



# MEMORANDUM


## Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-520

DATE: November 23, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services   
Jennifer Gomez, Assistance Director of Development Services 

FROM: Karen Friedman, Principal Planner 

RE: Proposed Revisions to Zoning Code related to Apartment Hotels

### Background

At the August 24, 2016 Planning and Zoning Board Hearing, Staff presented text amendments for Zoning Code §155.4225.A, Apartment Hotels, in order to ensure that this use is truly a *hotel* use. Administrative Memo #16-273 provides an explanation of those revisions (**copy attached**). The Planning and Zoning Board unanimously recommended the text amendments, as demonstrated in Memo #16-060 and the meeting minutes (**copies attached**).

The text amendments were placed on the October 10, 2016 City Commission Hearing. At that hearing Staff was directed to report the issues related to renaming the use from "Apartment Hotel" to "Condo Hotel" (**minutes attached**).

In response to this direction, Staff prepared Administrative Memo #16-487 which included an overview of the additional code revisions needed as well as other considerations (**copy attached**). At the October 25, 2016 City Commission hearing the second reading of the Ordinance was struck. Staff has subsequently prepared a text amendment which would rename the use to Condo Hotel.

### Text Amendments

The attached text amendments include both the original proposed revisions as well the necessary revisions in order to rename the use to Condo Hotel. In order to demonstrate which changes were a part of the original recommendation, versus those that are newly proposed, the text amendments are color coded as follows.

- Amendments highlighted in blue were previously reviewed by this Planning and Zoning Board at the August 24, 2016 hearing.
- Amendments highlighted in yellow are newly proposed revisions.

### Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.



**§ 155.3210. MULTIPLE-FAMILY RESIDENCE 20 (RM-20)****A. PURPOSE**

The Multiple-Family Residence 20 (RM-20) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) at moderate densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, assisted living facilities, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and apartment condo hotels, are allowed as Special Exceptions.

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**§ 155.3211. MULTIPLE-FAMILY RESIDENCE 30 (RM-30)****A. PURPOSE**

The Multiple-Family Residence 30 (RM-30) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) at moderately high densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, assisted living facilities, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and apartment condo hotels, are allowed as Special Exceptions.

...

**§ 155.3212. MULTIPLE-FAMILY RESIDENCE 45 (RM-45)****A. PURPOSE**

The Multiple-Family Residence 45 (RM-45) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) at high densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, community residential homes, assisted living facilities, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and apartment condo hotels, are allowed as Special Exceptions.

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**§ 155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT**

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**H. USE REGULATING PLAN AND MODIFIED USE STANDARDS.**

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**2. Principal Uses Regulating Table**



TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED      S = SPECIAL EXCEPTION      BLANK = NOT PERMITTED      1 = 2<sup>nd</sup> Floor Only      2 = Not Permitted in Historic Core  
3 = Not Permitted in Historic Transition

Use Types	Use Areas															
	MM1		MM2		MUR		MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
	1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above										
COMMERCIAL USES																
...	Visitor Accommodation (155.4225)	Apartment Condo Hotel	P	P (1)	P	P	P					P	P	P		P



## § 155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

### A. **APARTMENT CONDO HOTEL**

...

#### 2. **Definition**

An apartment hotel is a building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel-like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.

A **condo** hotel is a hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

#### 3. **Standards**

~~An apartment~~ A **condo** hotel shall comply with the following standards:

- a. **Owner-occupation.** Lodging units shall not be occupied by their owner(s) for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period. The restriction on owner-occupation shall be included in the Declaration of Condominium.
- b. **Lobby required.** The design of the **condo** hotel shall include an inner lobby that is internally oriented and which requires all tenants to pass through in order to gain access to the lodging units.
- c. **Management Operation.** A unified management operation plan shall be required as an integral part of the **condo** hotel facility for rental activities, including a uniform key entry service, customary daily maid services, back of house services, and other hospitality services. The management operation plan shall be included in the Declaration of Condominium.
- d. **Conversion to Residential Use.** The future conversion of a **condo** hotel to a residential use is prohibited unless it is determined the conversion is in compliance with the Land Use Plan and all development standards for residential uses, including but not limited to height and off-street parking, are met.
- a.e. Only ~~apartment~~ **condo** hotels with at least 25 ~~sleeping rooms~~ lodging units 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 **condo** 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.
- b.f. Up to 15 percent of the gross floor area of an ~~apartment~~ **condo** hotel may be devoted to business-related accessory uses other than eating or drinking establishments—including conference and meeting rooms, business centers, retail services such as newsstands and gift shops, and similar uses. Such uses may have a patron entrance from outside the principal building.



...  
**B. BED AND BREAKFAST INN**  
 ...

**2. Definition**

A bed and breakfast inn is a state-licensed private single-family dwelling engaged in renting one or more ~~sleeping rooms~~ lodging units on a daily basis and providing them breakfast.

...  
**C. HOTEL or MOTEL**  
 ...

**2. Definition**

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.



## § 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

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### L. ELECTRIC VEHICLE (EV) LEVEL 3 CHARGING STATION

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#### 3. Standards

Electric vehicle (EV) Level 3 charging stations are allowed as accessory to principal uses, subject to the following standards:

- b. In Residential districts, EV Level 3 charging stations are allowed as accessory uses to multifamily dwellings, apartment condo hotels, and hotels or motels with more than 100 dwelling units and/or sleeping units.

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### PP. EATING AND DRINKING ESTABLISHMENTS (AS AN ACCESSORY USE)

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#### 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 condo hotel. This use also includes brewpubs, restaurants, or specialty eating or drinking establishments that are accessory to any principal use in the PR District.

#### 3. Standards

Eating and drinking establishments located on the site of a hotel or condo hotel shall comply with the following standards:

- a. An eating or drinking establishment shall only be permitted in the RM-20, RM-30, and RM-45 zoning districts provided the hotel or condo hotel has 50 or more rooms.
- b. The number of required off-street parking spaces may be reduced in accordance with the following:
  - i. No off-street parking spaces are required if establishment's cumulative gross square footage is less than 20% of the gross floor area of the hotel or condo hotel use and no exterior signage is provided for the establishment.
  - ii. Fifty percent of the required off-street parking spaces shall be provided if the establishment's cumulative gross square footage is 20% or more of the gross floor area of the hotel or condo hotel use and no exterior signage is provided for the establishment.

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# **§155.4501. SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS**

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## **B. EXCEPTIONS**

TABLE 155.4501.B: EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES		
Use and Criteria	Required Separation	
	Any other use involving the sales of alcoholic beverages; and Sexually oriented business	Child Care facility; School; and Place of Worship
...		
A bar or lounge which is operated as an accessory use to a hotel or <u>apartment condo</u> hotel that has more than 25 sleeping rooms and/or dwelling units and that is operated by the same management as the hotel or <u>apartment condo</u> hotel.	Exempt	Exempt if there is no display window, sign, or other externally visible indication of the bar's or lounge's existence

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## § 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 Spaces
Visitor Accommodation Uses	Apartment Hotel	1 per guest room
	Condo Hotel	Lodging Unit without separate bedroom
		1 per lodging unit
		Lodging Unit with one or more bedrooms
		1.25 per lodging unit
	Bed and Breakfast inn	2 + 1 per guest room lodging unit
	Hotel or Motel	100 guest rooms lodging units or less
		1 per guest room lodging unit
		101 to 150 guest rooms lodging units
		0.85 per guest room lodging unit
		More than 150 guest rooms lodging units
		0.7 per guest room lodging unit

#### 3. Multiple Use Developments

- b. Where more than 20 percent of the total gross floor area of a hotel or motel or an apartment condo hotel is occupied by non-sleeping or non-dwelling principal or accessory uses (e.g., office, retail, service, restaurant, bar, nightclub, ballrooms, banquet rooms, meeting rooms), off-street parking shall be provided for each such use in an amount equal to 50 percent of the parking requirement applicable to the use if it were an individual principal use—except that where a hotel or condo hotel contains 50 or more guest rooms lodging units and a restaurant and/or bar advertised by exterior signage, off-street parking shall be for such restaurant and/or bar in an amount equal to 75 percent of the parking requirement(s) applicable to a restaurant and/or bar as a principal use.



## ARTICLE 9: DEFINITIONS AND INTERPRETATION

### PART 5 TERMS AND USES DEFINED

...

#### **Apartment Hotel**

A building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel-like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.

...

#### **Bed and Breakfast Inn**

A state-licensed private single-family dwelling engaged in renting one or more sleeping rooms lodging units on a daily basis and providing them breakfast.

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#### **Comprehensive Plan**

The Comprehensive Plan of the City of Pompano Beach, including the elements or portions thereof, as adopted and amended by ordinance of the City Commission pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

#### **Condo Hotel**

A hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each apartment hotel room accessible by a lock-out key shall be considered one lodging unit for purposes of land use and zoning.

#### **Conference or Training Center**

A facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

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#### **Hotel or Motel**

A state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each hotel room accessible via a lock-out key shall be considered one lodging unit for purposes of land use and zoning. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

#### **Lodging Unit**



A unit located within a visitor accommodation use and which may be composed of a single room or suite of several rooms and which has its own key. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

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### APPENDIX A: CONSOLIDATED USE TABLE

P = PERMITTED PRINCIPAL USE   S = USE ALLOWED AS A SPECIAL EXCEPTION   A = PERMITTED ACCESSORY USE  
 T = TEMPORARY USE ALLOWED WITH A MAJOR TEMPORARY USE PERMIT   t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT  
 √ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT  
 I = INTERIM USE ALLOWED WITH AN INTERIM USE PERMIT   BLANK CELL = PROHIBITED USE

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-1X	OIP	M-2	TO	PR	CF		PU	T	BP	RPUD	PCD
PRINCIPAL USES																																
COMMERCIAL USES																																
Visitor Accommodation Uses	Apartment Condo Hotel										...																					



Staff Report to P&Z

Memo #16-273



# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 16-273**

DATE: August 4, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *[Signature]*  
Jennifer Gomez, Assistance Director of Development Services *[Signature]*

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

RE: Proposed Revisions to §155.4225.A related to Apartment Hotels

Staff has prepared text amendments for Zoning Code §155.4225.A, Apartment Hotels, in order to ensure that this use is truly a *hotel* use. Additional background information is provided below.

### Comprehensive Plan Consistency

The proposed text amendments are consistent with the following Future Land Use Element Policies:

- 01.07.16** Through ongoing updates to the land development regulations provide criteria/performance standards regulating hotel intensity and incentives for hotel development.

### Background

#### Basic Information: Apartment Hotel vs. Hotel vs. Timeshare

With the adoption of the new Zoning Code in 2012, the City adopted a new use called Apartment Hotel. Sometimes referred to as a condo-hotel, this use reflects a development trend that was created in South Florida in the 1990's and has recently become popular again. Unlike a hotel, which is owned by a single property owner, or a timeshare, where individual owners purchase the right to the recurrent use of real property on some periodic basis, an apartment hotel's units are owned by individual property owners, like a condo, but the primary use of the unit is for transient occupancy. Apartment hotels offer the convenience and amenities customary to a hotel (i.e. maid service, room service, etc...) while owners are able to rent out their unit for nightly stays, like a hotel.

#### Comprehensive Plan: Residential Density vs. Hotel Density and Permitted Locations

In accordance with the Broward County Land Use Plan, the City's Comprehensive Plan's Land Use Implementation section treats residential uses quite differently from hotel uses, and is much more permissive for hotel uses. The following table lists the permitted locations and maximum density for residential uses and for hotels throughout the City.

Land Use	Residential Use	Hotel Use
Residential	Permitted; Density is per the Land Use Plan Map	Permitted; Density is double the residential land use per the Land Use Plan
Commercial	Permitted via Flex Unit allocation; Maximum is 46 Units per Acre	Permitted; Maximum Units not specified and only per development regulations such as lot coverage, height, parking etc...
Commercial Recreation	Not Permitted	Permitted; Maximum Units not specified and only per development regulations such as lot coverage, height, parking etc
Industrial	Not Permitted	Permitted via Flex Unit allocation; Maximum Units not specified and only per development regulations such as lot coverage, height, parking etc



As can be seen in the above table, it is important for the City's Zoning Code to clearly differentiate between residential and hotel uses. Further it is imperative that the Apartment Hotel use is regulated in a manner that ensures its primary purpose is that of a hotel use.

Over the past year Development Services has received several requests for determinations regarding the apartment hotel use and the limitation on density per the Comprehensive Plan. Per standard practice, Staff directed the applicant to request the determination from the Broward County Planning Council. A copy of a determination letter prepared by the Broward County Planning Council is attached and states the following: *"'condo hotel' units are considered to be a hotel use calculated as two hotel rooms equals one dwelling unit, subject to confirmation by the local municipality that their regulations prohibit the conversion of 'condo hotel' units to full time owner and/or renter occupied dwelling units, and that the 'condo hotel' units will be available for a majority of the year for hotel guests. Otherwise, a 'condo hotel' unit is considered a residential use and counts as one dwelling unit per condo unit."*

### **Review of other Municipalities Regulations: Apartment / Condo Hotel Standards**

In order to draft regulations that address the concerns of the Broward County Planning Council and ensure that apartment hotels are indeed a *hotel* use, Staff analyzed zoning regulations utilized by other cities within Florida, as well as California and Nevada. The information is provided in the attached table.

The results of the analysis are that cities tend to regulate five primary standards:

1. Limitation on the length of the owners stay
2. Design of the lobby
3. Requirements for a Management company (including uniform key service and reservations)
4. Restrictions on separate telephone and utility service
5. Requirement for maid services

### **Lodging Unit**

A secondary, non-substantive issue being addressed in the proposed text amendments is the use of terms Guest Rooms, Sleeping Room, and Lodging Unit throughout the Zoning Code and Comprehensive Plan. For instance, the City's Comprehensive Plan only uses the term Lodging Units and it is used as follows:

#### **Section 3.02.A. Residential**

Each parcel of land within an area which is designated in a Residential land use category by the Land Use Plan must be zoned in a zoning district which permits any one or more of the following uses, but not other uses:

**3. Hotels, motels and similar lodging.** *The maximum number of hotel, motels or similar lodgings units permitted on any parcel designated for residential uses is double the maximum number of dwelling units designated for the parcel of land by the City's Land Use Plan Map.*

While the Comprehensive Plan uses the term *Lodging Units*, the City's Zoning Code uses the terms Guest Unit, Sleeping Rooms, and Lodging Unit. Ord. 1991-63 added a definition of Sleeping Room to the old zoning code and it clarified that a Sleeping Room could be a single room or a suite of rooms. This definition was not carried over into the revised Zoning Code. Regardless, it continues to be the practice of the City that any room accessible via a lock-out key is treated as a separate "lodging unit" for purposes of Land Use and Zoning.

Therefore in an effort to use one term consistently in both the City's Comprehensive Plan and Zoning Code, the proposed text amendments replace sleeping room and guest room with Lodging Unit and create a definition for Lodging Unit.



### Proposed Text Amendments

The proposed text amendments are a result of the analysis. An explanation of the text amendments is below:

§155.4225.A.2	<ul style="list-style-type: none"> <li>Revise definition of Apartment Hotel to clarify that the units are owned under a condominium ownership, that the owner may occupy the unit on a limited basis, and that the primary purpose is for vacation accommodation use.</li> <li>Use term "Lodging Unit" and clarify that each lock out room is a separate lodging unit</li> </ul>
§155.4225.A.3.a	<ul style="list-style-type: none"> <li>New use standard limiting the length of stay for owners to both 30 consecutive days and a total of 180 days in a 12 month period. (Same as St Lucie County).</li> <li>Length of stay language must be added to the Declaration of Condominium.</li> </ul>
§155.4225.A.3.b	New use standard requiring a lobby.
§155.4225.A.3.c	<ul style="list-style-type: none"> <li>New use standard requiring a management operation plan which includes rental activities, uniform key entry service, customary daily maid services, back of house services, and other hospitality services.</li> <li>Management requirement language must be added to the Declaration of Condominium.</li> </ul>
§155.4225.A.3.d	Prohibit the conversion to residential use unless the density and land use are consistent with the Comprehensive Plan and all zoning regulations are met.
§155.4225.A.3.e	Change sleeping rooms to lodging units and delete reference to motel
§155.4225.B.2	Revise definition of Bed and Breakfast to use term "Lodging Unit"
§155.4225.C.2	<ul style="list-style-type: none"> <li>Revise definition of Hotel or Motel to use term "Lodging Unit"</li> <li>Clarify that each lock out room is a separate lodging unit</li> </ul>
§155.5102.D.1	<ul style="list-style-type: none"> <li>Replace all references to Guest Rooms to Lodging Units</li> <li>Increase the off-street parking requirements for apartment hotels lodging units that have at least one bedroom from 1 to 1.25 per lodging unit. The increase .25 parking space per lodging unit will accommodate the visitor and additional parking generated by larger units occupied for longer lengths of stay.</li> </ul>
§155.5102.D.1	Replace guest rooms with Lodging Units
Article 9 / Part 5	<ul style="list-style-type: none"> <li>Revise Definitions for Apartment Hotel, Bed and Breakfast, hotel or Motel</li> <li>Create new defined term – Lodging unit.</li> </ul>

Comments received from the City's Redevelopment Agency are enclosed for your reference.

#### Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.



## § 155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

## A. APARTMENT HOTEL

...

## 2. Definition

An apartment hotel is a building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel-like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.

An apartment hotel is a hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

## 3. Standards

An apartment hotel shall comply with the following standards:

**a. Owner-occupation.** Lodging units shall not be occupied by their owner(s) for more than 30 consecutive days and no more than a total of 180 days in any consecutive 12 month period. The restriction on owner-occupation shall be included in the Declaration of Condominium.

**b. Lobby required.** The design of the apartment hotel shall include an inner lobby that is internally oriented and which requires all tenants to pass through in order to gain access to the lodging units.

**c. Management Operation.** A unified management operation plan shall be required as an integral part of the apartment hotel facility for rental activities, including a uniform key entry service, customary daily maid services, back of house services, and other hospitality services. The management operation plan shall be included in the Declaration of Condominium.

**d. Conversion to Residential Use.** The future conversion of an apartment hotel to a residential use is prohibited unless it is determined the conversion is in compliance with the Land Use Plan and all development standards for residential uses, including but not limited to height and off-street parking, are met.

**a-e.** Only apartment hotels with at least 25 sleeping rooms lodging units may have an eating or drinking establishment as an accessory use, and no more than 20 percent of the gross floor area of such an apartment 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.

**b-f.** Up to 15 percent of the gross floor area of an apartment hotel may be devoted to business-related accessory uses other than eating or drinking establishments—including conference and meeting rooms, business centers, retail services such as newsstands and gift shops, and similar uses. Such uses may have a patron entrance from outside the principal building.



...

**B. BED AND BREAKFAST INN**

...

**2. Definition**

A bed and breakfast inn is a state-licensed private single-family dwelling engaged in renting one or more sleeping rooms lodging units on a daily basis and providing them breakfast.

...

**C. HOTEL or MOTEL**

...

**2. Definition**

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.

**§ 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 Spaces
Visitor Accommodation Uses	<u>Apartment Hotel</u>	1 per <u>guest room</u>
	<u>Apartment Hotel</u>	<u>Lodging Unit without separate bedroom</u> 1 per <u>lodging unit</u>
		<u>Lodging Unit with one or more bedrooms</u> 1.25 per <u>lodging unit</u>
	Bed and Breakfast inn	2 + 1 per <u>guest room-lodging unit</u>
	<u>Hotel or Motel</u>	100 <u>guest rooms-lodging units</u> or less 1 per <u>guest room-lodging unit</u>
		101 to 150 <u>guest rooms-lodging units</u> 0.85 per <u>guest room-lodging unit</u>
		More than 150 <u>guest rooms-lodging units</u> 0.7 per <u>guest room-lodging unit</u>



### 3. Multiple Use Developments

...

- b. Where more than 20 percent of the total gross floor area of a hotel or motel or an apartment hotel is occupied by non-sleeping or non-dwelling principal or accessory uses (e.g., office, retail, service, restaurant, bar, nightclub, ballrooms, banquet rooms, meeting rooms), off-street parking shall be provided for each such use in an amount equal to 50 percent of the parking requirement applicable to the use if it were an individual principal use—except that where a hotel contains 50 or more guest rooms lodging units and a restaurant and/or bar advertised by exterior signage, off-street parking shall be for such restaurant and/or bar in an amount equal to 75 percent of the parking requirement(s) applicable to a restaurant and/or bar as a principal use.

...

## ARTICLE 9: DEFINITIONS AND INTERPRETATION

### PART 5 TERMS AND USES DEFINED

...

#### Apartment Hotel

A building or part thereof used for and containing both individual hotel sleeping rooms and dwelling units (often furnished) generally designed for temporary occupancy (often for a week or longer). An apartment hotel often includes hotel like service and booking system. This use does not include hotels, which exclusively or predominantly rent sleeping rooms rather than fully fitted dwelling units and generally for shorter time periods.

A hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each apartment hotel room accessible by a lock-out key shall be considered one lodging unit for purposes of land use and zoning.

...

#### Bed and Breakfast Inn

A state-licensed private single-family dwelling engaged in renting one or more sleeping rooms lodging units on a daily basis and providing them breakfast.

...

#### Hotel or Motel

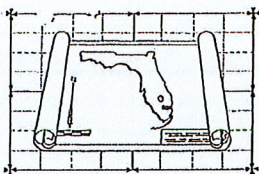
A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest lodging unit. Each hotel room accessible via a lock-out key shall be considered one lodging unit for purposes of land use and zoning. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include apartment hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses.



**Lodging Unit**

A unit located within a visitor accommodation use and which may be composed of a single room or suite of several rooms and which has its own key. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.





## BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 ■ Fort Lauderdale, Florida 33301 ■ Phone: 954.357.6695

March 26, 2014

Stephanie Toothaker, Esq.  
Tripp Scott  
110 Southeast 6 Street, 15<sup>th</sup> Floor  
Fort Lauderdale, Florida 33301

Dear Ms. Toothaker:

This letter is in response to your correspondence dated March 17, 2014, in which you requested confirmation regarding the density/intensity of an "apartment hotel" unit, and a determination as to whether the proposed project complies with the City of Pompano Beach's Residential High land use category.

In your correspondence you indicate that the current proposal is to develop the approximately 4.61 gross acre site with 130 condominium units, 4 townhouse units and 98 "apartment hotel" units together with accessory uses including a spa and boat slips. You specifically requested confirmation that the proposed "apartment hotel" units should be evaluated at a density equivalency of two hotel rooms equals one dwelling unit.

Based on information provided by you, Planning Council staff considers an "apartment hotel" unit and "condo hotel" unit to be one in the same (referred to as "condo hotel" in this document). Planning Council staff, in consultation with the Planning Council Attorney and the Broward County Office of the County Attorney, notes that "condo hotel" units are considered to be a hotel use calculated as two hotel rooms equals one dwelling unit, subject to confirmation by the local municipality that their regulations prohibit the conversion of "condo hotel" units to full time owner or renter occupied dwelling units, and that the "condo hotel" units will be available for a majority of the year for hotel guests. Otherwise, a "condo hotel" unit is considered a residential use and counts as one dwelling unit per condo unit.

Regarding your request as to whether the project complies with the City of Pompano Beach's Residential High land use category, Planning Council staff notes that the City of Pompano Beach Comprehensive Plan is the effective land use plan for the City of Pompano Beach. That plan designates the area covered by this plat for the uses permitted in the "High (25-46) Residential" land use category. Planning Council staff calculations indicate that the maximum number of dwelling units (or equivalents) that could be permitted per the effective land use plan is 212. The specific dwelling unit and "apartment hotel" scenario are subject to the City of Pompano Beach's implementation of its certified land use plan and must be determined by the same.



Stephanie Toothaker, Esq.

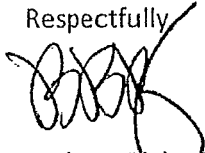
March 26, 2014

Page Two

The contents of this letter are not a judgment as to whether this proposed use is in compliance with any applicable Broward County development regulations or the development review requirements, including any environmental purview.

Please contact me or Pete Schwarz, of Planning Council staff if you have any additional questions in this regard.

Respectfully

A handwritten signature in black ink, appearing to read 'Barbara Blake Boy', written over the word 'Respectfully'.

Barbara Blake Boy  
Executive Director

BBB:PMS

cc: Andrew Maurodis, Esq., Counsel  
Broward County Planning Council

Maite Azcoitia, Esq., Deputy County Attorney  
Broward County Office of the County Attorney

Dennis Beach, City Manager  
City of Pompano Beach

Robin Bird, Director, Development Services Department  
City of Pompano Beach



City	Limitation on Length of Stay	Lobby	Management	Telephone / FPL	Maid Services	Misc.
Hollywood	150 days per consecutive 12-month period	Shall be a lobby/front desk area that is internally oriented and must be operated as a hotel/motel.	A unified management operation shall be required as an integral part of the condo-hotel facility for the rental activities. A uniform key entry system, operated by management or hotel staff to receive and disburse keys for each condo-hotel room.	1 central telephone system, operated by management or hotel staff in order to access each condo-hotel room.	All condo-hotels must have customary daily maid services; back of house services; and other hospitality services.	The minimum number of rooms for a condo-hotel shall be 200. Each room with a key must be counted as 1 room
Lauderdale By The Sea	Not specified	maintains an inner lobby through which all tenants must pass to gain access to the apartments;	Not specified	Not specified	Not specified	Not specified
Deerfield Beach	Not specified	maintains an inner lobby through which all tenants must pass to gain access to the apartments;	Not specified	Not specified	Not specified	Not specified
West Palm Beach	6 months per consecutive 12-month period	Shall be a lobby/front desk area that is internally oriented and must be operated as a hotel	A central management operation (reservation system) shall be required as an integral part of the condo-hotel facility for the rental units.	Not specified	Not specified	Not specified
Palm Beach	6 months per consecutive 12-month period	Shall be a lobby/front desk area that is internally oriented and must be operated as a hotel.	A central management operation (reservation system) shall be required as an integral part of the condo-hotel facility for the rental units.	Not specified	Not specified	Not specified
St Lucie County	<ul style="list-style-type: none"> <li>If more than 75% of the units are condo-hotel units: 56 days per calendar year</li> <li>If more than 50% of the units, but no more than 75% of the units are condo-hotel units: 30 consecutive days and no more than 90 total days per calendar year.</li> <li>If no more than 50% of the units are condo-hotel units: 30 consecutive days and no more than 180 total days in any calendar year.</li> </ul>	Not specified	<ul style="list-style-type: none"> <li>A single qualified professional management entity to maintain and operate the condo-hotel.</li> <li>The management entity shall offer short term rental services to all owners of the condo-hotel units.</li> <li>all persons renting units shall be required to check-in and check-out through the front desk reservation system operated by the management entity</li> </ul>		Management entity shall handle all room service, maid service and room maintenance for the individual units.	A declaration of condominium and/or other documents provide for the long term maintenance and operation of the condominium hotel and it's amenities as a hotel, provide for the enforcement of the length of stay limitations and, provide notice to future purchasers of the right to enforce the foregoing length of stay limitation
Fort Pierce	28 days per calendar year.	Shall provide an internally-oriented lobby/front desk area.	A uniform key entry system managed by the hotel or resort hotel operator to receive and disburse keys for each condo-hotel sleeping unit.	Shall be served by singly metered utility services and central telephone system and central cable television system installed	Shall offer daily maid service, concierge as well as other customary hospitality services.	Individual sleeping units shall not contain any lockable storage closet or cabinet unless access to such closet or cabinet is automatically and uniformly provided to each member of the public who rents the sleeping unit
Venice	6 months per calendar year.	Not specified	Not specified	Not specified	Not specified	City council may impose limitations on the size of living unit, including number of bedrooms and utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts for local services including schools, roadways, potable water, sanitary sewer and hurricane evacuation.
Palm Springs, CA	75 days per consecutive 12-month period AND no more than 28 consecutive days.	Shall be a lobby/front desk area where all guests and condo hotel unit owners must register with the hotel operator upon arrival and departure, as in a hotel or resort hotel	A unified management operation shall be required as an integral part of the condominium hotel for all activities. A uniform key entry system operated by the condominium hotel manager to receive and disburse keys for each condominium hotel unit.	1 central telephone system operated by the condominium hotel manager in order to access each condominium hotel unit.	Not specified	Not specified
South Lake Tahoe, NV	30 days per calendar year	Not specified	A single qualified professional management entity to maintain and operate the condo-hotel. The management entity shall offer transient lodging services to all owners of the condo-hotel units.	Not specified	Not specified	Not specified



# CRA

POMPANO BEACH

P. O. Drawer 1300  
Pompano Beach, FL 33061

Phone: (954) 786-5535  
Fax: (954) 786-7836

## MEMORANDUM

DATE: July 12, 2016

TO: Robin Bird, Director of Development Services  
Jennifer Gomez, Assistant Director of Development Services

FROM: Max Wemyss, CRA/RMA Planning and Urban Design Assistant  
Natasha Alfonso-Ahmed, RMA Urban Design Director

THRU: Kim Briesemeister, CRA Executive Director  
Chris Brown, CRA Executive Director

RE: Memo 16-287 – 155.4225.A: Apartment Hotels

### Background:

The CRA has not been involved in the development of this proposed code amendment.

### CRA Comment:

This item requires legal involvement prior to execution.

### Proposed Action:

The CRA is requesting a meeting with staff to better understand the intent of the code changes and any potential impact on CRA redevelopment goals and objectives. In addition, the CRA is requesting two weeks to further review the proposed amendment language and provide comment since a majority of the requests for “condo hotels”, referred to as “apartment hotels” in the memo and code, are in the East CRA area.

cc: CRA Attorney  
City Attorney



# CRA

POMPANO BEACH

P. O. Drawer 1300  
Pompano Beach, FL 33061

Phone: (954) 786-5535  
Fax: (954) 786-7836

## MEMORANDUM

DATE: July 27, 2016

TO: Robin Bird, Director of Development Services  
Jennifer Gomez, Assistant Director of Development Services

FROM: Max Wemyss, CRA/RMA Planning and Urban Design Assistant  
Natasha Alfonso-Ahmed, RMA Urban Design Director

THRU: Kim Briesemeister, CRA Executive Director  
Chris Brown, CRA Executive Director

RE: Memo 16-287 – 155.4225.A: Apartment Hotels

Thank you for providing the 7/21/2016 meeting with Staff as the CRA requested. The additional information provided the clarity that was needed to support the proposed revisions to 155.4225.A as drafted.

### CRA Position:

The CRA offers no objection to this item moving forward to implementation.

### Background:

The CRA has provided comments to the proposed code amendment on July 12, 2016 and requested a meeting with Staff to address the CRA's questions. This meeting occurred 7/21/2016.

### Proposed Action:

None.

cc: CRA Attorney  
City Attorney



# P&Z Memo #16-060



**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY**  
**MEMORANDUM #16-060**

**DATE:** September 14, 2016  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to the Zoning Code  
Apartment Hotels

---

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on August 24, 2016, the Board considered the proposed text amendments to the Zoning Code regarding Apartment Hotels, as set forth in the Development Services Department Administrative Report 16-273.

Staff recommends text amendments to the Zoning Code regarding Apartment Hotels in order to ensure that the use is regulated in a manner that ensures its primary purpose is that of a hotel use. Proposed text amendments replace "sleeping room" and "guest room" with "Lodging Unit" and create a definition for Lodging Unit. Additionally, proposed text amendments revise the definition, use standards and parking requirements for Apartment Hotels.

It is the unanimous recommendation of the Board that the Text Amendments regarding Apartment Hotels be approved.



---

Fred Stacer  
Chairman  
Planning and Zoning Board/ Local Planning Agency



# 8/24/2016 P&Z Hearing Minutes



Mr. Stacer asked if the pervious pavement included grass block and pervious concrete. Ms. Friedman stated that the manual describes the pervious pavement. Ms. Friedman stated that it seems to be more successful in the parking spaces versus the drive aisle.

Mr. Stacer asked for an explanation of energy star rated roofing and white roofing. Ms. Friedman stated that Energy Star is a rating system from the U.S. Department of Energy that rates certain products, an entire home, etc. The manual states that this may include a white roof.

Mr. Stacer asked Karen about the insulated impact glass on the south elevation. Ms. Friedman stated that they had to choose thirty-six design options that they believe they can expect consistent results. Ms. Friedman stated that if someone wanted to eliminate windows on their south side (which does not face a right-of-way) and they can demonstrate that this can be more energy efficient, they would be eligible for the optional points. Mr. Stacer asked about heat reducing pavement and Ms. Friedman stated that heat reducing pavement is listed in the table.

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval of the proposed Sustainable Development Point Requirement. All voted in favor of the above motion; therefore, the motion passed.

**13. Chapter 155 Text Amendments, Apartment Hotels**

Staff will present the proposed text amendments to Chapter 155 in order to ensure that this use is truly a hotel use.

Ms. Friedman introduced herself to the Board as the Principal Planner and stated that Staff believes that there is some ambiguity in the code regarding the definition of an apartment hotel. Our comprehensive plan is more flexible when it comes to hotel development as opposed to residential development. For example, we allow hotel development in our industrial and commercial districts. We also double the density for hotels when they are in a residential district. Staff wishes to provide clarity in the Zoning Code.

Ms. Friedman stated that in order to draft regulations that address the concerns of the Broward County Planning Council and ensure that apartment hotels are indeed a *hotel* use, Staff analyzed zoning regulations utilized by other cities within Florida, as well as California and Nevada. The information is provided in the attached table. The results of the analysis are that cities tend to regulate five primary standards:

1. Limitation on the length of the owners stay
2. Design of the lobby
3. Requirements for a Management company (including uniform key service and reservations)
4. Restrictions on separate telephone and utility service
5. Requirement for maid services

Staff is also recommending that the parking requirement be increased from 1 space to 1.25 spaces per unit to accommodate guest parking.

Joan Kovac stated that these amendments make things very clear and she is in support of the amendment.

Dr. Mills asked about the letter from the CRA asking to have a meeting. Ms. Friedman stated that the meeting was held and there are two memos from the CRA. The second memo confirms that the meeting was held and that they were able to support the item.

Tara Patton introduced herself to the Board and stated that she needs more time to review and understand the item. Ms. Patton asked about reaching out to the community in order to receive input. Carrie Saver clarified that there will be two readings at the City Commission that will be publicly noticed and advertised.

Ms. Friedman stated that there has been interest shown in this use and Staff has communicated with the potential apartment hotel developers. Ms. Friedman stated that the cities analyzed were local.

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval. All voted in favor of the above motion; therefore, the motion passed.

Ms. Sarver stated that she is not in favor of one side or the other but just reminding everyone that if there is an interested party that wants notice, the department can give you that courtesy and give you that notice. Ms. Patton stated that she is a planner and not an attorney.

**14. Chapter 155 Text Amendments, Off-Site Parking in the DPOD**

Staff will present the proposed text amendments to Chapter 155 related to off-site parking in the DPOD.

**Note: This item was tabled at the April 27<sup>th</sup>, 2016 Planning and Zoning Board hearing.**

**MOTION** was made by Jerry Mills and seconded by Richard Klosiewicz to remove the item from the table. All voted in favor of the above motion; therefore, the motion was approved.

Karen Friedman introduced herself to the Board and stated that:

On April 13, 2016 the City's CRA submitted a memo to the Development Services Department requesting a text amendment to the Off-Site Parking within the Downtown Pompano Overlay District. Accordingly, Development Services Department prepared the text amendment for the April 27, 2016 Planning and Zoning Board hearing.



**32. 16-202 P.H. 2016-98: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird.)

Karen Freidman, Planner, presented the item, which is a proposed text amendment to the City's zoning code addressing apartment hotels, which are sometimes referred to as "condo hotels."

Comr. Moss inquired if a condominium owner could rent to their visiting guests, a condominium building maintained for the exclusive use of its residents.

Ms. Friedman replied no, and explained the reasons, which she said there are specific SEC regulations and condominium documents related to condominium hotels versus a typical residential condominium.

Vice Mayor Burrie inquired who would police the rule where it states in the ordinance that a person that owns the unit can only live there for thirty (30) days out of the year.

Ms. Friedman responded that the language would have to be included in the condominium documents. The enforcement mechanism would be the condominium association itself.

Comr. Dockswell suggested that it should be called a Condo Hotel rather than an Apartment Hotel as stated in the Code.

# Staff Report to City Manager

Memo #16-487





# MEMORANDUM

## Development Services

MEMORANDUM NO. 16-487

DATE: October 18, 2016

TO: Dennis Beach, City Manager

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

FROM: Karen Friedman, Principal Planner 

SUBJECT: Ordinance amending §155.4225 and §155.5102 related to Apartment Hotels  
October 25, 2016 City Commission Hearing

At the October 10, 2016 City Commission hearing, Staff was directed to report the issues related to renaming "Apartment Hotel" to "Condo Hotel".

***Should the City Commission desire to rename "Apartment Hotel" to "Condo Hotel", this item will need to be struck.***

Below is additional information to consider:

1. If the definition specifically refers to condominium form of ownership, is it inconsistent to continue to call this use "Apartment Hotel"?

The proposed revised definition for Apartment Hotel is as follows:

An apartment hotel is a hotel comprised of lodging units that are owned by an individual, corporation, or any other legal entity having an ownership interest under condominium form of ownership, and is part of a condominium property or parcel and the building contains individual lodging units which may be occupied on a limited basis by the lodging unit owner, but whose primary purpose is a visitor accommodation use. Each room which is accessible by a lock-out key is considered a separate Lodging Unit for purposes of Zoning and Land Use.

The proposed definition no longer distinguishes an apartment hotel from a hotel based on length of stay nor by fully fitted dwelling units. Rather, the distinguishing factor is the form of ownership. That being said, it is not inconsistent to continue to call this use "Apartment Hotel". The term "Apartment Hotel" has been used by the City since 1977 to differentiate those transient lodging units that are designed for longer temporary stays. In this context, the use of the term "apartment" refers to a multi-story building with dwelling units that include kitchens, bedrooms, and bathrooms. Further the proposed definition of Apartment Hotel is clear in its intent to address a hotel with a condominium form of ownership.

Of the ten cities analyzed as part of the research for this text amendment, eight use the term "condo-hotel" and two use the term "apartment hotel" (Lauderdale by the sea and Deerfield Beach).

2. Why did Staff not recommend renaming this use to "Condo-Hotel"?

One of the primary goals of the City's Zoning Code is to be user-friendly and use clear terminology. Therefore staff considered changing the term from "Apartment Hotel" to "Condo Hotel". However, as can be seen below,



there are multiple references to the term Apartment Hotel throughout the Zoning Code and Code of Ordinances. Therefore in order to limit the scope of the text amendment, Staff retained the term "Apartment Hotel":

- 155.3210.A
- 155.3211.A
- 155.3212.A
- 155.3708.H.2
- 155.4225.A and C
- 155.4303.L and PP
- 155.4501.B
- 155.5102.D.1 and 3
- Article 9, Part 5
- Consolidated Use Table
- 50.03(C)(2), Water Tariff
- 51.05(D)(7), Wastewater Tariff

**3. Can this Ordinance be changed to "Condo-Hotel"?**

No. This change would not only impact the Ordinance title, but it should reviewed and recommended by the Planning and Zoning Board.



10/25/2016

City Commission  
Hearing Minutes

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**File #:** 16-202    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Stricken  
**File created:** 9/27/2016    **In control:** [City Commission](#)  
**On agenda:** 10/25/2016    **Final action:** 10/25/2016

**Title:** P.H. 2016-98: (PUBLIC HEARING 2ND READING) AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A) FIRST READING: OCTOBER 10, 2016

**Code sections:** 155.4225 - Visitor Accommodation Uses, 155.5102 - Off-Street Parking and Loading

**Attachments:** 1. [Staff Report - 2nd reading - Condo Hotel](#), 2. [City Attorney Communication memo](#), 3. [Ordinance](#), 4. [PZ Approval Memo 16-060](#), 5. [Staff Report to P&Z](#), 6. [Analysis - Other Cities Apartment Hotel Standards](#), 7. [Excerpt from Draft Minutes - August 2016 P&Z Board Mtg](#), 8. [airbnb letter](#), 9. [Gizmodo airbnb article](#), 10. [SFBJ airbnb article](#)

History (2)	Text
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title

P.H. 2016-98: (PUBLIC HEARING 2ND READING)  
 AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS



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(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

staffcontact

(Staff Contact: Karen Friedman/Robin Bird.)

summary

Summary Explanation/Background:

(Note for 2nd Reading: Attached Administrative Memo #16-487 recommends this item be struck to allow for the name change from Apartment Hotel to Condo Hotel). Text amendments to the Zoning Code's standards for Apartment Hotels have been prepared in order to ensure these developments function as a hotel. Apartment Hotels (aka Condo Hotels) have units owned by individual property owners, like a condo, but the primary purpose is intended for visitor accommodations. The City's Comprehensive Plan is much more permissive for hotel uses than for residential uses. Therefore in order to ensure apartment hotels operate as a hotel, Staff recommends adding in standards to address the following: length of the owners stay; lobby design; requirements for a management company; and future conversion to a residential use. Finally, it is recommended that apartment hotel units which are one-bedroom units or larger provide 1.25 parking spaces per unit in order to accommodate visitor parking. The proposed amendments were unanimously recommended at the August 24, 2016 Planning and Zoning B...

[Click here for full text](#)