

### **Q: What is zoning?**

**A:** The traditional approach to comprehensive planning regulates development through Comprehensive Planning. Typical land use classifications are single-family residential, multi-family residential, commercial, institutional, industrial and recreational. The zoning districts determine what can go there & how the use can be built. Zoning uses determines if a particular use is permitted, accessory, or conditional. Within the various zoning districts each has requirements that the property must adhere to: minimum lot size, setbacks, maximum lot coverage, minimum pervious area, maximum height, parking, lighting & signage.

### **Q: Why does my permit require Zoning's approval?**

**A:** Permits are reviewed by Planners to verify that the structure is in conformance with the requirements of the zoning district. The review includes the type of land use, the proposed density, building height and size, lot size, yards, setbacks, open space, signs, accessory uses, required off-street parking, lighting and landscaping.

### **Q: What kind of business can I put on a particular property?**

**A:** In a particular zoning district there are permitted uses – uses of property to which a property owner is entitled to by right. The zoning districts address the various types of businesses that can locate on that property. If you have a particular address in mind, you may want to check the City's [zoning map](#) which indicates the zoning for that property. A list of permitted uses is available online for our [residential](#), [commercial](#) & [industrial](#) zoning districts. For additional information, or questions please call the Zoning Division at 954.786.4679.

### **Q: What is my property zoned?**

You may refer to the City's [zoning map](#), available online, which has the zoning districts color coded for all the property in Pompano Beach. Should you want to review the regulations on that particular property, you can find the complete Code of Ordinances online at [amlegal.com](#). For a list of permitted uses, setback information, height restrictions and other similar regulations on the particular zoning districts this information is kept up to date & available from our home page. Please review the [residential](#), [commercial](#) & [industrial](#) zoning districts informational handout that is an excerpt from the most up to date code online. Should you require additional assistance in determining your property or the regulations please call the Zoning Division at 954.786.4679.

### **Q: Can I rezone a property?**

**A:** Yes, technically as per code §155.256 (A) “Any person owning property located within the city desiring to effect a change in the classification thereof as prescribed and limited under this chapter, or amendments thereto, shall proceed in the following manner...” which goes on to list the requirements for submitting an application for rezoning. The rezoning application is available online, or at City Hall Zoning Division 3<sup>rd</sup> floor. The application will be reviewed by the Development Review Committee, Planning & Zoning Board, and finally the City Commission. Spot zoning, which occurs when a small area of land or section in an existing neighborhood is singled out and placed in a different zone from that of a neighboring property, is not allowed. It is required that you meet with a Planner, prior to submitting a [rezoning application](#) (available online).

### Q: What does it mean to be “grandfathered” in?

**A:** Actually, the correct terminology is “legal nonconforming use”, or “legal nonconforming structure”. A legal nonconforming use is a use of property which began at a time when the zoning regulations permitted and the site was approved for that particular activity, but was eventually changed such that that use is no longer allowed under the code. For example, IF a used car business was started back in 1960 at a location where the zoning regulations did not distinguish between new and used car sales, IF then the laws were modified to prohibit used car sales, no additional used car businesses would be allowed in the area. However, the approved used car businesses would be considered “grandfathered” and allowed to remain in business.

An example of a legal nonconforming structure would be a building that was built with permits that met requirements of the applicable zoning code. After a code amendment the setbacks were modified and that approved building no longer meets the requirements of the new code. It would be considered “grandfathered” and allowed to remain. However, the non-conforming portion of the building could not be expanded or increase its nonconformity in any way. Remodeling and renovations that do not affect the non-conformity could be allowed. This would be determined at the time of the review of the building permit.

### Q: What is site plan approval & why might I need to undergo this process?

**A:** For new development, if the scope of work does not fall under the following list, site plan approval may be required. §157.05 (C)

- (1) Work by an airport agency for the maintenance or improvement of runways, taxiways and aprons.
- (2) Construction of bus stop shelters.
- (3) Sculptures, fountains and other landscaping improvements.
- (4) Signs.
- (5) Diminution in size of a structure.
- (6) Demolition of a structure.
- (7) Vacation of a road rights-of-way or easements.
- (8) Interior alterations of a building not involving a change of use.
- (9) Swimming pools.
- (10) Fences.
- (11) One single-family dwelling on a single lot, provided, however, that the development complies with the concurrency review certificate requirements.
- (12) Those improvements or modifications authorized consistent with § 155.010, as presently enacted or as amended from time to time.

There are two types of Development Orders that are issued; a minor site plan and a major site plan. The [application for site plan](#) is available online.

### Q: What is a special exception?

**A:** In a particular zoning district there are permitted uses – uses of property to which a property owner is entitled as a right; prohibited uses – uses which are deemed to be incompatible with neighboring properties and special exception uses – uses which may be okay, but require more information be provided. In order to have a special exception approved you are required to show: that there is a need for your proposed use at your proposed location and; the use will be operated in a way that does not cause a negative impact on surrounding properties. An applicant is required to meet with the Planner at least 2 business days before the submittal deadline, [applications](#) are available online. This appointment can be set-up by contacting Jennifer Gomez.



Frequently Asked Questions

Q: What is a variance?

A: A variance is relief from a particular code requirement, such as a building setback. Depending on the request, a variance application can be quite involved, requiring the assistance of an attorney with expertise in zoning and land use matters. More simple requests are frequently handled by a property owner or architect. In order for the Zoning Board of Appeals to grant a variance, the applicant must demonstrate and provide evidence of all of the following:

- There are special and unusual circumstances affecting the property which conditions do not apply generally to neighboring lands, buildings and structures.
The applicant did not cause these unusual circumstances to exist and are not the result of their actions.
The strict application of the regulations are such that it would deprive the applicant a reasonable use of the land, building or structures, equivalent to the use made in neighboring lands, buildings, and structures.
The request is the minimum request which will allow reasonable use of the land, building or structure.
Applications are available online, or in the Zoning Division at City Hall. An applicant is required to meet with the Planner at least 2 business days before the submittal deadline. This appointment can be set-up by contacting Jennifer Gomez.

Q: What is the difference between a variance & a special exception?

A: A variance is a relief from a particular zoning code whereas a special exception is written in the code that a particular use may be permitted in a specified zoning district. Variances can be sought after for relief from various zoning provisions in Chapter 155 of the City's Code of Ordinance. Additional information is required for both applications to come to a conclusion and be approved or denied.

Q: What are Modifications of Development Standards and Adjustments of Development Standards?

A: The Modification of Development Standards as defined in our City's Code of Ordinance 155.010 is specifically intended to promote high standards of site design; provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to insure compatibility where standards are modified. This application for Modifications of Development Standards is only for residential properties to request relief from a few, very specific zoning requirements. If the request is minor as defined in the code, it can be administratively approved by the Development Review Committee prior to approval or denial.

Adjustments of Development Standards as per §157.45 (E) requests are considered during site plan approval for commercial properties and are only approved or denied by the Planning & Zoning Board. The Planning & Zoning Board must find the adjustment does not diminish the application of the affected regulation and that, by approving such an adjustment, a superior development project will result.

Q: Why does my alcoholic beverage license require zoning approval?

A: Zoning approval is required prior to obtaining an alcoholic beverage license because §155.069 of the Code regulates the location of businesses selling alcoholic beverages relative to distances from each other and other land uses such as, schools, churches, & sexually oriented businesses.