




ADMINISTRATIVE MEMORANDUM NO. 18 - 257

DATE: June 28, 2018

TO: Planning and Zoning Board

VIA: David L. Recor, Director of Development Services 
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Jean E. Dolan, AICP, Principal Planner 

RE: Concurrency Update to Chapter 154.73 and 154.74; Chapter 155, Appendix C Fee Schedule and Chapter 155, Article 2, Section 155.2101 Decision Making Authority, Section 155.2407 Site Plan Review Criteria, 155.2425 Concurrency Review; and Miscellaneous Corrections to Chapter 154 and Flex Related References

P&Z July 25, 2018

Concurrency Related Amendments

Concurrency refers to the principle that public facility capacity for water, wastewater, drainage and solid waste be available to serve a development by the time the demands from that development are realized.

The concurrency review requirements in Chapter 154.73 and 154.74 were originally drafted to meet the requirements of the Growth Management Act (Chapter 163.3180) which has been amended many times since its adoption. The City's Comprehensive Plan has been amended over the years to keep pace with the changes in Chapter 163 (now called the Community Planning Act) and some of those changes affect how concurrency is measured and tracked. The updates to Chapter 154.73 and 154.74 bring these code sections into compliance with the current Comprehensive Plan standards and accurately describe the process for measuring and tracking concurrency as part of the site plan approval process.

Concurrency is one of the site plan review standards in Chapter 155, Section 155.2407 in the Zoning Code. The language used in these criteria are also being updated as part of this amendment to the concurrency requirements. These amendments are to reflect actual practice and also to include the fire-related standards and considerations of potential impacts to environmentally sensitive lands that previously were included in the Chapter 154.74 but are not actually related to concurrency.

Minor changes are being made to Chapter 155, Table 155.2101 and Section 155.2425 to remove reference to concurrency “certificates” and to properly describe the concurrency review process which is done at time of site plan approval.

The Chapter 155, Appendix C Fee Schedule is also being updated to remove the concurrency related fees from the fee schedule. The concurrency review fee has been part of the site plan review fee for many years so the separate concurrency fees are being eliminated from the fee schedule. Other minor changes are being made to the fee schedule at the same time but are unrelated to the concurrency amendments. These include the separation of Major Site Plan and Major Building Design fees so they can be charged separately and also the clarification that the first two questions associated with a zoning letter are free of charge.

Miscellaneous Chapter 154 and Flexibility Related Amendments

Chapter 154.60 and 154.61 have been edited to correct a reference to the residential flexibility provisions of the City and County’s Comprehensive Plan. The County’s land use plan adopted at the conclusion of the “Broward Next” process had an error limiting the amount of nonresidential land that can be used for residential projects to 10% and that error was reflected in the City’s 2017 amendments to Chapter 154. The County recently corrected their land use plan to allow up to 20% of nonresidential land be used for residential projects and thus this change is reflected on the attached amendments.

In the recent past, the private sector has expressed some confusion with the affordable housing in-lieu-of fee requirements in Chapter 154 when associated with the Downtown Transit Oriented Corridor (DPTOC) and the East Transit Oriented Corridor (ETOC). Section 154.80 has been amended to help clarify that requirement.

Other miscellaneous references to the flexibility provisions in the Comprehensive Plan have been edited within Code Sections 155.2425, 155.4219 and 155.3703 (AOD Overlay). The text for the AOD Overlay was also modified slightly to reflect the fact that it is only applicable on a portion of the barrier island now that the East Overlay District (EOD) has replaced it west of the Intracoastal Waterway.

Recommendation: Staff requests the Board recommend approval of the proposed concurrency, flexibility and affordable housing related amendments to the attached sections of Chapters 154 and 155.

CONCURRENCY RELATED CODE AMENDMENTS
(With Explanatory Notes)

§ 154.73 CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS.

(A) An application for a concurrency review shall be processed and reviewed concurrent with an accompanying site plan, unless otherwise noted herein. An approved site plan is evidence of concurrency approval for those facilities reviewed at time of site plan approval and will remain valid as long as the site plan remains valid.

(B) The Development Services Director, as a member of the Development Review Committee, is responsible for conducting the concurrency review in conjunction with the development review process of the site plan.

(1) If the Development Services Director determines that the requirements for concurrency have been met, then concurrency shall be granted for the proposed development's site plan.

(2) If the Development Services Director determines that the requirements for concurrency have not been met, then the applicant shall be notified of this determination in writing setting forth the reasons for the determination of non-compliance.

(C) ~~The application for a concurrency review shall contain such information and support documents as may be required in application requirements established by the Development Services Director~~ be based on the standards established in the Comprehensive Plan and Code Section 154.74.

(D) A concurrency review may be issued with certain conditions and stipulations reasonably calculated to achieve the purposes of the ordinance and may be issued in conjunction with the approval of an enforceable developer's agreement in accordance with § 154.72(B).

(E) A concurrency review shall remain valid provided the development's site plan remains valid. In the event that accompanying site plan is amended, the amendment shall require an updated concurrency review.

(F) Concurrency review fee. ~~All applications for development permits which require a concurrency review certificate shall be accompanied by a~~ The concurrency review fee is included as part of the site plan review fee as set forth in the Fee Schedule contained in [Ch 155, Appendix C.](#)

(Ord. 2013-34, passed 1-8-13; Am. Ord. 2014-19, passed 2-11-14)

§ 154.74 LEVELS OF SERVICE REQUIREMENTS.

The following level of service standards have been adopted in the city's Comprehensive Plan and shall be used as the basis for determining the availability of service or facility capacities and the demand generated by a development:

(A) Wastewater facilities. New development shall not be approved unless there is sufficient available design wastewater treatment plant capacity to sustain the levels of service, expressed as capacity per unit of demand (generation rate), to serve the needs of the proposed project for based on the wastewater treatment plant capacities as established in the Sanitary Sewer Sub-element of the city Comprehensive Plan and as shown below. Further, sSpecific design estimates of minimum design flow wastewater demand shall be prepared using the standards wastewater generation rates by land use type established in Chapter 27 of Broward County's Code of Ordinances and utilized in the City's Wastewater Master Plan, which may be "Guidelines for Determining Ability to Provide Potable Water and Wastewater Service (2012)", as amended from time to time, at time of site plan based on the determination of specific requested use development.

<i>Facility Service Area</i>	<i>Level of Service Design Capacity</i>
Pompano Beach	17.00 million gallons per day (by Large User Agreement)
Broward County	100.000 <u>95</u> million gallons per day (17 MGD allocated to Pompano Beach)
Areas served by septic system	Septic tanks

(B) Raw water and potable water. New development shall not be approved unless there is sufficient available raw water withdrawal capacity and water treatment plant design capacity to serve the proposed site plan, sustain the level of service, expressed as capacity per unit of demand (generation rate), for potable water. The raw water withdrawal and water treatment plant design capacities as are established in the potable water sub-element of the City Comprehensive Plan and as are shown below. Further, specific design estimates of minimum design flow shall be prepared using the standards established in Broward County's "Guidelines for Determining Ability to Provide Potable Water and Wastewater Service (2012)", as amended, at time of site plan on determination of specific use. Please note that the calculation of raw water demand for the area served by the Pompano Beach Water Treatment facility will be based on 1.07 times the calculated potable water demand using the treated water generation rates in the above noted Broward County Guidelines. The raw water demand calculation for the service areas for Broward County Treatment Plants 1A and 2A will follow the methodology in the Broward County Guidelines document. The City or County water service area will be determined and water demand will be calculated as follows:

Commented [JD1]: The current, more updated methodology for water demand is replacing these old standards.

The water related demand calculations when using potable water for irrigation will be as follows:

Treated Water Demand = Wastewater demand x 1.186

Raw Water Demand = Treated Water Demand x 1.08

Commented [JD2]: These calculations come from the Long Term Water Supply Plan. Typically, all treated water used in the home goes into the sewer system except for water used for irrigation. On average over time, irrigation has been 18.6% of potable water use.

If ground or surface water is being used for irrigation the formula is:

Treated Water Demand = Wastewater Demand

Raw Water Demand = (Wastewater Demand x 1.186) X 1.08

On average, the water used in the water treatment process is 8% of the water pumped out of the raw water well so raw water is 8% more than treated water delivered to consumers.

If using reclaimed water (OASIS) for irrigation:

Treated Water Demand = Wastewater Demand

Raw Water Demand = Wastewater Demand x 1.08

OASIS Demand = Wastewater Demand x 0.186

Commented [JD3]: When ground or service water is being used for irrigation, it doesn't pass through the water treatment plant and thus treated water used is typically equal to wastewater generated.

Raw water is still 8% more than treated water due to water used in the treatment process.

<i>Facility Service Area</i>	<i>Level of Service Design Permitted Capacity</i>
Potable water facilities Pompano Beach water treatment	50.00 million gallons per day
Raw Water Withdrawal Permitted Capacity- Pompano Beach	17.75 MGD
Broward County* 2A Plant	30.00 million gallons per day
Raw Water Withdrawal Permitted Capacity for BC Wellfield 2	20.8 <u>19.5</u> million gallons per day
Broward County* 1A Plant	10.67 million gallons per day

Commented [JD4]: Oasis is highly treated wastewater used for irrigation. When OASIS can be used, the irrigation water use does not flow through the water treatment plant.

Raw Water Withdrawal Permitted Capacity for BC Wellfield 1	9.5 9.3 million gallons per day
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(C) Solid waste. New development shall not be approved unless there is sufficient available design capacity for solid waste disposal. Currently, the City has a contract with Waste Management that ensures solid waste disposal capacity through 2022. Estimates of solid waste generated by the land uses included on a proposed site plan will be calculated using the generation rates to sustain the following level of service for the solid waste as established in the Solid Waste Sub-element of the city Comprehensive Plan, as may be amended from time to time.

<i>Land Use - Level of Service</i>	
Residential	8.9 lbs. per unit per day
Industrial / Commercial	
Factory / Warehouse	2 lbs per 100 sq. ft. per day
Office Building	1 lbs per 100 sq. ft. per day
Department Store	4 lbs per 100 sq. ft. per day
Supermarket	9 lbs per 100 sq. ft. per day
Restaurant	2 lbs per meal per day
Drug Store	5 lbs per 100 sq. ft. per day
Institution	
Grade School	5 lbs per room per day plus ¼ lb. per student per day
Middle/High School	8 lbs per room per day plus ¼ lb. per student per day
Hospital	8 lbs per bed per day
Nursing Home	3 lbs per person per day

Commented [JD5]: We expect these rates to be updated as part of the Solid Waste Element Update for the Comprehensive Plan so we are removing these old rates from the Code to avoid another code amendment when the Comp Plan is updated.

(D) Drainage facilities. New development shall not be approved unless there is sufficient available design capacity to sustain the following level of service for the drainage facilities as established in the Drainage Sub-element of the City/County Comprehensive Plan, which may be amended from time to time. The County will determine if drainage concurrency has been met prior to building permit approval.

<i>Facility/Service Area</i>	<i>Level of Service</i>
Drainage facilities	25-year frequency 72-hour duration for allowable discharge
	10-year frequency storm 24-hour duration for the minimum road crown elevation
	100-year frequency storm 72-hour duration for minimum finished floor elevation

Commented [JD6]: The City relies on the County to measure concurrency for drainage and the County is in the process of updating all these standards to incorporate sea level rise. The new standards will be reflected in the Drainage Element update of the Comprehensive Plan.

~~(1) The city hereby adopts by reference Broward County Code of Ordinances Chapter 27, specifically, Office of Natural Resource Protection Code of Regulations Chapter 27-14, Management of Storm Water Discharges and Non-point Source Water Pollution, §§ 27-14.06 and 27-14.065, and the South Florida Water Management District (SFWMD) Management and Storage of Surface Waters Permit Information Manual Volume IV, Chapter 40E-4, 40E-40 and Part B.~~

~~—(2) A finding that new development is in conformance with the regulation adopted in subdivision (1) above shall constitute a finding of compliance with this section.~~

(E) Recreation and open space. New development shall ~~not~~ be approved ~~unless there is sufficient available for recreation and open space concurrency based on the payment of impact fees or the dedication of land prior to building permit to enable the City to maintain, to the maximum extent possible, capacity to sustain~~ the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the City Comprehensive Plan:

<i>Facility/Service Area</i>	<i>Level of Service</i>
Neighborhood park, mini-parks, and small urban spaces	2 acres per 1,000 pop.
Community park	1 acre per 1,000 pop.
Urban park	2 acres per 1,000 pop.

(1) Park fees required. Concurrency shall not be granted until the applicant seeking to construct the dwelling unit shall do either of the following.

(a) Deposit in a special purpose account for park impact fees established and maintained by the city an amount of money sufficient to satisfy the demands for neighborhood and community parks as generated by the number of dwelling units provided for in the building permit.

(b) Upon receiving the approval of the City Commission, dedicate land of suitable size, dimension, topography, and general character to serve as neighborhood park or community park or a substantial portion thereof which will meet the neighborhood and community level park needs created by the development.

(c) Building permits for construction of replacement dwelling units are exempt from the requirement for park impact fees provided that the replacement dwelling unit is identical in type to the original dwelling type and will contain the same number of or fewer bedrooms. In all other cases involving replacement dwellings, fees shall be calculated in accordance with the difference in dwelling type and number of bedrooms between the original and the replacement dwelling unit or units.

(2) Demographic multipliers. In determining the number of residents generated by the number of dwelling units proposed by the building permit application, the estimated number of residents generated by dwelling type is hereby found to be as follows.

<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Persons per Unit</i>
Single-family homes	2	2.337
	3	3.438
	4	4.450
	5	4.998
Garden apartments.	1	1.339
	2	2.142
	3	3.800
Town houses.	2	2.195
	3	3.134
Hi-rise apartments.	All	1.590
Duplex, triplex, and fourplex.	1	1.328
	2	2.291
	3	3.665
Mobile homes.	1	2.111
	2	2.582
	3	3.619

(3) Park Service Districts. The Park Service Districts enumerated in the Recreation and Open Space element have been aggregated into three Neighborhood and one Community Park Service District for the purposes of computing the cost for acquisition and development of neighborhood and community parks, and also to establish the boundaries for expenditure of neighborhood and community park monies which are generated for development within the consolidated Park Service District

(4) Fee schedule for neighborhood park contributions. The following fee schedule has been computed and is hereby established as of ~~December 12, 2013~~ January 29, 2018. The amount of money to be deposited for each dwelling unit to be constructed shall be as follows, and for each fiscal year thereafter the amount shall be adjusted by the amount of the change reflected for the previous 12-month period in the Consumer Price Index for All Urban Customers in the All Items Category as published by the U.S. Department of Labor, Bureau of Labor Statistics.

		<i>Consolidated Neighborhood Parks Service Districts</i>		
		<i>1 to 5</i>	<i>6, 7, 8, 9, 10, 24, and 25</i>	<i>11 – 23</i>
<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fees Per Unit</i>		
Single Family	1 – 2	\$329 <u>\$346</u>	\$698 <u>\$734</u>	\$349 <u>\$367</u>
	3	\$481 <u>\$506</u>	\$1,025 <u>\$1,079</u>	\$521 <u>\$548</u>
	4	\$624 <u>\$657</u>	\$1,330 <u>\$1,399</u>	\$672 <u>\$707</u>
	5 or more	\$701 <u>\$737</u>	\$1,494 <u>\$1,571</u>	\$757 <u>\$796</u>
Garden Apartments (Apartments over 4	1	\$182 <u>\$191</u>	\$394 <u>\$415</u>	\$200 <u>\$210</u>
	2	\$295 <u>\$311</u>	\$635 <u>\$668</u>	\$326 <u>\$343</u>

units. Not exceeding 3 Stories)	3	\$532 <u>\$560</u>	\$1,134 <u>\$1,193</u>	\$572 <u>\$601</u>
Town Houses	2	\$303 <u>\$319</u>	\$658 <u>\$692</u>	\$331 <u>\$349</u>
	3	\$441 <u>\$464</u>	\$937 <u>\$985</u>	\$473 <u>\$497</u>
High Rise Apartments (4 floors or more)	All	\$219 <u>\$230</u>	\$474 <u>\$499</u>	\$241 <u>\$254</u>
Duplex	1	\$182 <u>\$191</u>	\$396 <u>\$417</u>	\$199 <u>\$209</u>
Triplex	2	\$325 <u>\$341</u>	\$686 <u>\$722</u>	\$344 <u>\$362</u>
Fourplex	3	\$516 <u>\$542</u>	\$1,094 <u>\$1,151</u>	\$554 <u>\$583</u>
Mobile Homes	1	\$293 <u>\$308</u>	\$628 <u>\$660</u>	\$325 <u>\$341</u>
	2	\$364 <u>\$383</u>	\$774 <u>\$814</u>	\$390 <u>\$410</u>
	3	\$505 <u>\$552</u>	\$1,075 <u>\$1,174</u>	\$550 <u>\$601</u>

(5) Neighborhood park dedication ~~of or~~ land in-lieu-of fee contribution. In the event the City Commission agrees to accept a dedication of land in lieu of a deposit of money, the amount of land which must be dedicated to meet the neighborhood park needs generated by the proposed development shall be as follows: the population generated by the dwelling units proposed in the application for building permit shall be the numerator in a fraction which has as its denominator the number 1,000, and that fraction shall be multiplied against the total of two acres and the result shall be the minimum amount of land necessary to meet the neighborhood park needs generated by the development. The amount of land to be dedicated may be either on or off the development site; however, the land must be located within the same Consolidated Neighborhood Park Service District as the dwelling units which are described in the building permit application.

(6) Community park contribution. In addition to those fees required to be deposited in order to meet the neighborhood level park level of service requirements, a developer must deposit an amount of money proportionate to the community level park level of service needs created by the proposed development.

(7) Fee schedule for community park contributions. The following fee schedule has been computed and is hereby established as of ~~December 12, 2013~~ January 29, 2018. The amount of money to be deposited for each dwelling unit to be constructed shall be as follows, and for each fiscal year thereafter the amount shall be adjusted by the amount of the change reflected for the previous 12-month period in the Consumer Price Index for All Urban Customers in the All Items Category as published by the U.S. Department of Labor, Bureau of Labor Statistics.

		<i>Community Parks</i>
<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fee per Unit</i>
Single Family	1 - 2	\$527 <u>\$554</u>
	3	\$776 <u>\$816</u>
	4	\$1,009 <u>\$1,061</u>
	5 or more	\$1,428 <u>\$1,186</u>

Garden Apartments (Apartments over 4 units. Not exceeding 3 stories)	1	\$298 \$313
	2	\$480 \$505
	3	\$858 \$903
Town Houses	2	\$500 \$526
	3	\$705 \$742
High Rise Apartments (4 floors or more)	All	\$357 \$376
Duplex	1	\$295 \$311
Triplex	2	\$520 \$547
Fourplex	3	\$834 \$874
Mobile Homes	1	\$474 \$499
	2	\$580 \$610
	3	\$817 \$892

(8) Spending area for community park contributions. Community park contributions may be spent on the acquisition and development of community parks, so long as that park is located within the city limits.

(9) Community park dedication of land in-lieu-of fee contribution. In the event the City Commission agrees to accept a dedication of land in lieu of a deposit of money, the amount of land which must be dedicated to meet the community park needs generated by the proposed development shall be as follows: the population generated by the dwelling units proposed in the application for building permit shall be the numerator in a fraction which has as its denominator the number 1,000, and that fraction shall be multiplied against the total of one acre and the result shall be the minimum amount of land necessary to meet the community park needs generated by the development. The amount of land to be dedicated may be either on or off the development site; however, the land must be located within City of Pompano Beach and must be located in a manner which provides an opportunity for the development of a community park that achieves the 10-acre minimum size requirement.

(10) Park Acquisition and Improvement Fund. Monies deposited by a developer pursuant to this subchapter to meet the neighborhood and community park requirements shall be deposited in the Park Acquisition and Improvement Fund established by § 36.036 of this code.

(11) Program to meet existing neighborhood park and community park needs. The City Commission shall establish an effective program for the acquisition of lands for development as neighborhood and community parks in order to meet, within a reasonable period of time, the existing need for neighborhood and community level parks, and to meet, as it occurs, the need for neighborhood and community level parks which will be created by further residential development constructed after the effective date of this subchapter. The annual budget and capital program of the city shall provide for appropriations of funds as may be necessary to carry out the city's program for acquisition of land for neighborhood and community level parks. The funds necessary to acquire and develop lands to meet the existing need for neighborhood and community level parks shall be provided from a source of revenue other than from the amounts deposited in the trust funds.

(12) The Chief Building Official of the city shall be charged with the collection of the neighborhood and community park impact fees, which shall be collected as a condition precedent to the issuance of a building permit by the Building Department. Payment for park impact fees shall be made by certified check, cashier's check, cash, or money order only, any of which shall be made payable to the "City of Pompano Beach." Subsequent to collection, and in any event, on

a daily basis, the Chief Building Official shall remit monies collected pursuant to this section to the Treasury Division of the City Finance Department.

(F) Transportation system. Broward County revised Transportation Concurrency in December 2004. The revised Transportation Concurrency Management System requires payment of a Transit Concurrency Impact Fee prior to building permit based on the type of development and the fee schedule for the Northeast and Central Transit Concurrency Districts. The City has incorporated the Broward County Transportation Concurrency Management System into its Comprehensive Plan and issues development permits for projects which pay the Transit Fee prior to building permit issuance. Payment of the fee satisfies concurrency. The City also requires all projects submitted for concurrency review to the Development Review Committee to satisfy County and City road right-of-way requirements prior to the issuance of a building permit.

New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service for transportation systems as established in the Transportation Element of the City/County Comprehensive Plan. Regional roadway level of service (LOS) will be calculated by the county to include committed trips through platting in addition to existing traffic counts.

(1) Determination of project impact. The impact of proposed development activity on available design capacity shall be determined as follows:

(a) The city shall provide a determination of concurrency for site plan applications. The city shall also be responsible for a concurrency determination on the Regional Roadway Network for site plan applications for developments within property for which plats were approved before March 20, 1979. The review will be based on the ability of the local and regional roadway networks to accommodate project traffic within the level of service standards shown in the Comprehensive Plan.

(2) Concurrency determinations on the Regional Roadway Network shall be determined at site plan review:

(3) Concurrency determinations are the responsibility of the city for all development orders and shall be determined based on the procedures described. However, for plats and replats, Broward County shall make the final concurrency determination for the regional roadway network. The applicant shall provide a trip generation analysis indicating total project traffic.

(4) Traffic studies showing project impacts which do not meet LOS standards shall provide the improvements needed to meet those standards in order to receive a final determination of concurrency.

(5) The trip generation analysis and traffic assignment may be based on the "Trip Rates by Land Use" table listed in the Broward County Administrative Code. All traffic studies shall consider committed traffic as shown by Broward County and the city.

(a) The city will monitor committed traffic for all projects receiving a concurrent determination. Project traffic from approved traffic studies will be placed in a committed traffic column for each impacted segment. Once existing plus committed traffic exceeds the LOS standard threshold on a roadway link, the link is considered overcapacity. If project traffic results in an under capacity link exceeding the designated LOS capacity, then that link shall be considered overcapacity.

(b) Roadway improvements included in development agreements will be added to the monitoring system once the improvement has been bonded.

~~(6) The city will approve site plan application for projects impacting links on the regional roadway network only under one of the following circumstances:~~

~~(a) An approved traffic impact study shows that projected traffic conditions are not degraded below the established LOS at project buildout.~~

~~(b) The necessary improvements to provide the established LOS Standard are under construction, under contract for construction or the City Commission determines they will be under contract during the same fiscal year.~~

~~(c) The necessary improvements to provide the established LOS are included in an enforceable development agreement.~~

Commented [JD7]: This is outdated methodology that is not used in Broward County. Transit Concurrency replaced this old methodology in 2004.

(G) Public school concurrency. Pursuant to the Public School Facilities Element (PSFE) of the City of Pompano Beach Comprehensive Plan and the Amended Interlocal Agreement for Public School Facility Planning (ILA), the city, in collaboration with the School Board of Broward County (school board), shall ensure public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards and that such facilities will be available concurrent with the impact of proposed residential development.

(1) Applications subject to a public school concurrency determination. The city shall not approve an application for a residential plat, replat, plat note amendment, or any site plan, until the school board has reported that the school concurrency requirement has been satisfied or unless the city has determined that the application is exempt or vested.

(2) Exemptions and vested development.

(a) The following residential applications shall be exempt from the requirements of public school concurrency:

1. An application which generates less than one student ~~at each school level~~ in the relevant Concurrency Service Area (CSA). Such development shall nevertheless be subject to the payment of school impact fees.

2. An application for age restricted communities with no permanent residents under the age of 18. Exemption for an age-restricted community shall only be applicable provided that a recorded restrictive covenant prohibiting the residence of school-aged children in a manner not inconsistent with federal, state or local law or regulations is provided.

~~3. A Development of Regional Impact (DRI) with a development order issued before the effective date of Senate Bill 360 (effective date of Senate Bill 360 is July 1, 2005) or an application submitted before May 1, 2005.~~

~~3 4. As may otherwise be exempted by Florida Statutes, including but not limited to, applications within municipalities which meet specific qualifying criteria outlined in the statute and approved by the school board.~~

Commented [JD8]: DRIs no longer exist.

(b) The following residential applications shall be vested from the requirements of public school concurrency:

1. Any application located within a previously approved comprehensive plan amendment or rezoning which is subject to a mitigation agreement in accordance with the following:

a. The mitigation to address the impact of the new students anticipated from the development has been accepted by the school board consistent with School Board Policy 1161, entitled, "Growth Management," as may be amended from time to time; and

b. A declaration of restrictive covenant executed and recorded by the developer, or the development is located within a boundary area that is subject to an executed and recorded tri-party agreement (between the school board, local government and the applicant) consistent with School Board Policy 1161, as may be amended from time to time.

c. The applicant shall provide a letter from the school board or other evidence acceptable to the city verifying subsections a. and b. above. Other evidence may include documentation as specified in the tri-party agreement.

2. Any application which is included within a residential plat or development agreement for which school impacts have been satisfied for the dwelling units included in the proposed application. ~~This includes any unexpired application approved by the city between February 2, 1979, and the effective date of the public school facilities element and other related amendments regarding school concurrency to the comprehensive plan. In the transmittal of an application to the school district, the city shall include written information indicating that the units in the application are vested. The County shall provide the necessary information to the City and the School Board to identify vested plats.~~

3. Any residential site plan (or functional equivalent) that has received final approval, and which has not expired, prior to the effective date of public school concurrency.

(c) To be exempt or vested from the requirements of public school concurrency, an applicant seeking such a determination shall be required to submit documentation with the application to the city, which shall include written evidence sufficient to verify that the subject development meets the exemptions stated herein, and as such, is exempt from the requirements of public school concurrency.

~~(3) Level of service standards. The level of service standard shall be 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year, and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of the permanent Florida Inventory of School Houses (FISH) capacity. By January 2014 the Oversight Committee, in coordination with the school board, the county and the municipalities will assess the viability of 100% gross capacity LOS, and the practicability of reverting back to 110% permanent FISH capacity LOS at the beginning of the 2019/20 school year. The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements.~~

~~(4) Concurrency service areas (CSA's). The areas for the implementation of public school concurrency in Broward County shall be known as Concurrency Service Areas (CSA), and such CSA's shall be the approved school boundaries for elementary, middle, and high schools as annually adopted by the school board. For the purposes of public school concurrency, such CSA's shall be effective on the first day of the school year and end on the last day before the beginning of the next school year.~~

~~(5) Student generation rates. The Broward County adopted student generation rate(s) contained in Broward County Land Development Code Section 5-182(m)(6) "Student Generation Rates" shall be utilized to determine the potential student impact anticipated from the residential development proposed in submitted applications.~~

(3) (6) School concurrency Review procedure.

Commented [JD9]: These standards have been changed by the School Board and the new standards are reflected in the Interlocal Agreement with the City of Pompano adopted in January, 2018.

(a) Public school impact application (PSIA). Any applicant submitting an application with a residential component, that is not exempt or vested, is subject to public school concurrency and shall be required to submit a Public School Impact Application (PSIA) for review by the school board. Evidence of acceptance of the PSIA and payment of the applicable application fee to the school board shall be required prior to acceptance of the application by the city.

(b) School capacity availability determination letter (SCAD).

1. No residential application or amendments thereto, shall be approved by the city, unless the residential development is exempt or vested from the requirements of public school concurrency, or until a School Capacity Availability Determination (SCAD) Letter has been received from the school board confirming that capacity is available, or if capacity is not available, that proportionate share mitigation has been accepted by the school board. The school board will conduct their concurrency review in accordance with the standards and procedures described in the most recently adopted ILA. The SCAD Letter shall be sent to the applicant, the Broward County Development Management Division, and the city no later than 45 days after acceptance of the completed PSIA by the school board.

~~2. The school board shall determine the potential student impact from proposed residential development on the applicable CSA by performing the review procedure specified in School Board Policy 1161, as amended.~~

~~3. If the school board determines that sufficient permanent capacity is available at the adopted LOS to accommodate students anticipated from the development, the school board shall issue a SCAD Letter indicating that adequate school facilities exist to accommodate the student impact and that the proposed development satisfies public school concurrency requirements.~~

~~4. If the SCAD Letter states that the development has not satisfied public school concurrency requirements, the SCAD Letter shall state the basis for such determination, and the applicant shall have 30 days to propose proportionate share mitigation to the School Board.~~

~~5. If the applicant proposes proportionate share mitigation within the 30-day deadline, upon the subsequent acceptance of the proposed mitigation by the school board, and upon the execution of a legally binding document among the school board, the city (if applicable) and the applicant, an amended SCAD Letter shall state that adequate capacity anticipated from the accepted proportionate share mitigation will be available to accommodate the student impact anticipated from the proposed development and that the proposed development satisfies public school concurrency requirements. The total amount committed for any mitigation option shall not be less than the school impact fees due for the proposed units as calculated based upon the adopted school impact fee schedule provided in Section 5-182(m)(3) of the Broward County Code of Ordinances. The school impact fee for the development shall be considered included in the total proportionate share mitigation amount due or paid. If the proportionate share mitigation is not accepted by the school board, the amended SCAD Letter shall state the basis upon which the mitigation proposal(s) was rejected and why the development is not in compliance with public school concurrency requirements.~~

~~6. An applicant adversely impacted by a SCAD determination may appeal such determination by written request to the school board within the designated 30-day time period. A timely request for an appeal shall stay the requirement for an applicant to propose proportionate share mitigation until the appeal has been resolved.~~

2.7. If an application or approval expires, the SCAD Letter will no longer be valid.

(4) (7) Term of public school concurrency:

Commented [JD10]: These are the School Board's procedures and don't belong in the City's Code.

(a) The public school concurrency approval for a residential application shall expire if development does not commence, as outlined in subsection (b) below, within five years following the date of city approval. If the development is denied by the City, the school board shall deduct students associated with the development from its database.

(b) If a residential application receives city approval the development and anticipated students shall be considered vested for up to five years from the date of city approval. Vesting of a residential application beyond the five years requires that one of the following conditions is met within the five-year period:

1. The issuance of a building permit for a principal building and first inspection approval, or

2. Substantial completion of project water lines, sewer lines, and the rock base for internal roads. If the development is denied, the school board shall deduct students associated with the development from its database.

(H) Additional areas of review. In accordance with Section 4 "Development Review Requirements" of the Implementation Section of the Land Use Element of the Comprehensive Plan of this city, an application for development permit will also be reviewed for adequacy and availability of the following services:

(1) Fire protection will be adequate to protect people and property in the proposed development.

(2) Police protection will be adequate to protect people and property in the proposed development.

(3) Adequacy of Bicycle and Pedestrian Circulation Systems. In order to provide a complete circulation system for the residents of the city, prior to the issuance of a certificate of occupancy, the developer shall designate and reserve for public use the necessary right-of-way and construct bicycle and pedestrian circulation systems necessary to provide access within the development and between the development and other areas within the city in accordance with the Bicycle and Pedestrian Master Plan adopted by the Planning and Zoning Board and on file with the Planning Department.

(4) Consideration of impact on environmentally sensitive lands. If a proposed development includes all or any part of any lands identified as environmentally sensitive by the city Comprehensive Plan or other adopted plan whether said identification be site specific or by the inclusion of certain identified vegetation, the applicant shall submit to the city an environmental impact report identifying the effects that the proposed development would have on the unique natural qualities and resources of the area. The report shall be prepared in accordance with procedures and standards established by the Development Services Director. The application for plat or site plan approval may be approved subject to conditions established by the City Commission or Planning and Zoning Board which have been determined to be necessary to minimize any adverse environmental impact to be caused by the proposed development.

(5) Wellfield protection. All development projects are required to comply with Broward County Ordinance No. 84-60, an ordinance relating to the prohibition and regulation of hazardous and toxic substances within zones of influence at public utility water supply wellfields within Broward County, which is hereby adopted by reference.

(Ord. 2013-34, passed 1-8-13; Am. Ord. 2014-19, passed 2-11-14)

Commented [JD11]: These items are not concurrency related as defined by Chapter 163 and do not belong in this code section. These standards are included in the site plan review standards in Section 155.2407, as amended.

155.2407. SITE PLAN

A. Purpose

The site plan provisions of this section are intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Code and all other applicable city regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

B. Applicability

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

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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:

1. Is consistent with the land use designation in the comprehensive plan;
2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);
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;
4. Complies with all other applicable standards in this Code;
5. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;
6. The ~~is issued a~~ concurrency review certificate has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;
7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;
8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;
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 adopted Fire Codes and Standards per City Code Chapter 95.02;
11. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan; and
- ~~10.~~ 12. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

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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	ZONING BOARD OF APPEALS	CITY COMMISSION
AMENDMENTS AND PLANNED DEVELOPMENTS							
Text Amendment (Sec. 155.2402)	C	R			<R>		<D> ²
General Zoning Map Amendment (Rezoning) (Sec. 155.2403)	C	R			<R>		<D> ³
Site-Specific Zoning Map Amendment (Rezoning) (Sec. 155.2404)	C	R			[R]		[D]
Planned Development (Sec. 155.2405)	C	R			[R]		[D]
PERMITS AND DEVELOPMENT APPROVALS							
Special Exception (Sec. 155.2406)		R				[D]	
Major Site Plan (Sec. 155.2407)	C	R			[D]		[A]
Minor Site Plan (Sec. 155.2407)	C	D					
Major Building Design (Sec. 155.2408)	C	R		[D]			[A]
Minor Building Design (Sec. 155.2408)		D		[A]			
Major Certificate of Appropriateness (Sec. 155.2409)		R	[D]				[A]
Minor Certificate of Appropriateness (Sec. 155.2409)		D	[A]				
Plat (Sec. 155.2410)	C	R			[R]		[D]
Tree Permit (Sec. 155.2411)		D					

Major Temporary Use Permit (Sec. 155.2412)		R				[D]	
Minor Temporary Use Permit (Sec. 155.2412)		D					
Zoning Compliance Permit (Sec. 155.2413)		D					
Zoning Use Certificate (Sec. 155.2414)		D					
Interim Use Permit (Sec. 155.2415)		R			R	[D]	
Sign Permit ⁴ (Sec. 155.2416)	See Chapter 156 (Sign Code) of Code of Ordinances						
PERMITS AND DEVELOPMENT APPROVALS							
Special Event Permit ⁴ (Sec. 155.2417)	See Chapter 132 (Public Peace and Safety) of Code of Ordinances						
Building Permit ⁴ (Sec. 155.2418)	See Chapter 152 (Buildings) of Code of Ordinances						
Certificate of Occupancy ⁴ (Sec. 155.2419)	See Chapter 152 (Buildings) of Code of Ordinances						
RELIEF PROCEDURES							
Variance (Sec. 155.2420)		R				[D]	
Major Administrative Adjustment (Sec. 155.2421)	C	R				[D]	
Minor Administrative Adjustment (Sec. 155.2421)		D					
Interpretation (Sec. 155.2423)		D				[A]	
Appeal (Sec. 155.2424)	Varies with procedure type — see [A]s above						
OTHER PROCEDURES							
Concurrency Review Certificate ⁴ (Sec. 155.2425)	See Chapter 154 (Planning) of Code of Ordinances						
Reallocation of Flexibility or Reserve Units ⁴ (Sec. 155.2426)	See Chapter 154 (Planning) of Code of Ordinances						
Placement on Local Register of Historic Places (Sec. 155.2427)			<D>				
Development Agreement (Sec. 155.2428)	C	R			<R>		<D>
OTHER PROCEDURES							
Takings or Vested Rights Determination (Sec. 155.2429) [placeholder]							
Right-of-Way or Easement Dedication Acceptance (Sec. 155.2430)		R					D
Right-of-Way or Easement Vacation or Abandonment (Sec. 155.2431)		R			[R]		[D]

Nonconforming Certificate (Sec. 155.2433)		D					
<p>NOTES:</p> <ol style="list-style-type: none"> 1. The Planning and Zoning Board is the city's designated local planning agency. 2. If an application for a Text Amendment proposes to revise a use table in Article 4: Use Standards, to change the actual list of permitted, special exception, or prohibited uses within a zoning district, the City Commission shall hold two public hearings on the application. 3. If an application for a General or Site-Specific Zoning Map Amendment (Rezoning) proposes the reclassification of a parcel or parcels of land involving ten contiguous acres or more, the City Commission shall hold two public hearings on the application. 4. Review procedures for Sign Permits, Special Event Permits, Building Permits, Certificates of Occupancy, Concurrency Review Certificates, and Reallocation of Flexibility or Reserve Units are established in other chapters of the Code of Ordinances, but are shown here because they are closely related to the review procedures of this Code. 							

(Ord. 2012-64, passed 9-11-12; Am. Ord. 2013-43, passed 2-26-13; Am. Ord. 2014-16, passed 1-28-14)

Part 4 Application-Specific Review Procedures

- [155.2401.](#) Overview
- [155.2402.](#) Text Amendment
- [155.2403.](#) General Zoning Map Amendment (Rezoning)
- [155.2404.](#) Site-Specific Zoning Map Amendment (Rezoning)
- [155.2405.](#) Planned Development
- [155.2406.](#) Special Exception
- [155.2407.](#) Site Plan
- [155.2408.](#) Building Design
- [155.2409.](#) Certificate of Appropriateness
- [155.2410.](#) Plat
- [155.2411.](#) Tree Permit
- [155.2412.](#) Temporary Use Permit
- [155.2413.](#) Zoning Compliance Permit
- [155.2414.](#) Zoning Use Certificate
- [155.2415.](#) Interim Use Permit
- [155.2416.](#) Master Sign Program
- [155.2417.](#) Special Event Permit
- [155.2418.](#) Building Permit
- [155.2419.](#) Certificate of Occupancy
- [155.2420.](#) Variance
- [155.2421.](#) Administrative Adjustment
- [155.2422.](#) Air Park Obstruction
- [155.2423.](#) Interpretation
- [155.2424.](#) Appeal
- [155.2425.](#) **Concurrency** Review Certificate
- [155.2426.](#) Reallocation of Flexibility or Reserve Units
- [155.2427.](#) Placement on Local Register of Historic Places
- [155.2428.](#) Development Agreement
- [155.2429.](#) Takings or Vested Rights Determination
- [155.2430.](#) Right-of-Way or Easement Dedication Acceptance
- [155.2431.](#) Right-of-Way or Easement Vacation or Abandonment
- [155.2432.](#) Reasonable Accommodation
- [155.2433.](#) Nonconforming Certificate

155.2425. CONCURRENCY REVIEW CERTIFICATE

A. General

Concurrency Review Certificates are approved and issued is completed by the city in accordance with review procedures and construction standards in [Chapter 154](#) (Planning) of the Code of Ordinances . A Concurrency Review Certificate is required before development impacts public services (e.g., sanitary sewer, potable water, solid waste, drainage, recreation, transportation, fire and police protection, and schools). The Concurrency Review Certificate certifies that the development complies with the concurrency requirements in [Chapter 154](#).

B. Relationship to this Code

Unless exempted in accordance with the following, approval of a Concurrency Review Certificate shall be obtained by the applicant occur prior to submitting an application for issuance of a development permit for a Special Exception (Section [155.2406](#)), Site Plan (Section [155.2407](#)), Plat (Section [155.2410](#)), or Zoning Compliance Permit (Section [155.2413](#)).

(Ord. 2012-64, passed 9-11-12)

TYPE OF APPLICATION	FEE
I. CONCURRENCY (Fee is part of Site Plan Review Fee)	\$0
A. Preliminary Concurrence Review Letter	\$250
B. Concurrence Review Certificate, for all developments except single-family or duplex dwelling on a lot, or parcel recorded prior to March 1, 1989.	\$495
C. If the proposed development is exempt from the concurrence review pursuant to § 154.71(A)(1)-(7) the sum of \$250 will be returned to the applicant.	-
D. Concurrence Review Certificate for single-family or duplex dwellings on a lot or parcel recorded prior to March 1, 1989.	\$225
E. Initial Deposit for Concurrence Traffic Study Review	\$1,175
II. OTHER DEVELOPMENT SERVICES APPLICATIONS	
A. Development of Regional Impact (or equivalent)	\$7,525
B. Comprehensive Plan Amendment	
1. Local Amendment	\$3,290
2. Broward County	\$4,940
Applicant must also pay all advertising costs.	
C. Rezoning	
1. General and Site Specific Zoning Map Amendment	\$2,525
2. Master Plan	\$2,525
a. Residential	\$355 plus \$35 per acre plus \$20 per unit
b. Non-Residential	\$1,060 plus \$105 per acre
c. Mixed Use	\$1,060 plus \$105 per acre plus \$20 per unit
Applicant must pay for one required sign	\$60
Applicant must pay for additional required signs, per sign	\$30
D. Special Exception	\$1,070
E. Variances/Temporary Use Permits/Appeals from alleged error which requires a Public Hearing	
1. Single-family without outstanding zoning code violations	\$325
2. Single-family with outstanding related code violation	\$1,175
3. Multi-Family and Non-Residential without outstanding related code violations	\$860
4. Multi-Family and Non-Residential with outstanding related code violations	\$1,715

5. Time extension for a variance or special exception	\$235
II. OTHER DEVELOPMENT SERVICES APPLICATIONS	
F. Plat	
1. Residential	\$350 plus \$25 per acre plus \$15 per unit
2. Non-Residential	\$705 plus \$70 per acre
3. Mixed Use	\$705 plus \$70 per acre plus \$15 per unit
G. Request to change any previously approved item on a plat	\$350
H. Post-Decision Actions	\$235
I. Site Plan and Building Design	
1. Major Site Plan and Building Design	
a. Pre-Application Meeting	\$790
b. Residential/Multi Family	\$3,320 \$2,550 plus \$50 per acre plus \$25 per unit
c. Non-Residential	\$3,320 \$2,550 plus \$150 per acre plus \$45 per 1,000 sq. ft. of building area
d. Mixed Use	\$3,320 \$2,550 plus \$50 per acre plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non- residential use
2. Major Building Design	
<u>b. Residential/Multi-Family</u>	<u>\$770 plus \$25</u> <u>per unit</u>
<u>c. Non-Residential</u>	<u>\$770 plus \$45</u> <u>per 1,000 sq. ft.</u> <u>of building area</u>
<u>d. Mixed Use</u>	<u>\$770 plus \$25</u> <u>per unit plus \$45</u> <u>per 1,000 sq. ft.</u> <u>of net building</u> <u>area of non-</u> <u>residential use</u>

2. Minor Site Plan	
a. Residential	\$1,780 plus \$50 per acre
b. Non-Residential	\$1,780 plus \$150 per acre
c. Outdoor Seating	\$130
3. Minor Building Design	
a. Residential	\$180 plus \$25 per unit
b. Non-Residential	\$180 plus \$45 per 1,000 sq. ft.
c. Mixed Use	\$180 plus \$25 per unit plus \$45 per 1,000 sq. ft. of net building area of non- residential use
4. Transportation Study	
a. Trip Generation Review	\$600 City Fee + Cost Recovery Fee \$1,500 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments
b. Full Traffic Study	\$1,000 City Fee + Cost Recovery Fee \$5,000 Initial cost recovery deposit to cover engineering consultant fees for meetings, review, and comments
5. Air Park Obstruction	\$370 City fee + Cost Recovery

	\$5,000 Initial cost recovery deposit to cover consultant engineering fees for meetings, review, and staff report
J. Revised Site Plan	\$1,780
K. Administrative Adjustment	
1. Major	\$965
2. Minor	\$150
L. Sidewalk Café Permit	Annual fee of \$20 for the first four tables; plus \$20 for each additional table
M. Interpretation	\$225
N. Interim Use Permit	\$1,095
O. Sign Permit Review	\$25
P. Abandonments	
1. Right-of-way abandonments	\$1,195
2. Utility Easement abandonment	\$350
III. LANDSCAPING.	
A. Tree Permit	\$25 plus \$5 per tree
1. Single-Family and Duplex	Exempt
2. Multi-Family Residential	\$45 plus \$7 per tree
3. Non-Residential	\$50 plus \$10 per tree
Fee shall double for work done without a permit.	
B. Tree Abuse	
1. For each abused tree	\$60
2. Second incident for each abused tree	\$120
3. Third incident for each abused tree	\$235
IV. FEES FOR CODE COPIES (Black and white copies, all fees are plus tax)	
A. Land use and zoning maps	
1 in. = 1,000 ft. Scale	\$7 plus tax

B. Planning (Ch. 154)	\$2
C. Zoning Code (Ch. 155)	\$58
D. Sign Code (Ch. 156)	\$3
V. REQUESTS FOR ZONING INFORMATION OR REVIEW	
A. A Zoning Use Certificate	\$30
B. Zoning Letter. <u>The first two questions are free of charge.</u> Any request for a written statement from the Planning and Zoning Division either confirming the land use plan designation and/or zoning classification of certain land within the city, or confirming that a proposed or existing use of land is in compliance with the requirements of that land use plan designation and/or zoning district, shall include a fee in the amount of \$70 for each question or item to be verified over and above the second question or item to be verified (single-family exempt).	\$70
...	

FLEXIBILITY AND MISCELLANEOUS CODE AMENDMENTS

154.60 DEFINITIONS.

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THE ~~10%~~ 20% RULE: RESIDENTIAL FLEXIBILITY. The Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit ~~10~~ 20 percent of the lands designated “Commerce” on the 2017 Broward County Land Use Plan Map to be used for residential use (with the application of flexibility or redevelopment units) without a City or County Land Use Plan Amendment in accordance with the rules established within the county’s “Administrative Rules Document: Broward County Land Use Plan” and the F.S. Chapter 163 plan adoption and amendment process.

(Ord. 2013-34, passed 1-8-13; Am. Ord. 2018-06, passed 10-10-17)

§ 154.61 REDEVELOPMENT AND FLEXIBILITY UNITS.

(A) In conformance with the Comprehensive Plan, flexibility and redevelopment units as defined in § 154.60 of this chapter, may be allocated to authorize multifamily dwellings for residential projects or mixed use projects on properties with commercial land use designations (limited to ~~10%~~ 20% of the total lands designated Commerce in the county’s 2017 Land Use Plan) or additional units on properties with residential land use designations. Approval of an allocation of flexibility and redevelopment units shall be achieved as outlined below.

...

§ 154.80 AFFORDABLE HOUSING CONTRIBUTIONS.

(A) In lieu of providing affordable housing units on-site or off-site as required by regulations within Chapter 154 and Chapter 155 (Zoning) or pursuant to a land use plan amendment, a property owner may elect to contribute a fee in lieu of to be deposited into the city’s Local Affordable Housing Trust Fund. If this in lieu of option is taken for the allocation of flex or redevelopment units, the in lieu of fee will apply to every flex and redevelopment unit allocated to the project that is not classified as affordable in accordance with the requirements in § 154.61(E).

(B) For projects within an area that is subject to affordable housing requirements established through a Broward County Land Use Plan Amendment process, ~~the~~ fee to be paid to the city shall be \$2,333 per market-rate unit.

(C) The fee shall be paid to the city at the time of building permit.

(D) The fee shall be reviewed a minimum of once every three years. The fee may be adjusted by the City Commission to reflect updated housing sales costs, development costs, land values and other considerations.

(Ord. 2014-19, passed 2-11-14; Am. Ord. 2018-06, passed 10-10-17)

155.2426. REALLOCATION OF FLEXIBILITY OR RESERVE UNITS

A. General

Flexibility and reserve housing units are assigned to flexibility zones covering available within the city as part of Flexibility (flex) units are the difference between the total residential entitlements created by the Broward County Land Use Plan; and as incorporated in the total residential entitlements created by the Land Use Plan for the City of Pompano Beach. Rea Allocation of those flex units among flexibility zones may be requested and approved by the city in accordance with review procedures and standards in Chapter 154 (Planning) of the Code of Ordinances.

B. Relationship to this Code

Rea Allocation of flexibility and reserve housing units among flexibility zones may be required to achieve create land use density in a commercial land use category or increase the underlying land use the residential density in a residential land use category proposed for a development, irrespective of to achieve the desired residential zoning densities allowed by this Code without a land use plan amendment (LUPA). In such cases, the reallocation of flex units shall be approved before any application for any development permit in accordance with this Code. (Ord. 2012-64, passed 9-11-12)

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155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

...

C. Automotive Parts Sales without Installation

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
														P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO
		P				P							P	P

2. Definition

An automotive parts sales without installation use consists of the retail sale of various automobile parts and accessories, including but not limited to tires, brakes, batteries, audio systems, and lubricants such as engine oil. This use does not include the sale of gasoline or other fuels. This use does not include installation.

3. Standards

—An automotive parts sales use shall be permitted in the General Business (B-3) Zoning District only with the application of commercial flex.

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155.3703. ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)

A. Purpose

The Atlantic Boulevard Overlay district (AOD) is established and intended to serve as the city's urban core, a center of activity for residents and visitors alike, a source of pride and identity for the community, and an attractive gateway to the city's beachfront areas. It is also intended to help implement the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District on the barrier island. The purposes of these district standards are to stimulate economic revitalization, create a pedestrian-friendly environment, encourage beachfront beautification, and promote mixed-use development. To achieve these intents and purposes, district standards are based on the following core principles.

1. Diversity of Uses and Housing Types

Foster a diversity and mix of uses and housing types that make the district a vibrant and economically resilient place. Accommodate a range and mix of retail, office, residential, civic, and tourist-oriented uses, and encourage vertical mixing of uses with ground floor uses that enhance an active street life.

2. Compact, Pedestrian-Oriented Development

Encourage moderate to high-intensity, compact, mixed-use, and pedestrian-oriented development and redevelopment that improves walkability within the district, ~~provides a critical mass of housing within walking distance of the commercial core,~~ and provides convenient access to transit routes and facilities.

3. Human Scale

Promote high-quality design of a scale that both respects and minimizes conflict with the existing context and fosters vibrant new development, and that accommodates and encourages high levels of pedestrian circulation and activity along pedestrian-friendly streetscapes and in public gathering spaces.

...



3. Standards Specific to Commercial/Residential Mixed-Use Developments

a. General

The following standards apply to all mixed-use developments in the Atlantic Boulevard Overlay district containing commercial and residential uses:

- i. The commercial and residential uses shall be mixed within the same building.
- ii. The commercial uses shall be limited to floors below those used for residential uses.
- iii. Each residential dwelling unit shall contain at least 450 square feet of floor area.

~~iv. The development shall comply with applicable provisions in the Land Use Plan and Chapter 154 for allocation of available flexibility and reserve units for residential uses, except that any such allocation is exempt from the affordable housing requirements in Chapter 154.~~

...