



Legislation Text

File #: 20-0449, **Version:** 1

MOTION TO ACCEPT ARTICLE 3 - ADMINISTRATION SECTION OF THE LAND DEVELOPMENT CODE UPDATE.

1. In advance of this item on June 1, 2020, Planning and Economic Development Staff provided the City Commission *Article 3* via email for the preliminary review.

2. The City of Pembroke Pines has contracted with Calvin Giordano and Associates (CGA) to update the City Land Development Code (LDC).

The general goals of the Land Development Code update include the following:

- ☐ To consolidate most development related activities / regulations into one area of the Code.
- ☐ To make the Code easier to understand for all parties.
- ☐ Ensure all development applications and processes are updated to current practices.
- ☐ To review current Code and remove obsolete uses / regulations / zoning districts.
- ☐ To ensure the Code remains consistent with Comprehensive Plan.
- ☐ To strengthen the Code from a legal perspective.
- ☐ Free the Code of contradictions and cross referencing errors.
- ☐ Encourage public participation.

3. The identified target audiences of the Land Development Code Update include the following:

- ☐ Residents / Public
- ☐ Developers
- ☐ Business Owners
- ☐ Legal Community
- ☐ City Staff
- ☐ City Advisory Boards

4. Calvin Giordano and Associates role in this process includes the following:

- ☐ Overall technical assistance in drafting the Code update.
- ☐ Help facilitate public participation

- ☐ Attend and participate in staff meetings and public meetings.
- ☐ Website & Graphics creation
- ☐ Coordinate and attend stakeholder interviews.
- ☐ Create drafts and revisions to the Code based on stakeholder input.

5. Calvin Giordano and Associates is contracted to complete the Land Development Code updates by September 2020. To date, the following meetings have taken place related to this project:

- ☐ **November 19, 2018** City Commission meeting: Approved the City budget which included the funding of the Land Development Code Update project.
- ☐ **January 30, 2019** City Commission meeting: Contract Proposal received by Calvin, Giordano & Associates
- ☐ **March 11, 2019** City Commission meeting: Contract Accepted by City of Pembroke Pines
- ☐ **June 13, 2019:** Joint Advisory Board, Kick- off Meeting (Public Meeting)
- ☐ **June- August 2019:** Internal Staff Meetings
- ☐ **August 28, 2019:** Open House #1 (Public Meeting)
- ☐ **September, 2019:** Annotated Outline Created
- ☐ **October 10, 2019:** Project Update provided to Planning and Zoning Board (Public Meeting)
- ☐ **October 15, 2019:** Staff Working Group (Public Meeting)
- ☐ **October 29, 2019:** Staff Working Group (Public Meeting)
- ☐ **November 19, 2019:** Staff Working Group (Public Meeting)
- ☐ **December 03, 2019:** Staff Working Group (Public Meeting)
- ☐ **January 07, 2020:** Staff Working Group (Public Meeting)
- ☐ **January 21, 2020:** Staff Working Group (Public Meeting)
- ☐ **January 23, 2020:** Planning and Zoning Board Meeting transmitting Article 1 to City Commission.
- ☐ **March, 4, 2020:** City Commission Meeting motion to accept *Article 1*
- ☐ **March 17, 2020:** Staff Working Group (Public Meeting)
- ☐ **May 28, 2020:** Planning and Zoning Board Meeting transmitting *Article 3* to City Commission.
- ☐ ***TONIGHT - June 17, 2020: City Commission meeting Motion to accept Article 3***

In addition to the meetings above, the public has had continuous access to the City's Land Development Code project microsite, <http://pembrokepinescode.cgasolutions.com/>, which is updated regularly. The public can review relevant documentation relating to the Land Development Code update as well as provide project related comments.

6. Based on the meetings above, CGA and the City have created an overall outline as to the organization of this Code. Both the City staff and consultant have agreed to reorganize the proposed Land Development Code into the following general Articles as stated below:

- ☐ Article I: Purpose
- ☐ Article II: Definitions
- ☐ Article III: Administration - Summary of development application types and processes

- ☐ Article IV: Zoning Districts - List of all zoning districts with general development criteria specific to that zone.
- ☐ Article V: Use Regulations - Creation of a use table which outlines uses and the zone in which those uses are permitted. Additional criteria for specific uses (ie. Schools, Adult Entertainment)
- ☐ Article VI: General Zoning Regulations - Site specific supplemental regulations which apply to more than one zoning district (ie: Land Use separation requirements, accessory structures, driveways)
- ☐ Article VII: Development Regulations - Other larger scale regulations related to a site. (ie. Signage, Lighting, Landscape)

7. The City Commission at its January 15, 2020 meeting endorsed staff's proposed review process for the reorganization of this large document. Under the proposal, staff would bring each article separately to the Planning and Zoning Board for consideration. Each individual article would then be transmitted to the City Commission for first reading review. After passage of the first reading, the article would be scheduled for second reading only after all remaining articles have been passed on first reading. The order in which the articles are to be reviewed by the Boards would be determined by staff. Second reading of the entire document has been tentatively scheduled toward the end of the year. It is anticipated that the new Code will take effect in January 2021.

8. *Article 1* was transmitted with a favorable recommendation by the Planning and Zoning Board on January 23, 2020 and the motion to accept was made by City Commission on March 4, 2020.

9. *Article 3* of the Land Development Code was created in order to provide a user a list of all development applications that are available through the Planning and Economic Development Department as well as the general processes an applicant would need to follow in order to move forward with such requests. The article further consolidates all administrative, legal and Board roles into one article where currently these functions are silent or currently found in different sections throughout the current version of the Code. In addition to the consolidation of functions, staff worked with CGA to recommend substantive modifications to Board and staff review processes (which are listed in bold below) to achieve greater efficiencies within the development process. Below is a summary of the structure and highlights of the new Article:

- ☐ 155.300 Purpose and Applicability
 - Establishes the scope of the article and what applications and decision types apply.
- ☐ 155.301 Application Specific Procedures
 - Table that outlines the processes for all applications that are processed by the Planning and Economic Development Department.
 - Site Plan
 - Continues to require that all buildings 50 feet or higher receive both Planning and Zoning Board as well as final City Commission review.
 - Modification of current regulations to allow site plan and site plan amendment applications under the height threshold within planned districts to be final at Planning and Zoning Board.
 - Modification of current regulations to allow alternative buffer yard consideration to be final at Planning and Zoning Board.

- Administrative Review
 - Establishes administrative review procedures for minor revisions to an approved plan. Applications may either processed through issuance of a Zoning Letter or by review and action by the Planning and Zoning Board at discretion of the Planning and Economic Development Director.
- Special Exception (currently 155.283)
 - Modification to have uses as outlined in Article 5 reviewed by City Commission in addition to Planning and Zoning Board Review.
- 155.302 Notice Requirements
 - Creation of a table that identifies what noticing will be required for each development type.
 - Consolidation of the types of noticing and requirements for the applications processed by the Planning and Economic Development Department.
 - Consolidation of code sections 155.396 and 155.411, which discuss noticing to homeowner associations and noticing requirements for a zoning change into one easy to read and located section.
 - There will be no change from current noticing procedures.
- 155.303 Review and Decision Making Authorities.
 - Clearly outlines the purpose and powers of the following bodies as they relate to the development applications found within the LDC, Planning and Economic Development Department Staff, Development Review Committee, Board of Adjustment, Planning and Zoning Board, and City Commission.
 - Information was relocated, updated, organized and condensed from Chapter 32 (Departments, Boards, and Commissions) of the City Code.
- 155.304 Quasi-Judicial Proceedings.
 - Relocated from chapter 37 of the City Code, which details the quasi-judicial proceedings.
 - Update to the applicability section to include current applications.
 - Process remains unchanged.
- 155.305 Zoning in Progress
 - Currently section 150.01, which is lacking certain information and details.
 - With assistance from the City Attorney's Office, the section was rewritten to provide a clear process for zoning in progress.
- 155.306 Application Submittal Procedures
 - Establishes criteria to determine application completeness consistent with Florida statute 166.033.
 - Pre-application meetings will now be required for all applications unless waived by the Planning and Economic Development Department Director. The pre-application meeting will help determine which process or processes will apply to the proposed project.
 - Outlines fees that may be associated with the applications (currently 155.800). No changes to fees.
 - Outlines the documents that may be required for submittal including but not limited to the applications, fees, plans, and studies including traffic analysis, economic impact, stacking or market demand as requested by the City.
- 155.307 Staff Review and Action

- Outlines the procedure for staff review and action for development applications. There will be no change to the staff review or action process.
- 155.308 Post Decision Actions and Limitations
 - Outlines the actions once a decision is formal rendered. There will be no change for the current operating procedures.
 - Approvals are solely for the application applied for and does not guarantee approval of any subsequent.
 - Approvals shall expire after 1 year of inactivity, excluding those that result from an ordinance or resolution. Extensions may be given by the Planning and Zoning Board or in accordance with F.S 252.363.
 - Amendments to an approved applications shall require resubmittal.
 - Approval under the provision of this LDC does not provide exemption from building permits or outside agency review.
- 155.309 Application Withdrawal Process
 - Formally codifies the withdrawal process. No changes from current operating procedure.
 - To withdrawal a formal letter must be submitted to the Director of the Planning and Economic Development Department.
- 155.310 Application Refunds
 - No refunds shall be given unless granted by the City Manager or designee
 - No change from current operating procedure
- 155.311 Application Appeal Process
 - Consolidation and clarification of appeal procedures for Board of Adjustment, Planning and Zoning Board and City Commission items that fall under this LDC.
 - The process shall remain unchanged and come from current code sections found within Chapter 32
- 155.312 Application Deferral Process
 - Codification of existing deferral procedures.
- 155.313 Enforcement
 - Modernization and consolidation of sections 155.013 (Nuisances) and 155.999 (Penalty). Sections are now tailored to the scope of the LDC.
 - Outlines enforcing bodies of this LDC, which include but not limited to the Planning and Economic Development Department and the Code Compliance Division.
 - Established specific violations of this LDC.

10. The Planning and Zoning Board at its May 28, 2020 meeting voted to transmit the Article to the City Commission with a favorable recommendation.

11. Administration recommends the City Commission makes a motion to accept *Article 3* (Administration Section of the Land Development Code Update).

FINANCIAL IMPACT DETAIL:

a) **Initial Cost:** None.

b) **Amount budgeted for this item in Account No:** Not Applicable.

- c) Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) 5 year projection of the operational cost of the project:** Not Applicable.
- e) Detail of additional staff requirements:** Not Applicable.