

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155.005, "ZONING DISTRICTS", OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY CREATING AN ATLANTIC BOULEVARD OVERLAY DISTRICT FOR THE PROPERTY LOCATED BOTH NORTH AND SOUTH OF ATLANTIC BOULEVARD, EAST OF NORTHEAST 18TH AVENUE AND EAST AND WEST OF A1A; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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,

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

SECTION 1: That Section 155.005 of Chapter 155 of the City of Pompano Beach Code of Ordinances adopt, with the present zoning classifications, an "Atlantic Boulevard Overlay District" to read as follows:

Section 155.179 ATLANTIC BOULEVARD OVERLAY DISTRICT.

(A) INTENT AND PURPOSE. The Atlantic Boulevard Overlay District (AOD) is a mix of commercial, entertainment, office, hotel accommodations, and residential uses. The district is primarily oriented to local residents and tourists and will be compatible with adjacent neighborhoods. The purpose of this district is to promote cohesive development and redevelopment that will create a safe, attractive and pedestrian oriented area through the implementation of design standards, landscaping, public art and property owner incentives. These regulations are intended to invigorate the economic and social

vitality of the Atlantic Boulevard corridor, while cultivating an attractive gateway to the Beach.

(B) APPLICABILITY. All properties located within the Atlantic Boulevard corridor and beach area, as defined by the adopted Atlantic Boulevard Overlay map. To the extent that conflicts occur between standards of the overlay district and other regulations, excepting approved Section 155.210 Planned Commercial Overlay Districts, the provisions set forth in the Atlantic Boulevard Overlay District shall prevail.

(C) EXCEPTIONS. Approved Section 155.210 Planned Commercial Overlay Districts lying within the Atlantic Boulevard Overlay District shall be exempted from the provisions of the Atlantic Boulevard Overlay District and shall prevail. The Planned Commercial Overlay District shall adhere to the terms and provisions approved under Section 155.210.

(D) PERMITTED USES.

(1) All uses permitted in the underlying zoning district, unless prohibited by this ordinance.

(2) Mixed uses of commercial, hotel, office and residential are encouraged in the Atlantic Boulevard Overlay District. Residential and commercial uses will be allocated in land use districts through the utilization of reserve units or flexibility pursuant to the Broward County and City of Pompano Beach Land Use Plans.

(E) PROHIBITED USES.

(1) Adult bookstore, adult entertainment lounge, adult motion picture theater, adult video store, adult domination/submission, encounter/modeling studio.

(2) Auction house.

(3) Automobile care center.

(4) Automobile parts store.

(5) Automobile, truck or trailer sales and/or rental.

(6) Blood donation centers.

(7) Filling stations

(8) Fortune telling and kindred trades or professions.

(9) Labor pools.

(10) Showrooms with wholesaling and sampling

(11) Tattoo parlors/body piercing.

(12) Thrift /consignment shops.

(F) DEVELOPMENT REGULATIONS.

(1) All utilities will be located underground, including those located to the rear of developments.

(2) Direct pedestrian access shall be provided from rear parking areas to ground floor uses. Connections can be interior throughways with rear or side entrances. Pedestrian throughways may also be exterior, located adjacent or between buildings. Interior and exterior throughways shall be a minimum of five (5) feet unless located between buildings, in which case, throughways shall be a minimum of ten (10) feet.

(a) Exterior throughways and outside areas shall provide a minimum .5 foot candle of illumination. Lighting fixtures, placement and design shall comply with the Atlantic Boulevard Design Manual.

(3) The setbacks for the Atlantic Boulevard Overlay District shall conform to the following:

(a) *Front setback:* Atlantic Boulevard from US Highway 1 to 25th Avenue, building walls shall be setback zero (0) feet from the right-of-way, in order to conform to current development patterns.

Atlantic Boulevard from 25th Avenue to 28th Avenue and US Highway 1, building walls shall be setback five (5) feet from right-of-way. In the event that outdoor seating areas are provided, building walls shall be setback a minimum of ten (10) feet from right-of-way. Roofed areas and upper floors must maintain a setback of five (5) feet, unless an interior courtyard is provided.

(b) *Side street setback:* Building walls shall be setback zero (0) feet from the right-of-way if a sidewalk exists. When deemed appropriate a sidewalk or walkway shall be required either on or off site and should be dedicated to the public. Specifications and setbacks shall be determined by the Planning and Zoning Board.

(c) *Side setback:* The creation of pedestrian walkways, plazas and courtyards, adjacent to buildings are encouraged to provide access to rear parking areas and to create outside areas. If provided, setbacks shall be a minimum of ten (10) feet from property line. Adjacent property owners

are encouraged to engage in joint development of plazas or courtyards. Side entrances are also encouraged. If plazas, courtyards or walkways are not created, there shall be no building separation and setbacks shall be zero (0) feet.

(d) *Permitted uses in front/side setback:* Arcades, walkways and pedestrian plazas/courtyards, landscaping, lighting, street furniture, and outdoor seating that does not obstruct pedestrian movement.

(G) DESIGN THEME. The general design theme of the district is that of Old Florida/Maritime. The design of buildings should emphasize covered open air walkways or arcades integrated into the building design with structures supported overhead by architectural arches, columns or overhangs. Rooflines should be sloped and varied in elevation. Pedestrian orientation and safety should be emphasized through walkways, lighting and high visibility areas. Design standards, which include signage, lighting, fencing, site improvements and building facades, are discussed in detail in the Atlantic Boulevard Design Manual, when available. The Atlantic Boulevard Design Manual is hereby adopted by reference and will be updated periodically. Said manual was developed to supplement the regulations set forth in this ordinance and guide property owners in the design and construction of new structures as well as the rehabilitation of existing structures. Funding assistance for facade, sign and landscaping improvements may be available through the City of Pompano Beach. All new or improved structures, site improvements and appurtenances must comply with the standards in the Atlantic Boulevard Design Manual and this ordinance.

(H) SIGN REGULATIONS. Signage in the Atlantic Boulevard Overlay District shall compliment the Old Florida/Maritime theme and create consistency using compatible colors, materials, size and location. Design guidelines are established in the Atlantic Boulevard Design Manual. Signage shall comply with the Atlantic Boulevard Design Manual and where not specifically defined by this regulation, the underlying sign ordinance.

(1) A principal building or shopping center, having more than one tenant shall be permitted, one wall, marquee or monument sign for identification, per street frontage. In addition, a principal building is permitted one directory sign. Size, height and location are as follows:

(a) Signs may be located on the principal frontage and along a side street. Side street signs shall not exceed twenty-five percent (25%) of the total square footage in sign area and letter size of the primary sign.

(b) Letter size shall not exceed thirty-six (36) inches in height.

(c) In addition to identification sign(s), principal buildings containing more than one tenant are permitted one (1) directory sign. Directory sign

may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed twenty-five (25) square feet or six (6) feet in height.

(d) *Wall or Marquee Sign:* Signs located on the principal frontage shall not exceed 10% of the total square footage of the facade area or 100 square feet, whichever is smaller.

(e) *Monument Sign:* Signs are allowed, one per parcel. Parcels must have a minimum frontage of one hundred (100) feet. Sign area shall not to exceed fifty (50) square feet. Sign height shall not to exceed eight (8) feet. Monument signs shall be located in front of central interior courtyard or entrance.

(2) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted in the Atlantic Boulevard Overlay District:

(a) Secondary signs shall not exceed twenty-five percent (25%) of the primary sign area in size and nine (9) inches in letter size. Secondary signs shall be located at the rear or side.

(b) *Awning Sign:* One (1) line of lettering shall be permitted.

(c) *Under-Canopy Sign:* Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five (5) square feet in sign area. Sign shall be located at least eight (8) feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two (2) feet from establishment wall or entrance.

(d) *Occupant Nameplate Sign:* Letters not to exceed three (3) inches.

(e) *Projecting Sign:* Sign shall be mounted perpendicular to the face of the entrance. Sign shall not exceed five (5) square feet in sign area. Sign shall be located at least eight (8) feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two (2) feet from establishment wall or entrance.

(e) *Wall Sign:* Sign shall not exceed one (1) square foot of sign area per one (1) linear foot of tenant frontage.

(3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.

(4) Wall murals that promote the Old Florida/Maritime theme are encouraged in the Atlantic Boulevard Overlay District. All murals will be reviewed and approved by the Architectural Appearance Committee for appropriateness and consistency with the district objectives. In order to promote art in public places, wall murals may be commercialized, however the commercial portion can not exceed five (5%) percent of the total mural space. Commercialized portions of a mural shall not be counted toward sign coverage limitations.

(5) *Nonconforming Signs:* Nonconforming signs are required to conform to this ordinance if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than twenty five percent (25%) of the replacement value, in accordance with Section (F) of the Atlantic Boulevard Overlay District. All nonconforming signs shall be removed or made to conform within ten (10) years of the effective date of this ordinance. Nonconforming signs shall not be:

(a) Structurally altered to extend its useful life.

(b) Demolished, modified or improved by more than twenty-five percent (25%) of its replacement value.

(c) Re-established if there is a change in use.

(d) Re-established after a business has been abandoned for more than ninety (90) days.

(I) LANDSCAPE REQUIREMENTS. Landscaping in the Atlantic Boulevard Overlay District will compliment the Old Florida/Maritime theme, using native plant materials and street furnishings that carry the theme. In addition, public safety will be a priority using the principles of CPTED, to create high visibility areas and natural access control.

(J) PARKING PROVISIONS. Parking requirements shall be calculated in accordance with Section 155.113 for each permitted use. Property owners are entitled to a maximum forty-percent (40%) reduction in off-street parking if provisions for reduction are utilized. The total percentage of parking reductions are summed then reduced from the amount required by Section 155.113. If the adjusted parking requirement is a fraction of a whole number, it shall be rounded to the nearest whole number. The following methods, which are described in more detail in the Atlantic Boulevard Design Manual, may be used to reduce off-street parking:

(1) Mixed-use developments, incorporating a residential component, may reduce off-street parking for non-residential uses by twenty percent (20%).

(2) Enhancement of pedestrian circulation to link rear parking areas, building entrances and other establishments, using features such as arcades, walkways, and courtyards, shall reduce required off-street parking for non-residential uses by twenty percent (20%).

(3) Creation of additional public landscaped areas, courtyards or plazas with pedestrian amenities shall reduce required off-street parking for non-residential uses by twenty percent (20%).

(4) The Atlantic Boulevard Overlay District falls within the Beach Master Parking Area. Additional reductions requiring parking fees paid in lieu of provision of parking may be requested in accordance with Section 155.115.

(K) BONUS PROVISIONS.

(1) Mixed-use developments, incorporating a residential component, may increase permitted lot coverage by twenty percent (20%).

(2) Developments that incorporate plazas or courtyards into site design, may increase lot coverage by twenty percent (20%).

(a) Developments are only entitled to a maximum lot coverage increase of twenty percent (20%).

(3) Plazas, courtyards and arcades paved with an impervious material may be considered open space and counted toward the requirement up to fifty percent (50%).

(4) Plazas, courtyards and arcades paved with a pervious material may be considered open space and counted toward the requirement up to seventy-five percent (75%).

(5) Improvements to an existing property or structure, which conform to the regulations and design guidelines of the Atlantic Boulevard Overlay District, are eligible for a twenty percent (20%) reduction in parking or increased lot coverage.

(L) NONCONFORMING USES, STRUCTURES AND SITE CHARACTERISTICS. Any use, structure, site characteristic or appurtenance established prior to the effective date of this ordinance, which does not comply with, or is prohibited by this ordinance, is considered nonconforming. These uses, structures, site characteristics or appurtenances shall not be required to comply with the Atlantic Boulevard Overlay District regulations until partial destruction or modification occurs, in which case the following provisions apply:

(1) Any change in the use of a structure deemed nonconforming will result in compliance with the Section G, Sign Regulations, of the Atlantic Boulevard Overlay District.

(2) A nonconforming structure, site characteristic or appurtenance which is destroyed, modified or improved by more than twenty-five percent (25%) of its assessed value shall be required to comply with Section G, Sign Regulations, of the Atlantic Boulevard Overlay District. Nonconforming signs are subject to further restrictions and provisions pursuant to Section G, of the Atlantic Boulevard Overlay District

(3) A nonconforming site characteristic, such as parking or landscaping, which is destroyed, modified or improved by more than twenty percent (20%) of the total area shall be required to comply with Section H, Landscape Requirements, of the Atlantic Boulevard Overlay District.

(4) A nonconforming structure which is destroyed, improved or modified by more than fifty-percent (50%) of its assessed value shall be required to conform to all of the regulations of the Atlantic Boulevard Overlay District.

SECTION 2: That the Planning Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 3: If any provisions 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 application, and to this end the provisions of this Ordinance are declare to be severable.

SECTION 4: This Ordinance shall become effective upon passage.

PASSED FIRST READING this 9th day of March, 1999.

PASSED SECOND READING this 23rd day of March, 1999.

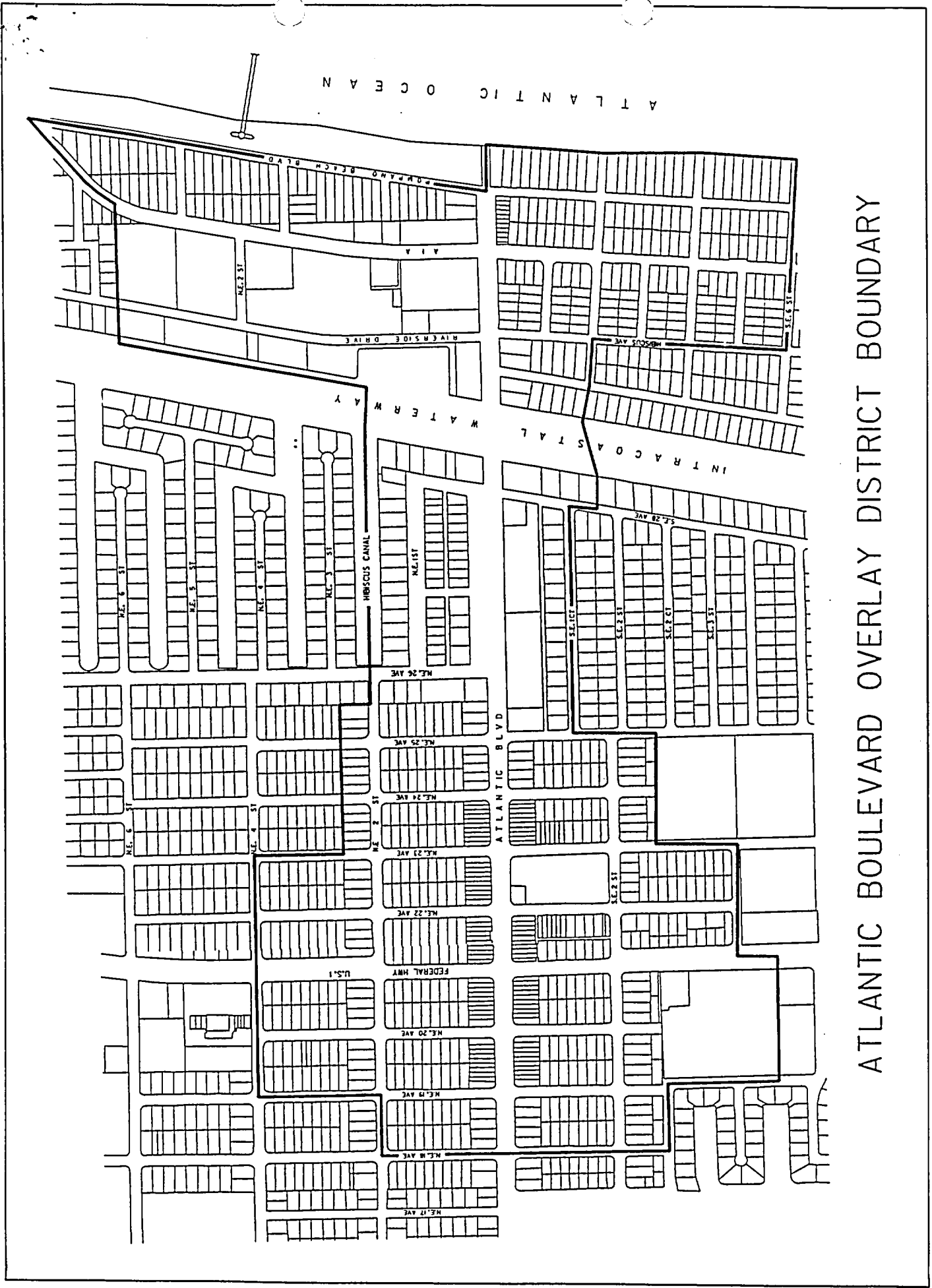


E. PAT LARKINS, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK



ATLANTIC BOULEVARD OVERLAY DISTRICT BOUNDARY