



Legislation Text

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MOTION TO ACCEPT ARTICLE 5 - USE REGULATIONS SECTION OF THE LAND DEVELOPMENT CODE UPDATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. In advance of this item on August 17, 2020, Planning and Economic Development Staff provided the City Commission with a copy of *Article 5* and summary of the Land Development Code (LDC) via email for preliminary review. In addition a summary of all of the accepted articles is attached online. Staff has prepared a presentation to highlight the changes proposed in *Article 5*.

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.
- ☐ **June 17, 2020:** City Commission Meeting motion to accept Article 3
- ☐ **June 25, 2020:** Planning and Zoning Board Meeting transmitting Article 4 to City Commission.
- ☐ **August 5, 2020:** City Commission Meeting motion to accept Article 4
- ☐ **August 13, 2020:** Planning and Zoning Board Meeting transmitting Article 5 to City Commission.

6. 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.

7. 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 1: Purpose
- ☐ Article 2: Definitions
- ☐ Article 3: Administration - Summary of development application types and processes
- ☐ Article 4: Zoning Districts - List of all zoning districts with general development criteria specific to that zone.
- ☐ Article 5: Use Regulations - Creation of a use table which outlines uses and the zone in which those uses are permitted. Additional criteria for specific uses (i.e. Schools, Adult Entertainment)
- ☐ Article 6: Zoning Regulations and Standards - Ancillary regulations related to the development of a site. (i.e. Signage, Lighting, Landscape, Accessory structures)

8. 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 review. Commission would then consider a motion to accept each article, enabling staff to proceed to the next Article. The order in which the articles are to be reviewed by the Boards would be determined by staff. An ordinance, enacting all of the changes and adopting the LDC will reviewed by the Planning and Zoning Board, and transmitted to City Commission for adoption (2 readings) later this year. It is anticipated that the new Code will take effect in January 2021.

9. Tonight, the City is proposing Article 5 of the Land Development Code update entitled, "Use Regulations".

ARTICLE 5 - USE REGULATIONS

Article 5 of the Land Development Code establishes the uses that are permitted in each of the zoning districts as established Article 4 and the supplemental standards for those uses, if applicable.

10. Staff worked with CGA to consolidate all of the permitted uses for each zoning district into one, easy to read, table. This greatly reduces the length of the code and helps makes specific uses easier to identify. In the table, the uses will be divided into use classifications (i.e. Residential, Commercial, and Industrial) and then further subdivided into broad use categories (i.e. Financial Services, Recreation and Entertainment, Retail). The table will indicate where the specific use is permitted, if a special exception is required and if there are any applicable additional standards. If there are additional standards, a reference to the applicable section will be included within the table to assist the user in locating all the necessary information.

11. In addition to being integrated into the use table, staff is proposing the following actions for some uses:

- ☐ Removal due to obsolescence.
- ☐ Remove uses that are covered by another use (i.e. removal of specific office type use like "real estate" or "legal" office because they would classify as "business and professional offices").
- ☐ Update outdated use names.
- ☐ Addition of uses that are consistent with the changes in business and technology.

12. Following the use table will be the specific use standards. These standards are currently found within multiple chapters of the City Code. The consolidation of these sections into Article 5 will decrease the time it takes to locate information. Beyond the reorganization of the standards, the primary changes include updating the standards to be consistent with current business operations and technology, as well as any applicable federal and state laws.

STRUCTURE

13. Below is a summary of the structure and highlights of the new Article. Significant modifications are listed in bold.

- ☐ 155.500 Overview of Use Regulations
 - ☐ Establishes the general purpose of Article 5.
- ☐ **155.501 Use Table**
 - ☐ **Creation and consolidation of all uses into a table**
 - ☐ **Use table incorporates all new zoning designations as established in Article 4.**
 - ☐ **Outlines the organization of the use table. Uses are divided into large use categories (i.e. Residential, Commercial, and Industrial) and then further subdivided into broad use categories (i.e. Financial Services, Recreation and Entertainment, Retail).**
 - ☐ **Defines the designations and abbreviations found within the use table.**
 - ☐ **Provides References to other code section where supplemental standards can be found for specific uses.**
 - ☐ **All former Heavy Industrial (M-5) uses, which have been integrated in the new Industrial Heavy (I-H) zoning district now require special exception before City Commission.**
- ☐ 155.502 Provisions Not Retroactive
 - ☐ Establishes that if a use was previous conforming under the former provisions, the adoption of these regulations does not make that use illegal or in violation.
- ☐ 155.503 Adult Entertainment (Currently 155.300-303)
 - ☐ No substantive changes
- ☐ 155.504 Alcoholic Beverage Establishment (Currently 155.285-155.292)
 - ☐ No substantive changes.
- ☐ 155.505 Automotive and Vehicle Dealerships (Currently part of 155.149)
 - ☐ No substantive changes.
- ☐ 155.506 Boat Building, Storage, Service and Repair (Currently part of 155.150)
 - ☐ No substantive changes.
- ☐ 155.507 Body Art Studio (Currently part of 155.146)
 - ☐ No substantive changes.
- ☐ 155.508 Car Washes (Currently part of 155.149)
 - ☐ No substantive changes.
- ☐ 155.509 Child Care Centers (Currently 118.115-118.120)
 - ☐ No substantive changes.
- ☐ 155.510 Domesticated Livestock and Poultry (Currently part of 155.090)

- No substantive changes.
- 155.511 Dry Cleaners (Currently part of 155.146)
 - No substantive changes.
- 155.512 Electronic Nicotine Sales (Currently 155.310-155.313)
 - Update to be consistent with federal and state law. No substantive changes
- 155.513 Hotels (Currently part of 155.118 and 155.149)
 - No substantive changes.
- 155.514 Industrial use Separation from Residentially Zoned Property (Currently part of 155.168)
 - No substantive changes
- 155.515 Junkyards (155.073)
 - No substantive changes.
- 155.516 Medical Marijuana Dispensing Facilities (currently 155.016)
 - No substantive changes.
- 155.517 Microbreweries, Microwineries, and Brewpubs (Currently part of 155.149)
 - No substantive changes.
- 155.518 Mobile Food Vendors (Currently 114.10-114.16)
 - Modify hours of operation to 7:00am to 9:00pm. Previous dawn to dusk.
- 155.519 Outdoor Dining (currently 155.081)
 - **Once an outdoor dining master plan is established by a shopping center own with approval from the Planning and Zoning Board, individual tenant outdoor dining plans shall now be approved via the staff administrative approval process.**
- **155.520 Outdoor Display and Sales**
 - New section permitting outdoor display and sales
 - Permitted in B-1, B-2, B-3, and C-1 zoning districts
 - Master outdoor display and sales plan must be established by the owner. The master plan shall be approved via the administrative approval process.
 - All items for display and sale, as well as the structures utilized for display shall be moved into the respective store during off hours.
- 155.521 Pawn Shops
 - **New section regulating Pawn Shop. Standards shall be consistent with electronic nicotine sales and tattoo parlors**
- 155.522 Pet Hotels, Dog Daycare (Currently part of 155.149)
 - No substantive changes.
- 155.523 Recreational Uses (Currently part of 155.092)
 - No substantive changes.
- 155.524 Religious Institution, House of Worship (Currently part of 155.106)
 - No substantive changes.
- 155.525 Resource Recovery (Currently part of 155.094)
 - No substantive changes.
- 155.526 Self-Service Laundry / Laundromat (Currently part of 155.145)
 - No substantive changes.
- 155.527 Service Stations (Currently 155.265-155.275)

- Removal of sections 155.270, 155.271, 155.273 and 155.274. These sections are either obsolete or covered by other sections of the LDC.
- 155.528 Sign Shop (Currently part of 155.150)
 - No substantive changes.
- 155.529 Storage of Rental Vehicle (Currently part of 155.149)
 - **Use now requires special exception approval.**
- 155.530 Tattoo Parlors (Currently 155.310-155.313)
 - No substantive changes
- 155.531 Telecommunication Towers and Antennas (Currently 155.277-155.282)
 - No substantive changes.

13. The Planning and Zoning Board at its August 13, 2020 meeting voted to transmit the Article to the City Commission with a favorable recommendation.

14. Administration recommends the City Commission makes a motion to accept *Article 5* (Use Regulations) 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.