



## Legislation Text

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**File #:** 20-0818, **Version:** 1

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Land Development Code Review (LDC) Updates:  
**AM 2020-01** Proposed Ordinance

### **SUMMARY EXPLANATION AND BACKGROUND:**

#### **PROJECT DESCRIPTION / BACKGROUND:**

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
- **October 15, 2019:** Staff Working Group (Public Meeting)
- **October 16, 2019:** LDC update provided to HOA's.
- **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 Meeting transmitting Article 6 to City Commission (deferred)
- **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 LDC to City Commission (deferred to December 10, 2020)*

- **December 2, 2020:** *City Commission Meeting motion to accept Articles 6 and 2.*
- **December 10, 2020:** *Planning and Zoning Board Meeting transmitting Full Summary of LDC to City Commission (prev. scheduled for November 12, 2020)*
- *January 20, 2020: City Commission 1<sup>st</sup> Reading of Land Development Code*
- *February 17, 2020: City Commission 2<sup>nd</sup> Reading and Adoption of 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 1<sup>st</sup> reading in December and the 2<sup>nd</sup> reading in January. It is anticipated that the new Code will take effect in March 2021.

Tonight, the City is proposing a full review of the Land Development Code.

#### **ARTICLE 1 - PURPOSE:**

Article 1 of the Land Development code will replace 155.001 - 155.007 of the Code of Ordinances. The purpose has been updated to reflect a new numbering system as well as updated provisions which address not only the purpose of the document but also various legal provisions related to the creation of this Code.

#### **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.*

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 3 - ADMINISTRATION:**

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:

### **ARTICLE 4 - ZONING DISTRICTS:**

Article 4 of the Land Development Code was created in order to provide a user a comprehensive list of all zoning districts and the dimensional standards for those districts. Staff worked with CGA to consolidate much of the text from each zoning district into individual, easy to read, tables. This greatly reduces the length of the article and helps makes specific information easier to identify. In addition of the dimensional tables, the following types of modifications are proposed for a number of the existing zoning districts:

- *Renaming of districts:* To help modernize and help further strengthen the identification of the districts based on their permitted uses and standards.
- *Consolidation of similar districts:* Certain districts have minor differences in dimensional standards or use permitted. In an effort to streamline the code the consolidation of these districts will create a better user experience
- *Removal of districts:* The removal of districts are proposed due to the following;
  - Districts being underutilized
  - No current properties having that specific zoning designation, while staff and CGA also envision that no properties will be rezoned to those zoning districts

Currently, there are 40 zoning districts, the proposed amendments will reduce the number of districts to 29. Care was taken to minimize the impacts these modifications will have on the properties in the City.

## **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.

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.

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.*

Overall, there is a net decrease in the use proposed, however the uses list better encompass the current business environment.

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.

#### **ARTICLE 6 - DEVELOPMENT STANDARDS:**

Article 6 of the Land Development Code was created in order to provide standards that regulate the physical layout and design for development of a site within the City. These regulations and standards consist of items such as access and parking, accessory buildings and structures, bufferyards, fences, commercial and residential developments, landscaping, lighting, signs, and sustainability. Currently these standards are scattered throughout Chapter 155 but can also be found in other chapters such as Chapters 116 (Lighting), 153 (landscaping), and 159 (Green Building). The proposed reorganization will make the code easier for all users.

Staff worked with CGA to reorganize and group similar code sections, update sections for clarity and to address changes in technology and practice. As well, staff is proposing to remove sections that are either obsolete, addressed by another code section or handled by other legislation. 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.

#### **ADDITIONAL DETAILS:**

Recently, staff reviewed each section of the Land Development Code to cross reference with the existing code ensuring all changes were made. This review included all 6 articles of the code as

well as many of the drafts created throughout the process. This resulted in the following changes:

- Addition of acronyms section within Article 2.
- Formatting of the entire Land Development Code.
- Restructuring of sentences to create ease of use.
- Revised and updated the definitions to reflect modern use of terms as well as common practice.
- Thorough review by staff of the Planning and Economic Development Department.
- Updated references to reflect all changes to the LDC.

Upon approval, an eight week public comment period will be opened from December 1, 2020 - January 11, 2021. During this time, the updated drafts will be uploaded to the microsite, an article will be published in City connect, there will be social media ads as well as push emails from the project microsite. This period will allow members of the public to participate through viewing the documents and presentations, asking questions of staff and complete a survey. The goal is to gather data regarding user's experience of the code regardless of experience. The comments and data received will be incorporated into the final draft of the land Development Code before the 1<sup>st</sup> reading of the ordinance at city commission tentatively scheduled for January 20, 2021. Upon 1<sup>st</sup> reading being approved, 2<sup>nd</sup> reading is tentatively scheduled for February 17, 2021.

**STAFF RECOMMENDATION:**

Direct staff to work with the City Attorney's Office to draft enacting ordinance for the Land Development Code.