

Meeting Date: November 24, 2009

Agenda Item 9

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/
Discussion Presentation

SHORT TITLE AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF
ORDINANCES, BY AMENDING SECTION 155.003, "DEFINITIONS;" AMENDING
SECTION 155.037, "DUMPSTER ENCLOSURES;" AND BY AMENDING SECTION
155.113, "REQUIREMENTS IN VARIOUS ZONES."


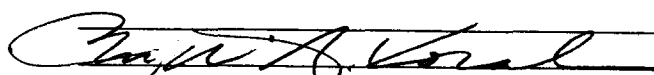
Summary of Purpose and Why:

The proposal defines the difference between a dumpster and a recycling container, exempts recycling containers from the dumpster enclosure regulations, subject to Code requirements and allows for a one parking space credit for recycling containers over a certain size, subject to Code requirements.

On September 23, 2009 the Planning & Zoning Board/ Local Planning Agency recommended, by a unanimous vote, that the proposed Code amendments be approved as set forth by Staff.

Per the City Commission direction at first reading, Section 155.037 (F)(2) & (4) have been modified.

- (1) Origin of request for this action: City Commission
- (2) Primary staff contact: Chris Clemens/ Robin M. Bird Ext. 4048
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: None

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
<u>Development Services</u>	<u>9/15/2009</u>	<u>Approved</u>	<u>Memo # 09-341</u> 
<input checked="" type="checkbox"/> Advisory Board		<u>P&Z Board/Local Planning Agency Memo 09-48</u>	
<input type="checkbox"/> Planning Director			
<input type="checkbox"/> Public Works Director			
<input checked="" type="checkbox"/> Interim City Manager			

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration
<u>Workshop</u>		
1 st Reading <u>11/10/09</u>	1 st Reading _____	Results: _____
2 nd Reading <u>11/24/09</u>	_____	Results: _____
_____	_____	_____
_____	_____	_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.003, “DEFINITIONS,” TO PROVIDE FOR A DEFINITION OF RECYCLING CONTAINER; AMENDING SECTION 155.037, “DUMPSTER ENCLOSURES,” TO REQUIRE ENCLOSURES FOR RECYCLING CONTAINERS AND PROVIDING FOR EXEMPTIONS TO SAID REQUIREMENT; AND BY AMENDING SECTION 155.113, “REQUIREMENTS IN VARIOUS ZONES,” TO PROVIDE A PARKING SPACE CREDIT FOR RECYCLING CONTAINERS ON MULTI-FAMILY PROPERTIES THAT MEET CERTAIN REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

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

SECTION 1. That Section 155.003, “Definitions,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 155.003 DEFINITIONS.

...

(B) For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

...

RECREATION SPACE. An open space for general recreational activities including small flower garden plots and children's playgrounds. The recreational space requirement shall be a mandatory provision for a group housing project multiple-storied dwelling unit development, as hereinafter specified in this chapter, the scope of which includes eight or more dwelling units in one group.

RECYCLING CONTAINER. Any city approved detachable container used for recyclable waste collection (as currently defined in § 96.01), varying in size from 18 gallon, 95 gallon, 1, 2, 3, 4, 6, 7, 8, & 9 yards, and designed or intended to be mechanically lifted or pulled and deposited into a compaction service vehicle.

...

SECTION 2. That Section 155.037, "Dumpster Enclosures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 155.037 DUMPSTER ENCLOSURES.

...

(B) All dumpsters and recycling containers placed on property after February 2, 1990 shall be enclosed by a six-foot high painted masonry wall and a fully opaque access gate. The required masonry wall shall contain a three-foot wide opening for pedestrian access to the dumpster. The pedestrian opening shall be screened from view by an "L" shaped extension of the wall as shown in the landscape manual.

...

(F) For multi-family buildings completed prior to January 1, 2010, recycling containers shall be exempt from the above dumpster enclosure regulations provided:

(1) The recycling containers are utilized to meet the requirements for multi-family properties as set forth in § 96.21.

(2) The recycling containers utilized on the property are situated so as to be substantially hidden from view from adjacent properties; however, a recycling container may be visible from an adjacent property if that property shares in the use of the container pursuant to a shared recycling facility agreement.

(3) The recycling containers utilized on the property are substantially screened from public rights-of-way by either fences or hedges or other authorized structures.

(4) There is a 12" x 18" metal sign posted where the recycling containers are located or immediately adjacent thereto, declaring the location is to be used solely for recycling container purposes, displaying a standard industry symbol for recycling, and which shall not be visible from the public rights-of-way.

SECTION 3. That Section 155.113, "Requirements in Various Zones," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 155.113 REQUIREMENTS IN VARIOUS ZONES.

Off-street parking requirements corresponding to various uses in all zones shall be as follows. The requirement noted below for any given land use shall also govern where the use as a more restricted use is situated within any less restrictive use zone.

(A) Residential use applications.

(1) Single-family dwelling use.

...

(3) Multi-family dwelling use.

(a) RM-12, RM-20, RM-30, RM-45, RPUD, and MH-12 Multi-Family Districts. In connection with every multiple residence for three or more families there shall be provided off-street automobile garage storage or open-air parking space or a combination of both in an amount as hereinafter required for each residence. Any fraction of a space in a total computed spaces required or permitted shall be considered a full space. The parking of commercial vehicles is prohibited in RM-12, RM-20, RM-30, RM-45, RPUD, and MH-12

Districts effective December 4, 1995, however, such parking may be permitted upon satisfaction of the requirements as set forth in § 115.113(F).

1. There shall be required for every apartment unit, condominium unit, or cooperative unit one and one-half parking spaces for each efficiency apartment, one-bedroom apartment, and two-bedroom apartment units. Where the apartment units provide for three or more bedroom units, therein, two parking spaces shall be required for every unit. Each duplex unit shall be required to conform with division (A)(2) above. However, multi-family properties complying with the requirements in § 96.21 shall receive a credit for one parking space towards the required number of parking spaces for the property, provided the location meets the criteria set forth in § 155.037 for a one cubic yard or greater sized recycling container and approval based upon the requirements of this subsection is obtained from the Public Works Director and the Director of Development Services.

...

SECTION 4. 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 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2009.

PASSED SECOND READING this _____ day of _____, 2009.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm/ds
11/17/09
l:ord/ch155/2010-09



**CITY OF POMPANO BEACH
DEPARTMENT OF DEVELOPMENT SERVICES**



MEMORANDUM No. 09 - 341

Date: September 15, 2009
To: Planning and Zoning Board/ Local Planning Agency
Via: Robin M. Bird, Development Services Director
From: Christopher J. Clemens, Planner *CJC*
Re: Amendments to Chapter 155; Recycling Containers

The Planning and Public Works Departments have been working with the Recycling Committee to allow relief to multi-family properties wishing to participate in recycling efforts. This is a delicate task because not all multi-family properties are the same. For instance, the Palm Aire community is completely different from those hi-rise properties on the beach which don't have near as much open space to work with. Further, there are many variations of multi-family properties in between. The following addresses the amendments to Chapter 155 and the Public Works Department will be addressing the alterations to Chapter 96.

The first task was to define the difference between a garbage dumpster and a recycling container. This proposed definition better illustrates the use of the container to store a commodity rather than storing materials that are destined to a landfill. Included in the definition is a listing of the various sizes of the containers. Whereas Pompano Beach is an open market in its recycling efforts, specifying a particular size for containers would keep certain companies from entering the market.

The next task was to exempt the recycling containers from the dumpster enclosure regulations. Again, this was challenging because of the many different Multi-family properties that exist. This was done by listing four different provisions that must be met in order for the exemption to be allowed. These provisions include screening and also signage which specifically designates the space to be used solely for recycling purposes.

Finally, we needed to allow for a one parking space credit for recycling containers over a certain size, providing that the previously listed criterion is met.

The code sections are provided in numerical order for the Boards review and recommendation.

§ 155.003 DEFINITIONS.

(A) The written descriptions of the zoning definitions and restrictions contained in this chapter are hereby adopted and made a part of the official zoning map, being a part of the official zoning ordinance adopted by the City Commission on August 13, 1957, and placed on file with the City Clerk on August 13, 1957.

('58 Code, §50.03) (Ord. 664, passed - -)

(B) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RECREATION SPACE. An open space for general recreational activities including small flower garden plots and children's playgrounds. The recreational space requirement shall be a mandatory provision for a group housing project multiple-storied dwelling unit development, as hereinafter specified in this chapter, the scope of which includes eight or more dwelling units in one group.

RECYCLING CONTAINER. Any city-approved detachable container used for recyclable waste collection (as currently defined by § 96), varying in size from 18 gallon, 95 gallon, 1, 2, 3, 4, 6, 7, 8, & 9 yards, and designed or intended to be mechanically lifted or pulled and deposited into a compaction service vehicle.

RESERVE UNIT. Additional permitted dwelling units equal up to two percent of the total number of dwelling units permitted within a flexibility zone by the Broward County Future Land Use Plan Map. (Ord. 91-63, passed 6-25-91)

§ 155.037 DUMPSTER ENCLOSURES.

(A) All dumpsters placed on property after October 24, 1978 and prior to February 2, 1990 shall be enclosed as provided:

(1) A six-foot high solid buffer-type fence with gates shall be erected around dumpsters as defined in § 155.003, with the following interior plan dimensions.

(a) For eight and six cubic yard dumpsters: 12 feet wide by 11 feet deep;

(b) For a two cubic yard dumpster: 12 feet wide by 7 feet deep.

(2) Dumpsters shall not be located in any area where the fence regulations in the various zoned districts will cause a conflict with this section. However, any dumpster

located in an area previously approved by the Department of Public Works prior to October 24, 1978 shall not be subject to the regulations imposed by this section.

(B) All dumpsters placed on property after February 2, 1990 and recycling containers shall be enclosed by a six-foot high painted masonry wall and a fully opaque access gate. The required masonry wall shall contain a three-foot wide opening for pedestrian access to the dumpster. The pedestrian opening shall be screened from view by an "L" shaped extension of the wall as shown in the landscape manual.

(E) In addition to the requirements noted above all dumpster enclosures required by this chapter shall be located so as to be substantially hidden from view from the adjacent property and the public rights-of-way and shall be screened with a 24-inch high continuous hedge around the enclosure except for the access gate, pedestrian opening or where the enclosure is within five feet or less of an exterior wall of an existing structure.

(Ord. 90-28, passed 2-6-90) Penalty, see § 10.99

(F) For Multi-family buildings completed prior to January 1, 2010, recycling containers shall be exempt from the above dumpster enclosure regulations provided:

- (1) The recycling containers are utilized to meet the requirements for Multi-family properties as set forth in section 96.21.
- (2) The recycling containers are substantially hidden from view from adjacent properties.
- (3) The recycling containers are substantially screened with either fences or hedges from public rights-of-way.
- (4) There is a posted 12" x 18" metal sign declaring the space to be used solely for recycling container purposes and providing standard industry symbol.

§ 155.113 REQUIREMENTS IN VARIOUS ZONES.

Off-street parking requirements corresponding to various uses in all zones shall be as follows. The requirement noted below for any given land use shall also govern where the use as a more restricted use is situated within any less restrictive use zone.

(A) Residential use applications.

(3) Multi-family dwelling use.

(a) RM-12, RM-20, RM-30, RM-45, RPUD, and MH-12 Multi-Family Districts. In connection with every multiple residence for three or more families there

shall be provided off-street automobile garage storage or open-air parking space or a combination of both in an amount as hereinafter required for each residence. Any fraction of a space in a total computed spaces required or permitted shall be considered a full space. The parking of commercial vehicles is prohibited in RM-12, RM-20, RM-30, RM-45, RPUD, and MH-12 Districts effective December 4, 1995, however, such parking may be permitted upon satisfaction of the requirements as set forth in § 155.113(F).

1. There shall be required for every apartment unit, condominium unit, or cooperative unit one and one-half parking spaces for each efficiency apartment, one-bedroom apartment, and two-bedroom apartment units. Where the apartment units provide for three or more bedroom units, therein, two parking spaces shall be required for every unit. Each duplex unit shall be required to conform with division (A)(2) above. However, multi-family properties complying with section 96.21 shall receive a one space parking credit towards the requirement, provided the location meets the criteria set forth in section 155.037 for a one yard or greater sized recycling container and meets the approval of the Public Works Director and the Director of Development Services.

2. There shall be one parking space required for each hotel room, sleeping room, or room used for transient sleeping occupancy.