

Meeting Date: February 22, 2011

Agenda Item 19  
Memorandum No. 11 - 047

REQUESTED COMMISSION ACTION:

Consent     Ordinance     Resolution     Consideration     Workshop

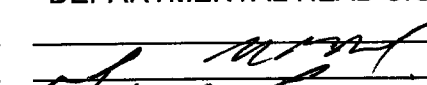
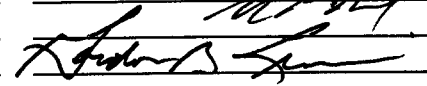
SHORT TITLE AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.176, "HISTORIC DOWNTOWN CORE OVERLAY DISTRICT," TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; BY AMENDING SECTION 155.177, "HISTORIC DOWNTOWN TRANSITION AREA OVERLAY DISTRICT," TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

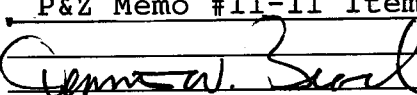
The Community Redevelopment Agency, on behalf of the Northwest CRA, is requesting these revisions to change the historic districts sign criterion to be the same as other parts of the City. The signs will still be required to complement the architecture of the historic downtown areas with compatible colors, materials, size and locations that exist today. This request is to help stimulate redevelopment in the area.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Community Redevelopment Agency
- (2) Primary staff contact: Vicky Newson / Robin M. Bird Ext. 7783
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Ser. Dept.	<u>1/18/11</u>	<u>Approved</u>	
City Attorney	<u>2/14/11</u>	<u>Approved</u>	

- Advisory Board
- Public Works Administrator
- City Manager

P&Z Memo #11-11 Item #4 (2/8/11)  


ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 <sup>st</sup> Reading	1st Reading	Results:	Results:
2 <sup>nd</sup> Reading			

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.176, "HISTORIC DOWNTOWN CORE OVERLAY DISTRICT," TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; BY AMENDING SECTION 155.177, "HISTORIC DOWNTOWN TRANSITION AREA OVERLAY DISTRICT," TO REVISE SIGNAGE PROVISIONS IN SAID DISTRICT; 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,

**SECTION 1.** That Section 155.176, "Historic Downtown Core Overlay District," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.176 HISTORIC DOWNTOWN CORE OVERLAY DISTRICT.**

(G) Sign regulations. Signage in Historic Downtown Core Area Overlay District shall comply with the provisions of Chapter 156: Sign Code, and shall compliment the architecture in Historic Downtown Pompano Beach and create consistency using compatible colors, materials, size and location.

~~(1) Principal buildings containing more than one tenant are permitted one directory sign. Directory signs may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed ten square feet or six feet in height.~~

~~(2) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted:~~

~~(a) Signs located on the principal frontage shall not exceed 25 square feet in area.~~

~~(b) Secondary signs shall not exceed 25% of the primary sign area in size and nine inches in letter size. Secondary signs shall be located at the rear or side.~~

~~(c) Awning sign: One line of lettering shall be permitted.~~

~~(d) Under canopy sign: Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~(e) Occupant nameplate sign: Letters not to exceed three inches.~~

~~(f) Projecting sign: Sign shall be mounted perpendicular to the face of the entrance. Sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~(g) Wall sign: Sign shall not exceed one square foot of sign area per two linear foot of tenant frontage.~~

~~(3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.~~

~~(4) Nonconforming signs: Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value, in accordance with subsection (G) of this section. All nonconforming signs shall be removed or made to conform within ten years of the effective date of this section. Nonconforming signs shall not be:~~

~~(a) Structurally altered to extend its useful life.~~

~~(b) Demolished, modified or improved by more than 25% of its replacement value.~~

~~(c) Re-established if there is a change in use.~~

~~(d) Re-established after a business has been abandoned for more than 90 days~~

...

**SECTION 2.** That Section 155.177, "Historic Downtown Transition Area Overlay District," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.177 HISTORIC DOWNTOWN TRANSITION AREA OVERLAY DISTRICT.**

...

(E) Development regulations.

...

(3) Parking, loading, trash collection and storage:

(a) Surface and structured parking as well as all loading and service areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four foot high solid wall. When parking is provided at or above grade within a structure, a facade treatment which is consistent (in terms of materials and design) with the building facade shall be provided for the parking area. Parking structures shall be constructed so that commercial or residential uses occupy the ground level floor on all street fronts.

(b) Automobile parking space is to be provided as follows:

1. There shall be required for every apartment unit, condominium unit, or cooperative unit one and one-fifth 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.

2. Retail stores and offices shall provide one parking space for each 500 square feet, or fraction thereof, of gross floor area. No

parking is required for the first 1,000 square feet of gross floor area for any retail or office space within a building.

...

(G) Sign regulations. Signage in the Historic Downtown Transition Area Overlay District shall comply with the provisions of Chapter 156: Sign Code, and shall compliment the architecture in Historic Downtown Pompano Beach and create consistency using compatible colors, materials, size and location.

~~(1) Principal buildings containing more than one tenant are permitted one directory sign. Directory signs may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed ten square feet or six feet in height.~~

~~(2) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted:~~

~~(a) Signs located on the principal frontage shall not exceed 25 square feet in area.~~

~~(b) Secondary signs shall not exceed 25% of the primary sign area in size and nine inches in letter size. Secondary signs shall be located at the rear or side.~~

~~(c) Awning sign: One line of lettering shall be permitted.~~

~~(d) Under canopy sign: Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~(e) Occupant nameplate sign: Letters not to exceed three inches.~~

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~~(g) Wall sign: Sign shall not exceed one square foot of sign area per two linear foot of tenant frontage.~~

~~(3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.~~

~~(4) Nonconforming signs: Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value, in accordance with subsection (G) of this section. All nonconforming signs shall be removed or made to conform within ten years of the effective date of this section. Nonconforming signs shall not be:~~

~~(a) Structurally altered to extend its useful life.~~

~~(b) Demolished, modified or improved by more than 25% of its replacement value.~~

~~(c) Re-established if there is a change in use.~~

~~(d) Re-established after a business has been abandoned for more than 90 days.~~

**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 upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**MARY L. CHAMBERS, CITY CLERK**

GBL/jrm  
2/11/11  
L:ord/ch155/2011-162

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

MEMORANDUM #11-11


DATE: February 8, 2011  
TO: City Commission  
FROM: Planning and Zoning Board/Local Planning Agency  
SUBJECT: CODE AMENDMENTS - Chapters 155 and 156

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At the meeting of the Planning and Zoning Board/Local Planning Agency held on January 26, 2011, the Board reviewed the provisions of Department of Development Service Memorandum #11-012 proposing amendments to Chapter 155 and Chapter 156 of the Code of Ordinances to include the following:

- 1) Allow churches, houses of worship, fortune tellers and pet hotels as PERMITTED USES in the B-3 (General Business) zoning district.
- 2) Provide for a reduction in parking space size to 9' x 18' in the Northwest CRA. Also allow for a 10% reduction in the amount of parking required for multi-family residential uses in the Northwest CRA.
- 3) Provide for a 20% reduction in parking required for non-residential developments in the Northwest CRA, when such developments are located adjacent to Dr. Martin Luther King, Jr. Boulevard, between I-95 and Dixie Highway.
- \* 4) Amendments to the Sign Code regulations that currently apply to the Historic Core and Historic Transition Overlay districts.
- 5) Clarification and limitation to the permitted uses for Establishments for the Sale of Alcoholic beverages in the Northwest CRA.

It is the unanimous recommendation of the Board that the CODE AMENDMENTS be approved as submitted by Staff.

  
\_\_\_\_\_  
JIM BEESON  
Chairman  
Planning and Zoning Board/Local Planning Agency

lrh



CITY OF POMPANO BEACH  
DEPARTMENT OF DEVELOPMENT SERVICES



MEMORANDUM NO. 11-012

DATE: January 18, 2011  
TO: Planning and Zoning Board, Local Planning Agency LPA  
VIA: Robin M. Bird, Development Services Director  
FROM: Vicky L. Newson, AICP, Principal Planner  
SUBJECT: Code of Ordinances Chapter 155 and 156 amendments-

At the November and December P&Z meetings various code changes were presented to the Board for Chapters 155, mostly for the AOD zoning, and 156, for the sign code. Staff has continued to refine those changes and since those meetings, the Northwest Community Redevelopment Agency (NW CRA) has requested some additional changes to our current code to help facilitate redevelopment in that area of the City. Some of the following revisions are to code sections that were previously reviewed by the Board and have since been revised. The corrections in red are the current proposals.

In addition to the requested changes from the NW CRA, staff is proposing to add three additional permitted uses in the General Business District, B-3, to allow churches and houses of worship as a permitted use, rather than requiring special exception approval; and, add fortune tellers and pet hotels as new permitted uses.

PROPOSED NW CRA CODE CHANGES

The NW CRA is proposing a reduction in the amount of parking that is required for multifamily and nonresidential uses, as well as reduction in the size of parking spaces to 9' by 18', Section 155.111(A)(1), to help support positive redevelopment efforts in this area of the City.

In particular, the proposed amendments include a 10% reduction in the amount of parking required for multifamily residential uses, Section 155.113 (A) (new subsection 5) located within the NW CRA. The proposed amendments also include a 20% reduction in parking required for nonresidential development, Section 155.113 (A) (new subsection 17) when such development is located adjacent to Dr. Martin Luther King, Jr. Boulevard, between I-95 and Dixie Highway.

The proposed code changes result in a reduction in the cost of development as it relates to parking, thus supporting the redevelopment efforts in the NW CRA area. Reduced parking

requirements in community redevelopment areas are a tool utilized in many communities as a means of supporting positive redevelopment.

In addition to the parking reduction requirements for the NW CRA, other code changes include replacing the majority of the sign code regulations that currently apply to the Historic Core and Historic Transition Overlay Districts, (Sections 155.176(G) and 155.177(G)) with the citywide sign code standards. The Historic sign code will still continue the requirements that signs must compliment the architecture in the historic districts using compatible colors, material, size and location. The NW CRA feels that the remaining citywide sign code standards have proven to be more appropriate then the sign provisions that are applicable under the "overlay" districts. In the total code rewrite project, being completed by Clarion Associates LLC, new zoning and sign code standards are being developed to provide for a mixed use designation for the city as well as the Downtown Pompano Beach area. However, until such time, the NW CRA feels that the citywide sign code is best suited to address and encourage signage improvements for local businesses in the NW CRA area.

There is also a clarification of 155.079(D)(2) for the permitted uses for Establishments for the Sale of Alcoholic Beverages to limit so specified uses.

These changes reflect a combined effort of the Northwest Community Redevelopment Agency and the Development Services Department, and have been identified modifications to the zoning regulations that are necessary to provide the platform for redevelopment in accordance with the vision for the Northwest Community Redevelopment Area Plan.

The proposed code changes were reviewed and input was given by the Northwest Community Redevelopment Advisory Committee at their January 10, 2011 meeting.

#### PROPOSED STAFF CODE CHANGES

The current code allows churches and houses of worship in several districts as a special exception use including the General Business District, B-3, (Section 155.(B)). As per the Religious Land Uses and Institutionalized Persons Act (RLUIPA), "Equal Terms" section states that "No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." Since places of public assemblage are allowed in the B-3 zoning district, churches and other house of worship uses should also be allowed as a permitted use. By adding this to B-3, it will also allow this use in B-4 districts. Churches and houses of worship will continue to be special exceptions uses in the remaining commercial districts, B-1 and B-2, residential districts and will continue to be a non-permitted uses in the remaining zoning districts. Also "Fortune Tellers" and "Pet Boarding Kennels" are being added to B-3 as a permitted uses.

In Section 155.003, the definition for “Pet Hotel” is being added and “Totally and Permanently Enclosed Building” is being modified to remove the restriction for the separation requirement for doors on large retail and office buildings where such doors face a street.

In Section 155.069, Alcoholic Beverage Establishments, staff is adding “wine” to the exemption for businesses that are exempt from the distance requirement and adding movie theaters, with more than 100 seats, to be distance requirement.

In Chapter 156, Sign Code, Section (J) (1)(b)(a) the language is being modified to clarify the location of wall signs on single story and multi-story buildings within the Atlantic Boulevard Overlay District(AOD).

After this meeting, all of the proposed changes will be consolidated and submitted to the City Commission for their review and approval. Should the code changes proposed herein be adopted by the City Commission, they will be implemented immediately and then incorporated into the code provisions being proposed by Clarion.

## **PROPOSED CODE CHANGES FOR CHAPTER 155**

### **§ 155.003 DEFINITIONS.**

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

...

*PET HOTEL.* A facility totally enclosed within a principal building of not less than 4500 square feet of air conditioned space, containing a front desk, reception area, exercise room, social and play area, training facility for pets and owner, salon facilities to include styling and massage area, and weight loss center; all pets attending the facility are limited to domesticated household animals as defined in section 90.05, must be properly licensed within Broward County or jurisdiction of their permanent residence; registration desk shall maintain on file pet stays with documentation of license and shots; sound proofing shall result in no outside noise detection; no permanent kennel cages may be present (portable pet crates used to transport are acceptable), breeding for sale is prohibited, sleeping rooms are to be a minimum of 30 square feet with a minimum 8- foot ceiling height.

...

**TOTALLY AND PERMANENTLY ENCLOSED BUILDING.** A building each side of which consists of a solid wall containing doors, windows, or other apertures of a size and type normally and usually found in similar buildings in the same district. However, the

following restrictions and limitations shall apply to any such building the front or any side of which faces a street:

(1) There shall be no overhead doors, manually operated sliding glass doors, removable panels, or other similar type of doors;

(2) For all buildings, other than retail and office retail buildings with more than 10,000 square feet, There shall be allowed one door not exceeding four feet in width, or one double door not exceeding eight feet in width, in each 25 lineal feet of the building, or major fraction thereof, but no such door shall be constructed within 25 feet of any other such door.

(3) No aperture of any kind, other than allowable doors provided for above, shall be used for ingress and egress. No building shall be altered, modified, or changed so that it no longer complies with the provisions hereof.

...

#### **§155.069 ALCOHOLIC BEVERAGE ESTABLISHMENTS**

(A) Distance between establishments. No establishment for the sale of any alcoholic beverage shall be located within 1,000 feet, to be measured from main entrance to main entrance of the establishments by airline route, of an existing establishment for the sale of any alcoholic beverage either within or without the corporate limits of the city, however, the distance limitations shall not apply to any establishment of a type enumerated in divisions (1) through (5) below. Any establishment for the sale of any alcoholic beverage shall not be subject to a distance requirement from an existing establishment of a type enumerated as follows

...

(4) The sale of beer and wine for consumption on the premises only when the premises consist of a bowling alley containing ten or more alleys, the alleys to be within an enclosed building, or a movie theater that has more than 100 seats.

...

#### **§ 155.111 PARKING SPACE SIZE.**

(A) (1) Business, residential and all other non-industrial uses. Each parking space shall be 10 feet by 20 feet.

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~~(B)~~ (C) (1) Atlantic Boulevard Overlay District uses. Each parking space provided shall be 9 feet by 18 feet with double striping.

(2) Northwest Community Redevelopment Area (NW CRA). Each parking space provided shall be 9 feet by 18 feet with double striping.

...

### § 155.113 REQUIREMENTS IN VARIOUS ZONES.

Off-street parking requirements corresponding to various uses in all zones shall be as follows. The requirements 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 subsection (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.

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

3. If in addition to sleeping rooms, motel rooms, hotel rooms, or dwelling units, there are other permissible uses operated in conjunction with or as part of the hotel, motel, or apartment hotel, additional off-street parking spaces shall be provided for other uses as would be required by this section if the permissible uses were separate from the hotel, motel, or apartment hotel, to the extent of 65% of the off-street parking spaces specified in this chapter for retail stores, offices, service establishments, bars, restaurants, dining rooms, nightclubs, cabarets, ballrooms, banquet halls, meeting rooms, auditoriums, and other similar permissible uses. Notwithstanding the above requirement, if a hotel or motel of 50 rooms or more, in conformity with all other provisions of this chapter or Chapter 156 of this code, includes signage for a restaurant or bar, additional off-street parking shall be provided for other uses as would be required by this section if the permissible uses were separate from the hotel or motel.

4. Multifamily Residential Use Buildings located in the Atlantic Boulevard Overlay District.

(a) There shall be no off-street parking spaces required for multifamily residential use buildings for a time period expiring on January 4, 2016.

(b) Effective January 5, 2016, any proposed multifamily residential use building that does not have an active building permit shall be required to provide one space for every 1,000 square feet of gross floor area.

5. Multifamily Residential Use Buildings located in the Northwest Community Redevelopment Area ( NW CRA):

(a) Ninety (90%) of the required parking shall be provided for multifamily residential use buildings located within the Northwest Community Redevelopment Area (NW CRA).

(b) The provisions of subsection (a) above shall apply for a time period expiring on January 4, 2016. Effective January 5, 2016, any proposed multifamily residential use building located within the NW CRA that does not have an active building permit shall be required to provide one space for every 1,000 square feet of gross floor area.

(4) (6) Exemptions. Nothing in the preceding sections shall be construed to prohibit the temporary parking in the swale area of commercial vehicles in conjunction with normal service or trade activity.

(B) Business, commercial, manufacturing, and industrial use applications. All business, commercial, manufacturing, and industrial buildings shall provide a minimum of off-street parking spaces as follows.

...

(17) Nonresidential uses located in the Atlantic Boulevard Overlay District (AOD).

(a) There shall be no off-street parking spaces required for any nonresidential use and for mixed use buildings for a time period expiring on January 4, 2016.

(b) Effective January 5, 2016, any proposed nonresidential or mixed use building that does not have an active building permit shall be required to provide off-street parking, as follows:

1. Nonresidential use buildings up to and less than 25,000 gross square feet shall have no minimum parking space requirement;

2. Nonresidential use buildings greater than 25,000 gross square feet shall provide one space for every 500 square feet of gross floor area over 25,000 gross square feet;

3. Mixed use buildings shall provide one space for every 500 square feet of gross floor area over 25,000 gross square feet of nonresidential use and one space for every 1,000 square feet of gross floor area of residential use.

(18) Nonresidential Use Buildings located on properties adjacent to that portion of Dr. Martin Luther King, Jr. Boulevard bounded by the east right-of-way line of Interstate 95 and the west right-of-way line of North Dixie Highway.

(a) Eighty (80%) of the required parking shall be provided.

(b) The provisions of subsection (a) above, shall apply for a time period expiring on January 4, 2016. Effective January 5, 2016, any proposed nonresidential use building located within the boundaries described therein shall be subject to the off-street parking requirements of this Section, 155.113.

...

(C) Miscellaneous use applications.

...

(12) Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking for one use shall not be considered as providing the required off-street parking for any other use

(a) For mixed use development located within the Atlantic Overlay District, the provisions of subsection (B) (17) shall apply.

(b) For mixed use development that includes residential and nonresidential uses located on properties adjacent to that portion of Dr. Martin Luther King, Jr. Boulevard bounded by the east right-of-way line of Interstate 95 and the west right-of-way line of North Dixie Highway. The provisions of subsection (B) (18) shall apply.

(c) The provisions of this subsection shall apply to mixed use development that includes residential and nonresidential uses located in all other areas of the Northwest CRA, excluding the area of located within the boundaries described above in subsection (12) (b) and excluding the area of land located within the Historic Transition Overlay District and the Historic Core Overlay District.

...

### **§ 155.176 HISTORIC DOWNTOWN CORE OVERLAY DISTRICT.**

...

(E) Development regulations.

(1) All utilities shall be located underground, including those located to the rear of developments.

...

(G) Sign regulations. Signage in Historic Downtown Core Area Overlay District shall comply with the provisions of Chapter 156: Sign Code, and shall compliment the architecture in Historic Downtown Pompano Beach and create consistency using compatible colors, materials, size and location.

~~(1) Principal buildings containing more than one tenant are permitted one directory sign. Directory signs may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed ten square feet or six feet in height.~~

~~(2) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted:~~

~~(a) Signs located on the principal frontage shall not exceed 25 square feet in area.~~

~~(b) Secondary signs shall not exceed 25% of the primary sign area in size and nine inches in letter size. Secondary signs shall be located at the rear or side.~~

~~(c) Awning sign: One line of lettering shall be permitted.~~

~~\_\_\_\_\_ (d) Under canopy sign: Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~\_\_\_\_\_ (e) Occupant nameplate sign: Letters not to exceed three inches.~~

~~\_\_\_\_\_ (f) Projecting sign: Sign shall be mounted perpendicular to the face of the entrance. Sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~\_\_\_\_\_ (g) Wall sign: Sign shall not exceed one square foot of sign area per two linear foot of tenant frontage.~~

~~\_\_\_\_\_ (3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.~~

~~\_\_\_\_\_ (4) Nonconforming signs: Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value, in accordance with subsection (G) of this section. All nonconforming signs shall be removed or made to conform within ten years of the effective date of this section. Nonconforming signs shall not be:~~

~~\_\_\_\_\_ (a) Structurally altered to extend its useful life.~~

~~\_\_\_\_\_ (b) Demolished, modified or improved by more than 25% of its replacement value.~~

~~\_\_\_\_\_ (c) Re-established if there is a change in use.~~

~~\_\_\_\_\_ (d) Re-established after a business has been abandoned for more than 90 days~~

...

## **§ 155.177 HISTORIC DOWNTOWN TRANSITION AREA OVERLAY DISTRICT.**

...

(E) Development regulations.

...

(3) Parking, loading, trash collection and storage:

(a) Surface and structured parking as well as all loading and service areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four foot high solid wall. When parking is provided at or above grade within a structure, a facade treatment which is consistent (in terms of materials and design) with the building facade shall be provided for the parking area. Parking structures shall be constructed so that commercial or residential uses occupy the ground level floor on all street fronts.

(b) Automobile parking space is to be provided as follows:

1 There shall be required for every apartment unit, condominium unit, or cooperative unit one and one-fifth 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.

2 Retail stores and offices shall provide one parking space for each 500 square feet, or fraction thereof, of gross floor area. No parking is required for the first 1,000 square feet of gross floor area for any retail or office space within a building.

(c) Direct pedestrian access shall be provided from rear parking areas to ground floor uses. Connections can be interior throughways with rear or side entrances. Pedestrian throughways may also be exterior, located adjacent or between buildings. Interior and exterior throughways shall be a minimum of five feet unless located between buildings, in which case, throughways shall be a minimum of ten feet.

...

(G) Sign regulations. Signage in the Historic Downtown Transition Area Overlay District shall comply with the provisions of Chapter 156: Sign Code, and shall compliment the architecture in Historic Downtown Pompano Beach and create consistency using compatible colors, materials, size and location.

~~(1) Principal buildings containing more than one tenant are permitted one directory sign. Directory signs may be a wall sign or freestanding sign located in an internal courtyard and shall not exceed ten square feet or six feet in height.~~

~~(2) Individual establishments within a principal building, shopping center or single tenant building are permitted one non-illuminated, primary identification sign and one secondary identification sign. The following sign types and dimensions shall be permitted:~~

~~(a) Signs located on the principal frontage shall not exceed 25 square feet in area.~~

~~(b) Secondary signs shall not exceed 25% of the primary sign area in size and nine inches in letter size. Secondary signs shall be located at the rear or side.~~

~~(c) Awning sign: One line of lettering shall be permitted.~~

~~————— (d) Under-canopy sign: Sign shall be mounted perpendicular to the face of the entrance. Identification sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~————— (e) Occupant nameplate sign: Letters not to exceed three inches.~~

~~————— (f) Projecting sign: Sign shall be mounted perpendicular to the face of the entrance. Sign shall not exceed five square feet in sign area. Sign shall be located at least eight feet above the grade of sidewalk or walkway under sign. Sign shall be located equal distance from establishment wall or entrance as adjacent business establishment signs. If no adjacent signs exist, sign shall not be located more than two feet from establishment wall or entrance.~~

~~————— (g) Wall sign: Sign shall not exceed one square foot of sign area per two linear foot of tenant frontage.~~

~~————— (3) Primary signs for individual establishments within a principal building or shopping center shall be of a homogenous sign type.~~

~~————— (4) Nonconforming signs: Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value, in accordance with subsection (G) of this section. All nonconforming signs shall be removed or made to conform within ten years of the effective date of this section. Nonconforming signs shall not be:~~

~~————— (a) Structurally altered to extend its useful life.~~

~~————— (b) Demolished, modified or improved by more than 25% of its replacement value.~~

~~————— (c) Re-established if there is a change in use.~~

~~————— (d) Re-established after a business has been abandoned for more than 90 days.~~

## **§ 155.179 ATLANTIC BOULEVARD OVERLAY DISTRICT**

...

(D) Permitted uses.

(1) All uses permitted in the underlying zoning district, unless prohibited by this section.

(2) Establishments for the Sale of Alcoholic Beverages. Establishments for the sale of alcoholic beverages that shall not be subject to the provisions of the city Zoning Code of Ordinances Section 155.069, ~~including, but not and are limited to:~~ Bar and Lounge; Restaurant, Restaurant Bar; Outdoor Restaurant or Bar; Sidewalk Café; Hotel; and Hotel Bar, and Package Liquor Store; and any other duly licensed to sell and serve/serve alcoholic beverages located within the AOD.

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### **§ 155.183 B-3 GENERAL BUSINESS DISTRICT.**

(A) Intent. This district is intended to permit a broad range of commercial uses, including those of a highway-oriented nature.

(B) Permitted uses.

- (1) Any use permitted in the B-2 District;
- (2) Auction house;
- (3) Automobile rental or leasing agencies (outdoor display permitted).
- (4) Automobile sales agency and accessory used car sales and auto service. The service facilities shall be located behind the showroom facilities such that the service bays are not visible from the street;
- (5) Bars;
- (6) Bowling alleys and skating rinks;
- (7) Business and commercial colleges, night schools, adult training, and similar educational enterprises;
- (8) Community care facility;
- ~~(9) Church and other house of worship;~~
- ~~(10) Consignment Shop~~
- ~~(11) Fortune tellers;~~
- ~~(9) (12) Funeral homes;~~

~~(10)~~ (13) Hospitals and clinics;

~~(11)~~ (14) Hotels and motels in conformance with Implementation Section 302 of the Future Land Use Element;

~~(12)~~ (15) Marinas - no dry storage or repair;

~~(13)~~ (16) Marine pleasure craft sales;

~~(14)~~ (17) Movie and other theaters, auditoriums or similar places of assembly;

~~(15)~~ (18) Pet Hotel as defined in section 155.003; exterior exercise of no more than 2500 square feet is permitted on properties larger than one acre provided the exercise area is fully fenced, covered and not within 100 feet of a residential property line, residential use or outdoor dining facility.

~~(16)~~ (19) Printing, newspaper printing, blueprinting and other printing and reproduction facilities;

~~(16)~~ (20) Retail stores including thrift shops for the sale of secondhand clothing and household goods with not more than 20% of the floor space being secondhand merchandise.

~~(17)~~ (21) Shop for making articles sold at retail on the premises;

~~(18)~~ (22) Showrooms with wholesaling by sample only;

~~(19)~~ (23) Studios for artists, photographers and musicians, including recording studios;

~~(20)~~ (24) Transportation passenger stations; and

~~(21)~~ (25) Veterinarian, animal grooming and pet store with all activities enclosed within the building; soundproofing and lack of windows shall result in no outside noise detection from the treatment or boarding rooms.

~~(22)~~ (25) Window tinting, burglar alarm and stereo and telephone installation for automobiles.

(C) Accessory uses.

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## CODE CHANGES FOR CHAPTER 156, SIGN CODE

§ 156.07 BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS

...

(J) Atlantic Boulevard Overlay District (AOD): The following sign provisions shall apply to all nonresidential and mixed use development within the AOD. Where not specifically defined for the AOD, the provisions for all other signs, as specified in this Chapter, shall apply.

(1) Commercial Sign Types.

...

(b) Wall Sign. This type of sign is intended primarily for retail or service uses at street level to draw the attention of pedestrians and drivers.

1. Placement:

(a) Multi-story building: on the primary building face between first and second floor window openings. The sign shall be an integral part of the façade composition; the building wall may serve as the sign background. The bottom of the wall sign shall be a minimum of 10 feet above grade.

(b) Single and multi-story buildings: The sign shall be an integral part of the façade composition; the building wall may serve as the sign background.

2. Dimensions: Signs shall not exceed one square foot of sign area per one linear foot of tenant frontage. Individual elements or letters are limited to 24 inches in height.

3. Materials: metal, stone, wood, paint, plaster, or durable synthetic materials.

4. The following types of sign lighting are permitted: front lit, back lit, or internally lit.

5. Design: Wall sign shall be considered as an integral element of the building façade and be consistent with the building's architecture. Consistency of the wall sign in a single building is required.