections 50.288., 50.289., 50.290., 50.291. of Article XIV., Chapter 50 of the Code of Ordinances are hereby repealed.

SECTION 10: That Article XIV. of Chapter 50 of the Code of Ordinances entitled "ZONING BOARD" shall be amended to read "ZONING PETITIONS."

SECTION 11: That Sections 50.287.(5), 50.292.1., 50.293., 50.293.1., 50.294., 50.294.1., of Article XIV. of Chapter 50 of the Code of Ordinances, and Sections 50.297., 50.298., of Article XV. of Chapter 50 of the Code of Ordinances shall be amended so that the term "zoning board" is replaced by the phrase "Planning and Zoning Board."


SECTION 12: If any section or provision of this ordinance shall be held invalid, such holding shall not affect or invalidate any other section or provision which is not of itself invalid.

SECTION 13: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

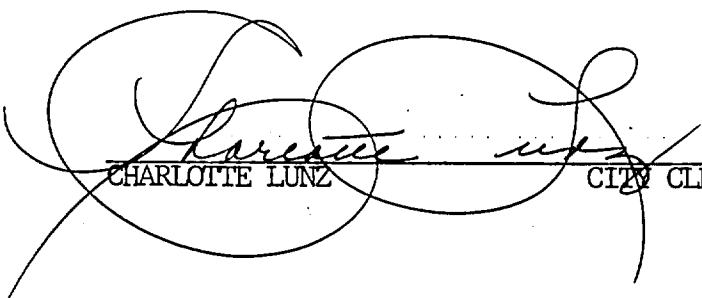
SECTION 14: This Ordinance shall become effective upon passage.

PASSED FIRST READING this 25th day of May, 1982.

PASSED SECOND READING this 1st day of June, 1982.


HERB SKOLNICK MAYOR

ATTEST:


CHARLOTTE LUNZ

CITY CLERK

JLP/mv
4/20/82
#191