

## Legislation Text

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**File #:** 17-530, **Version:** 1

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### **P.H. 2017-75: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2204., "PLANNING AND ZONING BOARD (P & Z)" TO MODIFY THE POWERS AND DUTIES OF THE BOARD TO REVIEW DEVELOPMENT PERMIT APPLICATIONS REGARDING AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2207., "CITY STAFF," TO INCLUDE AUTHORITY TO REVIEW AND MAKE RECOMMENDATIONS FOR AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY VARIANCE PROCEDURES AND REVIEW STANDARDS; BY CREATING SECTION 155.2422 "AIR PARK OBSTRUCTION" TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES, APPROVAL REVIEW STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING SECTION 155.3707 "AIR PARK OVERLAY (APO) DISTRICT," TO INCLUDE FINDINGS AND PURPOSE, TO CREATE DEFINITIONS, TO DELETE CERTAIN LANGUAGE AND TO ESTABLISH AIR PARK OVERLAY PROTECTION AND LAND USE COMPATIBILITY REGULATIONS TO ENSURE COMPLIANCE WITH CHAPTER 333; FLORIDA STATUTES, WHICH REGULATES AIRPORT ZONING; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE AND RELATED SERVICES USES," TO REQUIRE COMPLIANCE WITH SECTION 155.3707.C.2 FOR LANDFILLS LOCATED WITHIN THE AIR PARK OVERLAY; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," TO ESTABLISH A DEFINITION FOR AIR PARK OBSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

### **FIRST READING: JULY 11, 2017**

(Staff Contact: David Recor/Jennifer Gomez)

### **Summary Explanation/Background:**

In the 2016 Legislative Session, Ch. 333 of the Florida Statutes (Airport Zoning) was overhauled. Chapter 333 F.S., governs the local regulations related to airport obstructions and other airport-related land use issues. The proposed amendments to bring the Airpark Overlay into compliance with State law have been made and are included within the ordinance.

The principal changes to Florida Statutes Ch. 333 include the following:

- Deletion of the requirement to obtain a Variance in order to allow a building to exceed the airport height limitation (locally referred to as an "Airpark Variance").
- Cities may issue permits for airport obstructions once the cities' zoning code is amended
- City airport zoning must address incompatible uses due to height and noise, as well as those uses that attract birds and wildlife

The amendments received a recommendation of approval at the April 26, 2017 and May 24, 2017 Planning & Zoning Board agendas.

**Origin of request for this action:** Development Services

**Fiscal impact and source of funding:** N/A

