



City Attorney's Communication #2019-995
July 8, 2019

TO: Max Wemyss, Planner
FROM: Mark E. Berman, City Attorney
RE: Ordinance - Chapter 155 Text Amendments

As requested, attached please find the Ordinance Amending Chapter 155.

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

/jrm
l:cor/dev-srv/2019-995

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," BY AMENDING SECTION 100.01, "MINIMUM RIGHT-OF-WAY, FOR CONSISTENCY WITH BROWARD COUNTY REQUIREMENTS; AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY REQUIREMENTS AND CORRECT A SCRIVENER'S ERROR; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY FEE SCHEDULE; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO REFERENCE THE FEE AMOUNT PER UNIT, DEED RESTRICTIONS, AND PERIOD OF TIME; BY AMENDING SECTION 155.2101., "SUMMARY TABLE," SECTION 155.2202., "CITY COMMISSION," SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)," AND BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2207., "CITY STAFF," SECTION 155.2301., "PRE-APPLICATION CONFERENCE," SECTION 155.2304., "STAFF REVIEW AND ACTION," AND SECTION 155.2305., "PUBLIC HEARING SCHEDULE AND NOTICE," TO MODIFY PROCEDURES AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2307., "DECISION-MAKING BODY REVIEW AND DECISION," SECTION 155.2308., "POST-DECISION ACTIONS AND LIMITATIONS," AND SECTION 155.2401., "OVERVIEW," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2402., "TEXT AMENDMENT," TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2403., "GENERAL ZONING MAP AMENDMENT (REZONING)," SECTION 155.2404., "SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)," SECTION 155.2405., "PLANNED DEVELOPMENT," SECTION 155.2406., "SPECIAL EXCEPTION," AND SECTION 155.2407., "SITE PLAN," TO MODIFY REFERENCES; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2409., "CERTIFICATE OF APPROPRIATENESS," SECTION 155.2410., "PLAT," AND SECTION 155.2411., "TREE PERMIT," TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," SECTION 155.2414., "ZONING USE

CERTIFICATE,” SECTION 155.2415., “INTERIM USE PERMIT,” AND SECTION 155.2416., “MASTER SIGN PROGRAM,” TO REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.2420., “VARIANCE,” TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.2421., “ADMINISTRATIVE ADJUSTMENT,” TO CLARIFY THAT ADJUSTMENTS SHALL NOT BE USED TO CORRECT UNAUTHORIZED WORK, AND CLARIFY PROCESS FOR APPROVAL OF A MAJOR ADMINISTRATIVE ADJUSTMENT CONCURRENT TO A MAJOR SITE PLAN, AND REMOVE OR MODIFY INACCURATE REFERENCES, AND PRIORITIZE SUPERIOR DESIGN AND OBJECTIVES OF EACH APPLICABLE ZONING DISTRICT; BY AMENDING SECTION 155.2422., “AIR PARK OBSTRUCTION PERMIT,” TO REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.2423., “INTERPRETATION,” SECTION 155.2424., “APPEAL,” SECTION 155.2427., “PLACEMENT ON LOCAL REGISTER OF HISTORIC PLACES,” AND SECTION 155.2428., “DEVELOPMENT AGREEMENT,” TO MODIFY REFERENCES; BY AMENDING SECTION 155.2430., “RIGHT-OF-WAY OR EASEMENT DEDICATION ACCEPTANCE,” TO AUTHORIZE THE CITY MANAGER TO ACCEPT DEDICATIONS AND MODIFY REFERENCES; BY AMENDING SECTION 155.2431., “RIGHT-OF-WAY EASEMENT VACATION OR ABANDONMENT,” SECTION 155.2432., “REASONABLE ACCOMMODATION,” SECTION 155.2433., “NONCONFORMING CERTIFICATE,” AND SECTION 155.2434., “COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE,” TO MODIFY REFERENCES; BY CREATING SECTION 155.2435., “PUBLIC PURPOSE ADJUSTMENT,” TO PROVIDE A MECHANISM TO PROVIDE FOR RELIEF TO PUBLIC PROJECTS THAT COMPLY WITH THE PROVIDED ADJUSTMENT STANDARDS; BY CREATING SECTION 155.2436., “COMPREHENSIVE PLAN MAP AMENDMENT,” TO PROVIDE PROCEDURES AND REFERENCES; BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," AND SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," TO MODIFY EXAMPLES; BY AMENDING SECTION 155.3501., "TRANSIT-ORIENTED (TO)," TO MODIFY REFERENCES AND BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.3502., “PARKS AND RECREATION (PR),” SECTION 155.3503., “COMMUNITY FACILITIES (CF),” SECTION 155.3504., “PUBLIC UTILITIES (PU),” AND SECTION 155.3505., “TRANSPORTATION,” TO MODIFY REFERENCES; BY AMENDING SECTION 155.3507., “LOCAL ACTIVITY CENTER (LAC),” TO CREATE A PROCESS FOR THE APPROVAL OF MASTER PLANS AND SITE PLANS SPECIFIC TO THIS ZONING DISTRICT; BY AMENDING SECTION 155.3603., “RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD),” TO ADD PARKING DECK OR GARAGE DESIGN STANDARDS TO MODIFICATIONS PROHIBITED; BY AMENDING SECTION 155.3604.,

“PLANNED COMMERCIAL/INDUSTRIAL (PCD),” SECTION 155.3605., “PLANNED DEVELOPMENT – TRANSIT-ORIENTED (PD-TO),” AND SECTION 155.3607., “PLANNED DEVELOPMENT – INFILL (PD-1),” TO PROHIBIT ADDITIONAL MODIFICATIONS; BY AMENDING SECTION 155.3703., “ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD),” TO MODIFY REFERENCES AND STANDARDS, AND TO REMOVE REQUIREMENTS; BY AMENDING SECTION 155.3708., “DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT,” TO CLARIFY REQUIREMENTS; BY AMENDING SECTION 155.3709., “EAST OVERLAY DISTRICT (EOD),” TO CLARIFY THE DISTRIBUTION OF DENSITY WITHIN A DEVELOPMENT PARCEL, AND MODIFY REFERENCES AND REQUIREMENTS IN THE USE TABLE TO THE PR ZONING DISTRICT, AND TO INCLUDE FAMILY COMMUNITY RESIDENCE AND TRANSITIONAL COMMUNITY RESIDENCE WITHIN THE RM36 USE AREA, AND TO REMOVE AND REPLACE THE STREET NETWORK CONNECTIVITY REGULATING PLAN, AND TO REMOVE AND REPLACE THE STREET DEVELOPMENT REGULATING DIAGRAMS; BY AMENDING SECTION 155.4202., “RESIDENTIAL: HOUSEHOLD LIVING USES,” TO ADD PERMITTED USES AND STANDARDS; BY AMENDING SECTION 155.4204., “INSTITUTIONAL: COMMUNICATION USES,” TO CLARIFY SCREENING REQUIREMENTS; BY AMENDING SECTION 155.4303., “STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES,” TO MODIFY DEFINITIONS AND STANDARDS FOR CONSISTENCY WITH STATE REQUIREMENTS AND THE CITY’S CODE; BY AMENDING SECTION 155.5101., “ACCESS AND CIRCULATION,” TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND TO RELOCATE STANDARDS TO ARTICLE 5, PART 10; BY AMENDING SECTION 155.5102., “OFF-STREET PARKING AND LOADING,” TO CLARIFY CURRENT ADMINISTRATIVE POLICY AND SIMPLIFY CODE LANGUAGE, TO ADD USES AND REMOVE OR MODIFY REFERENCES; BY AMENDING SECTION 155.5203., “LANDSCAPING,” TO ADD MISSING ZONING DISTRICTS AND SIMPLIFY CODE LANGUAGE AND REMOVE OR MODIFY INACCURATE REFERENCES; BY AMENDING SECTION 155.5301., “SCREENING,” TO CLARIFY SCREENING REQUIREMENTS AND SIMPLIFY CODE LANGUAGE; BY AMENDING SECTION 155.5302., “FENCES AND WALLS,” TO MODIFY REQUIREMENTS; BY AMENDING SECTION 155.5401., “GENERAL EXTERIOR LIGHTING STANDARDS,” TO CLARIFY APPLICABILITY; BY AMENDING SECTION 155.5509., “UTILITY LINES LOCATION,” TO AUTHORIZE PARTIAL COMPLIANCE WHERE PRACTICABLE; BY AMENDING SECTION 155.5602., “COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS,” TO PROVIDE FOR ADMINISTRATIVE DISCRETION; BY AMENDING SECTION 155.5605., “PARKING DECK OR GARAGE DESIGN STANDARDS,” TO APPLY DESIGN STANDARDS

TO ALL PARKING GARAGES; BY AMENDING SECTION 155.51003., "STANDARDS," TO INCLUDE LANGUAGE REMOVED FROM ARTICLE 5, PART 1; BY AMENDING SECTION 155.7502., "APPLICABILITY," TO MODIFY REQUIREMENTS FOR CONSISTENCY WITH ADOPTED LANDSCAPE CODE AMENDMENTS; BY AMENDING SECTION 155.9402., "EXCEPTIONS AND VARIATIONS," TO REORGANIZE STANDARDS AND CLARIFY EXCEPTIONS; BY AMENDING ARTICLE 9, PART 5, TERMS AND CONDITIONS," TO MODIFY DEFINITIONS; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO ADD PERMITTED USES; BY AMENDING APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS, TO MODIFY REFERENCES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO REFLECT ALL AMENDMENTS; AMENDING CHAPTER 156, "SIGN CODE," BY AMENDING SECTION 156.03, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 156.08, "OVERLAY DISTRICTS," AND SECTION 156.12, "PROHIBITED SIGNS," TO MODIFY REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

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

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

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

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

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

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2019.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
7/3/19
L:ord/ch155/2019-196