



Legislation Text

File #: 20-0776, **Version:** 1

Zoning Code Text Amendment:
AM 2020-01 Article 2 Definitions

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

To date, the Planning and Zoning Board and City Commission have reviewed and accepted Articles 1, 3, 4, and 5 of the Land Development Code update. The Planning and Zoning Board is now tasked with review of Article 2 “Definitions” and Article 6 “Development Standards”. These two articles are being brought forward concurrently.

Article 6 “Development Standards” provides standards that regulate the physical layout and design for a development of a site within the city.

Article 2 “Definitions” provides all terms and definitions of the Land Development Code.

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.

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

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.

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
- **September 16, 2020:** City Commission Meeting motion to accept Article 5
- **October 8, 2020:** Planning and Zoning Board deferred Article 6 to the October 22 meeting.
- *October 22, 2020: Planning and Zoning Board Meeting transmitting Articles 6 and 2 to City Commission*
- *November 12, 2020: Planning and Zoning Board Meeting transmitting Full Summary of Ordinance to City Commission*
- *December 2, 2020: City Commission Meeting motion to accept Article 6 and 2*
- *(tentative) January 20, 2021: 1st Reading of the Land Development Code*
- *(tentative) February 17, 2021: 2nd Reading and Adoption of the Land Development Code*

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.

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: Development Standards - Ancillary regulations related to the development of a site. (i.e. Signage, Lighting, Landscape, Accessory structures)

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) the 1st reading in January and the 2nd reading in February. It is estimated that the new Code will take effect in February 2021.

ARTICLE 2- DEFINITIONS:

Article 2 of the Land Development Code was created in order to provide all definitions in one section. This article is the last being reviewed due to all of the other changes made in the other 5 articles. Currently the terms definitions are scattered throughout Chapter 155 but can also be found in other chapters such as:

- Chapter 32 - Departments, Boards and Commissions
- Chapter 37 - Quasi-Judicial Proceedings
- Chapter 114 - Food Sales
- Chapter 118 - Child Care Centers
- Chapter 116 - Lighting
- Chapter 150 - Building
- Chapter 153 - Landscaping
- Chapter 159 - Green Building

Chapters 116, 153 and 159 are now part of the Land Development Code, previously they were their own chapters. The incorporation of the definitions into one article from the previous eight ensures information is more accurate and consistent with the provisions of the Land Development Code. Definitions were one of the first items that staff looked at as part of the Land Development Code update and it is being reviewed last due to the complexity and research involved.

Staff worked with CGA and the City Attorney's Office to:

- Identify outdated terms.
- Identify terms that are not used or referenced.
- Identify commonly occurring terms that should be defined.
- Ensure consistency with local, state and federal law.

Once the research phase was complete, staff and CGA went through the following process:

- Define 97 new terms based on development application types, uses, structures, etc.
- Remove 44 terms that are not relevant or do not appear in the code.
- Modernize and simplify the language of over 100 terms.
- Combine terms that were similar to simplify regulations.
- Organize into alphabetical order to make definitions easier to find.
- Minor modifications to other terms such as modernization and sentence structure.

The proposed changes continue the projects overall goal enhancing the user's experience.

With the modifications the information will be easy to locate, understand and apply to their specific need.

ARTICLE 2 - STRUCTURE:

Article 2 is separated into three sections. Below is a summary of the new terms, removed terms and terms that underwent substantive changes.

- 155.200 Purpose
 - Establishes the general purpose of Article 2
- 155.201 Rules of Construction
 - Establishes rules for interpretation regarding definitions
- 155.202 Definitions
 - Lists terms and their definitions as they appear in the Land Development Code
- 155.203 Public Agencies and Officials
 - List of city, county, state and federal agencies.

STAFF RECOMMENDATION:

Transmit to City Commission with a favorable recommendation.