

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.60, "DEFINITIONS," TO CORRECT DEFINITIONS FOR SAID CHAPTER; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY THE AUTHORIZED ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.73, "CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS," TO UPDATE PROCEDURES AND REQUIREMENTS FOR APPLICATIONS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY LEVEL OF SERVICE AND FEE REQUIREMENTS FOR NEW DEVELOPMENT; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO CLARIFY THE REQUIREMENTS FOR CERTAIN PROJECTS; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING 155.2101., "SUMMARY TABLE," TO CORRECT TERMINOLOGY; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY AND PROVIDE ADDITIONAL SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2425., "CONCURRENCY REVIEW CERTIFICATE," TO CORRECT TERMINOLOGY AND CLARIFY GENERAL REQUIREMENTS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 155.2426., "REALLOCATION OF FLEXIBILITY OR RESERVE UNITS," TO CORRECT REQUIREMENTS FOR FLEXIBILITY UNITS AND DELETE REFERENCES TO RESERVE HOUSING UNITS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PURPOSE OF AND STANDARDS FOR THE AOD; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CORRECT STANDARDS FOR AUTOMOTIVE PART SALES BUSINESSES THAT DO NOT PROVIDE INSTALLATION OF SAID PARTS; BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; now, therefore,

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

**SECTION 1.** That Section 154.60, "Definitions," of Chapter 154, "Planning," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 154.60 DEFINITIONS.**

For the purpose of this subchapter the following words and phrases shall have the meanings herein set forth.

...

***THE ~~40%~~ 20% RULE: RESIDENTIAL FLEXIBILITY.*** The Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit ~~40~~ 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.

**SECTION 2.** That Section 154.61, "Redevelopment and Flexibility Units," of Chapter 154, "Planning," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 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 ~~40%~~ 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.

...

**SECTION 3.** That Section 154.73, “Concurrency Review Procedures and Requirements,” of Chapter 154, “Planning,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 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.

...

(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.

...

(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.

**SECTION 4.** That Section 154.74, “Levels of Service Requirements,” of Chapter 154, “Planning,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 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), for to serve the needs of the proposed project based on the wastewater ~~as treatment plant capacities~~ treatment plant capacities established in the Sanitary Sewer Sub-element of the city Comprehensive Plan ~~and as shown below. Further, s~~Specific 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 "Guidelines for Determining Ability to Provide Potable Water and

Wastewater Service (2012)", Code of Ordinances and utilized in the City's Wastewater Master Plan, which may be as amended, from time to time, at time of site plan based on determination of specific use the requested development.

<i>Facility Service Area</i>	<i>Level of Service Design Capacity</i>
Pompano Beach	17.00 million gallons per day <u>(by Large User Agreement)</u>
Broward County	<del>400,000</del> <u>95</u> million gallons per day <u>(17 MGD allocated to Pompano Beach)</u>
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 sustain the level of service, expressed as capacity per unit of demand (generation rate), for potable water as serve the proposed site plan. The raw water withdrawal and water treatment plant design capacities 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:

**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

**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

**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

<i><b>Facility Service Area</b></i>	<i><b>Level of Service Design Permitted Capacity</b></i>
Potable water facilities Pompano Beach water treatment	50.00 million gallons per day
Raw Water Withdrawal Permitted Capacity - <u>Pompano Beach</u>	17.75 MGD
Broward County <sup>±</sup> 2A Plant	30.00 million gallons per day
Raw Water Withdrawal Permitted Capacity for <u>BC</u> Wellfield 2	<del>20.8</del> <u>19.5</u> million gallons per day
Broward County <sup>±</sup> 1A Plant	10.67 million gallons per day
Raw Water Withdrawal Permitted Capacity for <u>BC</u> Wellfield 1	<del>9.5</del> <u>9.3</u> million gallons per day

(C) Solid waste. New development shall not be approved unless there is sufficient available design capacity to sustain the following level of service for the solid waste as 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 established in the Solid Waste Sub-element of the city Comprehensive Plan<sup>±</sup>, as may be amended from time to time.

<i><b>Land Use – Level of Service</b></i>	
<b>Residential</b>	8.9 lbs. per unit per day
<b>Industrial / Commercial</b>	
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
<b>Institution</b>	
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

(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<sup>±</sup>, which may be amended from time to time. The County will determine if drainage concurrency has been met prior to building permit approval.

<i><b>Facility/Service Area</b></i>	<i><b>Level of Service</b></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

(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 capacity to sustain~~ 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, the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the City Comprehensive Plan:

...

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

...

(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	<del>\$329</del> <u>\$346</u>	<del>\$698</del> <u>\$734</u>	<del>\$349</del> <u>\$367</u>
	3	<del>\$481</del> <u>\$506</u>	<del>\$1,025</del> <u>\$1,079</u>	<del>\$521</del> <u>\$548</u>
	4	<del>\$624</del> <u>\$657</u>	<del>\$1,330</del> <u>\$1,399</u>	<del>\$672</del> <u>\$707</u>
	5 or more	<del>\$701</del> <u>\$737</u>	<del>\$1,494</del> <u>\$1,571</u>	<del>\$757</del> <u>\$796</u>
Garden Apartments (Apartments over 4 units. Not exceeding 3 Stories)	1	<del>\$182</del> <u>\$191</u>	<del>\$394</del> <u>\$415</u>	<del>\$200</del> <u>\$210</u>
	2	<del>\$295</del> <u>\$311</u>	<del>\$635</del> <u>\$668</u>	<del>\$326</del> <u>\$343</u>
	3	<del>\$532</del> <u>\$560</u>	<del>\$1,134</del> <u>\$1,193</u>	<del>\$572</del> <u>\$601</u>
Town Houses	2	<del>\$303</del> <u>\$319</u>	<del>\$658</del> <u>\$692</u>	<del>\$331</del> <u>\$349</u>
	3	<del>\$441</del> <u>\$464</u>	<del>\$937</del> <u>\$985</u>	<del>\$473</del> <u>\$497</u>
High Rise Apartments (4 floors or more)	All	<del>\$219</del> <u>\$230</u>	<del>\$474</del> <u>\$499</u>	<del>\$241</del> <u>\$254</u>
Duplex	1	<del>\$182</del> <u>\$191</u>	<del>\$396</del> <u>\$417</u>	<del>\$199</del> <u>\$209</u>
Triplex	2	<del>\$325</del> <u>\$341</u>	<del>\$686</del> <u>\$722</u>	<del>\$344</del> <u>\$362</u>
Fourplex	3	<del>\$516</del> <u>\$542</u>	<del>\$1,094</del> <u>\$1,151</u>	<del>\$554</del> <u>\$583</u>
Mobile Homes	1	<del>\$293</del> <u>\$308</u>	<del>\$628</del> <u>\$660</u>	<del>\$325</del> <u>\$341</u>
	2	<del>\$364</del> <u>\$383</u>	<del>\$774</del> <u>\$814</u>	<del>\$390</del> <u>\$410</u>
	3	<del>\$505</del> <u>\$552</u>	<del>\$1,075</del> <u>\$1,174</u>	<del>\$550</del> <u>\$601</u>

...

(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>
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<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>Fee per Unit</i>
Single Family	1 – 2	<del>\$527</del> <u>\$554</u>
	3	<del>\$776</del> <u>\$816</u>
	4	<del>\$1,009</del> <u>\$1,061</u>
	5 or more	<del>\$1,128</del> <u>\$1,186</u>
Garden Apartments (Apartments over 4 units. Not exceeding 3 stories)	1	<del>\$298</del> <u>\$313</u>
	2	<del>\$480</del> <u>\$505</u>
	3	<del>\$858</del> <u>\$903</u>
Town Houses	2	<del>\$500</del> <u>\$526</u>
	3	<del>\$705</del> <u>\$742</u>
High Rise Apartments (4 floors or more)	All	<del>\$357</del> <u>\$376</u>
Duplex	1	<del>\$295</del> <u>\$311</u>
Triplex	2	<del>\$520</del> <u>\$547</u>
Fourplex	3	<del>\$831</del> <u>\$874</u>
Mobile Homes	1	<del>\$474</del> <u>\$499</u>
	2	<del>\$580</del> <u>\$610</u>
	3	<del>\$817</del> <u>\$892</u>

...

(F) ~~Transportation system. 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. 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.~~

(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.~~

(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.~~

~~4. 3. 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.~~

(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:

...

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) 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.~~

~~(6)~~ (3) School concurrency Review procedure.

(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.~~

~~7. 2. If an application or approval expires, the SCAD Letter will no longer be valid.~~

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

~~(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.~~

**SECTION 5.** That Section 154.80, “Affordable Housing Contributions,” of Chapter 154, “Planning,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 154.80 AFFORDABLE HOUSING CONTRIBUTIONS.**

...

(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.~~

...

**SECTION 6.** That Section 155.2101., “Summary Table,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**155.2101. SUMMARY TABLE**

Table 155.2101, Summary of Development Review Responsibilities, identifies the city boards and staff responsible for making recommendations or decisions on applications for development permits reviewed under this Code, as well as the roles each plays in the city's review of the various development applications, whether it be review and comment (C), review and make a recommendation (R), review and make the final decision (D), or hear and decide an appeal of a decision (A). The table also identifies those applications that require a public hearing, and the type of public hearing (standard or quasi-judicial) involved.

<b>TABLE 155.2101: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES</b> <b>C = COMMENT    R = RECOMMENDATION    D= DECISION    A = APPEAL</b> <b>&lt;&gt; = STANDARD PUBLIC HEARING    [] = QUASI-JUDICIAL PUBLIC HEARING</b>							
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							
...							
OTHER PROCEDURES							
Concurrency Review Certificate <sup>4</sup> (Sec. 155.2425)	See Chapter 154 (Planning) of Code of Ordinances						
Reallocation of Flexibility or Reserve Units <sup>4</sup> (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>
...							

NOTES:

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.

**SECTION 7.** That Section 155.2407., “Site Plan,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 155.2407. SITE PLAN**

...

**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;

...

6. ~~Is issued a~~ The concurrency review certificate has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;

...

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



40. ~~12.~~ Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

...

**SECTION 8.** That Section 155.2425, “Concurrency Review Certificate,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 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).~~

**SECTION 9.** That Section 155.2426., “Reallocation of Flexibility or Reserve Units,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 155.2426. ~~REALLOCATION~~ ALLOCATION 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.~~ Reallocation Allocation of these 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**

~~Reallocation Allocation of flexibility and reserve housing units among flexibility zones may be required to achieve the residential create land use density in a commercial land use category or increase the underlying land use density in a residential land use category proposed for a development, irrespective of to achieve the desired residential densities allowed by this Code zoning without a land use plan amendment (LUPA).~~ Reallocation Allocation of flex units shall be approved before any application for any development permit in accordance with this Code.

**SECTION 10.** That Section 155.3703., “Atlantic Boulevard Overlay District (AOD),” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 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.

...

## **C. MODIFIED USE STANDARDS**

### **1. Permitted Principal Uses**

...

### **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.~~

**SECTION 11.** That Section 155.4219., “Commercial: Motor Vehicle Sales and Service Uses,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES**

...

**C. AUTOMOTIVE PARTS SALES WITHOUT INSTALLATION**

**1. Districts Where Permitted**

...

**~~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.~~

...

**SECTION 12.** That Appendix C: Fee Schedule of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**APPENDIX C: FEE SCHEDULE**

The following are the applicable fees for Applications for Development in the city.

TYPE OF APPLICATION	FEE
<b>I. CONCURRENCY</b> <u>(Fee is part of Site Plan Review Fee)</u>	\$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

<b>II. OTHER DEVELOPMENT SERVICES APPLICATIONS</b>	
<b>A. Development of Regional Impact (or equivalent)</b>	\$7,525
...	
<b>I. Site Plan and Building Design</b>	
1. Major Site Plan <del>and Building Design</del>	
a. Pre-Application Meeting	\$790
b. Residential/Multi Family	<del>\$3,320</del> <u>\$2,550</u> plus \$50 per acre <del>plus</del> <del>\$25 per unit</del>
c. Non-Residential	<del>\$3,320</del> <u>\$2,550</u> plus \$150 per acre <del>plus</del> <del>\$45 per 1,000 sq.</del> <del>ft. of building area</del>
d. Mixed Use	<del>\$3,320</del> <u>\$2,550</u> plus \$50 per acre <del>plus</del> <del>\$25 per unit plus</del> <del>\$45 per 1,000 sq.</del> <del>ft. of net building</del> <del>area of non-</del> <del>residential use</del>
<u>2. Major Building Design</u>	
<u>b. Residential/Multi-Family</u>	<u>\$770 plus \$25 per</u> <u>unit</u>
<u>c. Non-Residential</u>	<u>\$770 plus \$45 per</u> <u>1,000 sq. ft. of</u> <u>building area</u>
<u>d. Mixed Use</u>	<u>\$770 plus \$25 per</u> <u>unit plus \$45 per</u> <u>1,000 sq. ft. of net</u> <u>building area of</u> <u>non-residential use</u>
...	
<b>V. REQUESTS FOR ZONING INFORMATION OR REVIEW</b>	
<b>A. A Zoning Use Certificate</b>	\$30
<b>B. Zoning Letter.</b> <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
...	

**SECTION 13.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 14.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

/jrm:jmz  
8/7/18  
ord/ch154/2018-279