



AGENDA PLANNING AND ZONING MEETING/LOCAL PLANNING AGENCY

6:00 PM - Thursday, May 30, 2024
Commission Chambers

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF THE PREVIOUS MEETING MINUTES
 - 4.1. Approval of October 5, 2023, Planning and Zoning Board Meeting Minutes Adoption of Minutes 3 - 5

Recommendation: That the Minutes be adopted as presented
[10 05 2023 PLANNING AND ZONING MEETING_LOCAL PLANNING AGENCY](#)
5. ADDITIONS, DELETIONS, WITHDRAWALS AND CONTINUANCES
6. APPLICATIONS/PUBLIC HEARINGS
 - 6.1. File No: 22-SP-02 6 - 42

Applicant: Pembroke Park Holdings Inc.
Address: 4945 SW 41st Street
Request: Site Plan Approval – 28 Townhomes-Pembroke Park Villas
[6.1 Staff Report](#)
[6.1 - SITE PLAN APPLICATION](#)
[6.1 002 - Project Narrative - PEMBROKE PARK VILLAS](#)
[6.1 003 - Color Rendering Images Pembroke Park Villas](#)
[6.1 004 - Plat Letter from Broward County](#)
[6.1 005 - PROPOSED SITE PLAN](#)
[6.1 doc 2 M 16A MEDIUM DENSITY RESIDENTIAL DISTRICT](#)
 - 6.2. File No: 24-RZ-03 43 - 65

Applicant: Town of Pembroke Park
Address: Citywide
Request: Zoning Text Amendment – Non-Conforming Uses/Structures
[6.2 PZB nonconformity Memo 05302024](#)
[6.2 NonConforming Ord](#)
 - 6.3. File No: 24-RZ-01 66 - 76

Applicant: Town of Pembroke Park
Address: Citywide
Request: Zoning Text Amendment – Quasi-Judicial Procedures

[6.3 PZB quasi-Judicial 05302024](#)

[6.3 Ord \(Quasi-judicial Procedures\) \(00432499xC4B6A\)](#)

6.4. File No: 23-RZ-02

77 - 82

Applicant: Town of Pembroke Park

Address: Citywide

Request: Sign Code Text Amendment – LED Lighting

[6.4 PZB Sign Memo 05262023](#)

[6.4 Ord 2024-xxx LED Sign Ordinance](#)

7. DISCUSSION ITEMS

8. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

Marlen D. Martell
Town Clerk



MINUTES PLANNING AND ZONING MEETING/LOCAL PLANNING AGENCY

6:00 PM - Thursday, October 5, 2023
Commission Chambers

The PLANNING AND ZONING MEETING/LOCAL PLANNING AGENCY of the Town of Pembroke Park was called to order on Thursday, October 5, 2023, at 6:00 PM, in the Commission Chambers.

1 CALL TO ORDER

Meeting called to order at 6:04PM

10 Minute recess, all were in favor

Meeting resumed at 6:15 PM

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

Board Members present were Gary Schrader; Eveyln Cunningham; Paulette Walker

4 APPROVAL OF THE PREVIOUS MEETING MINUTES

1. Approval of June 1, 2023, Planning and Zoning Board Meeting Minutes

Motion to approve June 1, 2023 meeting minutes made by Evelyn Cunningham, seconded by Paulette Walker, Motion Passed 3-0

5 ADDITIONS, DELETIONS, WITHDRAWALS AND CONTINUANCES

None

6 APPLICATIONS/PUBLIC HEARINGS

1. File No: 23-TW-01
Applicant: Koinonia Worship Center/Gisla Bush
Address: 4900 W. Hallandale Beach Blvd.
Request: Traffic ways Waiver (SW 48th Avenue)

Gary Schrader opened the floor for public comment
none
Gary Schrader closed the floor for public comment

Motion to approve Koinonia Worship Center Traffic Waiver with conditions made by Evelyn Cunningham, seconded by Gary Schrader, Motion passed 3-0.

2. File No: 23-RZ-01
Applicant: BH 2550 LLC/Rachel Streitfeild, Caldera Law
Address: 2550 SW 30th Avenue
Request: Zoning Amendment

Attorney Rachel Streitfeild spoke on record.
Avi Schlomo spoke on record

Gary Schrader opened the floor for public comment
Paul Murphy spoke on record
Gary Schrader closed the floor for public comment

1. Applicant is requesting temporary use for approximately 9 years because there is not public infrastructure, once the public sewer is there, they will be able to build the project that was initially designed.
2. The applicant wants to clarify that they are not seeking to change the code but asking for an amendment specifically to their property that would allow them to do something with the property today.
3. The applicant is requesting a slight Amendment to the conditions to eliminate the term "Freight Truck vehicles". If the applicant can obtain a lease with U-Haul, amazon, or some type of distributor they would like to be able to utilize the space to store those trucks. They feel that this language would prohibit them.

Motion to approve with conditions and revisions as requested by the applicant made by Evelyn Walker, seconded by Paulette Walker, Motion Passed 3-0.

7 DISCUSSION ITEMS

1. Designation of board member positions.

Motion to nominate Gary Schrader as Chairperson, all were in favor.

Motion to nominate Evelyn Cunningham as Vice Chair, all were in favor.

8 ADJOURNMENT

With no further town business, meeting adjourned at 7:02PM, all in favor

Approved by the board on May 30, 2024.

ATTEST:

Marlen D. Martell, Town Clerk

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the Town Clerks Office at 954-966-4600 at least two calendar days prior to the meeting. If you are hearing or speech impaired please contact the Florida Relay Services by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (td).

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

954.966.4600 • www.tppfl.gov



TO: Planning and Zoning Board

FROM: Michael Vonder Meulen, AICP, Consulting Town Planner

MEETING DATE: May 21, 2024

SUBJECT: Site Plan / 22-SP-02
4945 SW 41st St, Pembroke Park, FL / Pembroke Park Villas-28-unit Townhome Project

APPLICANT: Pembroke Park Villas LLC

SITE DATA

Property Folio ID:	514230130260
Owner/Agent:	Pembroke BSD LLC / Pembroke Park Holdings, Inc
Land Use Designation:	Medium Density (RES.)
Adjacent Land Use Designation:	North: Medium Density
	East: Medium Density
	South: Medium Density
	West: Medium Density
Zoning Designation:	RM-16A Medium Density Multiple-Family Residential District
Adjacent Zoning Designation:	North: RM-16A
	East: RM-16A
	South: RM-16A
	West: RM-16A

PROJECT BACKGROUND

The applicant, Pembroke Park Villas, LLC, is requesting Site Plan approval for a new development consisting of four (4) three stories' buildings with a total of 28 residential villas units, which is referred to as Pembroke Park Villas, along with associated amenities, parking, and landscaping. The property is located on the north side of SW 41st Street / County Line Road, approximately 304 feet west of SW 48 Avenue.

The site previously contained two (2) existing single-family residences built in 1949 that have been demolished. The subject site is now presented as a unification of two separate lots where these single-family homes existed.

PROJECT ANALYSIS

The proposed project includes four buildings with 3 stories, containing a total of 28 residential units with playground.

The proposed site plan was reviewed by the Town's Development Review Committee that includes the Town Planner, Town Landscaper, Traffic, Town Engineer, the Building Official and BSO Fire Prevention. The project was found to be substantially compliant with the Town's regulations and ordinances. The review included required water and sewer service and was found to be adequate. A final determination of concurrency will be made prior to Town Council approval. The project will be required to pay impact fees at the time of building permit.

Comprehensive Plan and Zoning Analysis

The subject property has a Land Use designation of "M" Medium Density (Res). The proposed use meets the intent of the Residential designation.

The subject land is identified on the Town's Official Zoning Map in the RM-16A Medium Density Residential District. The RM-16A Medium Density Residential District zoning is consistent with the adopted FLUM designation of "M" Medium Density (Res). The Zoning District is intended primarily for use as residential; however, certain other uses may be permitted as a conditional use.

Preferred development structures include multifamily dwelling uses such as multi-story mid-rises, 2-story garden apartments, townhouses, villas, and other attached units. However, detached single-family dwelling units and landscape nurseries are permitted as well and are consistent with the Medium (10-16 DUA) Residential category depicted on the Town's adopted Comprehensive Plan Future Land Use Map (FLUM). A list of full uses allowed are provided as an attachment.

Each plot or portion of a plot which is zoned RM-16A shall not exceed a density of sixteen (16) dwelling units per gross acre provided the requirements of the Code of Ordinances (and the Land Development Code) and Comprehensive Plan are satisfied, or the Town Commission authorizes the use of reserve or flexibility units, if required.

Site Zoning Requirements

The maximum height allowed on the site is 45 feet. The proposed height of the townhome is 18' 6" feet. The proposed buildings meet the required setbacks.

Use	Required Front Setback	Provided Front Setback	Required Street Side Setback	Provided Street Side Setback	Required Side Setback	Provided Side Setback	Required Rear Setback	Provided Rear Setback
Multifamily Residential	25 ft	25 ft	N/A ft	N/A	15 ft	25 ft 3 in	20 ft	20 ft

The applicant is proposing landscaping that meet the Town's requirements and enhances the site

Architecture

The proposed project is compatible with the surrounding parcels. Section 5-103(p) of the Code of Ordinances addresses building design in the Town. A relatively wide variety of architectural designs and materials are permitted. However, it is intended that a basic harmony of architecture shall prevail so that no building shall detract from the attractiveness of the overall environment.

The applicant has worked closely with the Town Planner to achieve an architectural style that is cohesive throughout the site.

Parking/Traffic

Adequate parking has been proposed by the applicant in accordance with the City's Land Development Regulations. The applicant is providing at least two parking spaces per unit.

Plat

A platting determination letter from the Broward County Planning Council, dated May 8, 2024, for a "residential development" confirmed that replatting is not required.

Traffic Impact Study

As part of the application the applicant provided a Traffic Impact. The Traffic Impact Study details the projected vehicle trip the proposed uses on site will generate. The report was reviewed by the Town's Traffic Engineer Consultant, and it was determined that the proposed project will not degrade the level of service on SW 41st St.

RECOMMENDATION

1. This approval is granted for Site Development Plan submittal package dated April 20, 2024.
2. All exterior paint colors will require a Town Paint Permit to be reviewed by the Town Planner in accordance with the Town's adopted color palette.
3. The Site Development Plan approval will expire 18 months from the date of Town Commission approval unless extended in accordance with Section 20-25 of the Code if no valid building permit for site work or a principal building has been issued and kept in force.
4. All signage must meet the Town's sign requirements or apply for an appropriate variance.
5. At time of application for a Building Permit, the Property Owner shall provide a copy of the Site Plan approval letter and copies of the final approved plans to the Building Department.
6. Provide a final School Capacity Availability Determination (SCAD) Letter from the Broward County School Board prior to building permit approval.
7. The Project will be required to pay impact fees at the time of building permit.
8. Provide copies of the recorded right-of-way dedication of SW 41 Street (County Line Road), prior to the issuance of the building permit.

ATTACHMENTS

Application Request for Site Development Plan Approval

Project Narrative

Color Renderings

Plat Letter from Broward County

Site Plan

A List of Allowed Uses

Details for Traffic Study and DRC comments/meeting are available upon request.



TOWN OF PEMBROKE PARK PLANNING & ZONING DIVISION

3150 SW 52nd Avenue Pembroke Park, Florida 33023
954.966.4600
www.tppfl.gov

MASTER APPLICATION *No: 22-SP-02*

Consideration of an application type by the Town or issuance of a permit by the Town does not in of itself in any way create a right to obtain a permit from a County, State or Federal Agency. Applicants must comply with all legal requirements and obtain all requisite approvals imposed by County, State and Federal Agencies and the Town bears no legal responsibility for Applicant's failure to do so.

Project Name		Application Type	
<i>PEMBROKE PARK VILLAS</i>		<i>SITE PLAN REVIEW</i>	
Owner		Parcel (ID Number)	
<i>PEMBROKE PARK VILLAS LLC</i>		<i>514230130162</i>	
Address		Parcel Size (Acres)	
<i>4945 SW 41 STREET, PEMBROKE PARK</i>		<i>2.08</i>	
Description			
<i>NEW CONSTRUCTION FOR 28 UNITS TOWNHOME</i>			
Code Information		Yes	No
Is this an after-the-fact request? (If yes, attach a copy of any related information)		☐	☒
Is this request the result of a Town code violation? (If yes, attach copy of violation notice)		☐	☒
Has this same or similar request been proposed previously on the property?		☐	☒
Agent			
Name: <i>LANA</i>			
Company/Firm: <i>EXPEDITING and Permits Services LLC</i>			
Address: <i>900 N Federal Hwy</i>			
City/State/Zip: <i>Hallandale FL 33009</i>			
Phone: <i>305 440 8218</i>		Email: <i>LANA.PERMIT@gmail.com</i>	
Signature: <i>[Signature]</i>		Date: <i>01/12/23</i>	
This is to certify that I am the agent of this application for the subject property(s) and the statements contained herein are accurate to the best of my knowledge and I will be present at any required hearings to represent this application.			
Property Owner Certification			
This is to certify that I am the owner of the subject property(s) described in this application. By signing this application, I hereby authorize the above signatory to serve as agent for this project. The agent is authorized by me to agree to any and all binding conditions throughout the review of this application. I hereby agree to be bound by any and all conditions, or amendments required by this application.			
Printed Name of Property Owner: <i>Aderbal Neves</i>			
Signature of Property Owner: <i>[Signature]</i>		Date: <i>01/05/23</i>	
State of <i>Florida</i> County of <i>Broward</i>			
Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence of ☒ online notarization			
this <i>05</i> day of <i>January</i> , 2023, by <i>Aderbal Neves</i> (name of person making statement)			
☒ Personally known: OR ☐ Produced Identification, Type _____			
Notary Public Signature		My Commission Expires: (stamp)	
TOWN USE ONLY			
Submission Date:		Project Number:	

c. 166.033(6), Florida Statutes: Issuance of a development permit or development order by a municipality does not create any right on the part of applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

ster_App_10-20-22

**“PEMBROKE PARK VILLAS”
28 units Townhome Project
Site Plan Approval
Contact Information: Aderbal Neves Neto (786) 647-5123**

REQUEST:

On behalf of the Applicant, Pembroke Park Villas, LLC is requesting approval of the following:

- a) To permit the development of 28 Townhomes. Pursuant of section 28 - 137 - Limitation on number of dwelling units per gross acre.
- b) Development of 2.03 acres of (RM-16A) Medium Density Residential Zoning District to accommodate the development of 28 townhouse units and establish a consistent Zoning District on the entire property.

Site Characteristics

The subject site consists of a lot located on 4945 SW 41 ST STREET PEMBROKE PARK, 33023. The present lot is the unification of two separate lots where once there were two single-family homes, now demolished. The site is approximately 2.18 acres in size, and it is compressed in the site district designations of RM-16A in all directions.

Parcel control numbers is as follows:

Parcel Control Number	Address	Existing Zoning	Future Land Use
514230-13-0162	4945 SW 41st Street	RM - 16A	M Medium Density Residential

Development History

The subject site is a unification of two sites. Each site used to have single-family houses. Both houses were demolished. They were both prior development approvals through the city of Pembroke Park.

After the demolition of the house on 4945 SW 41st Street, a single-family home was built without a permit and has been demolished as well.

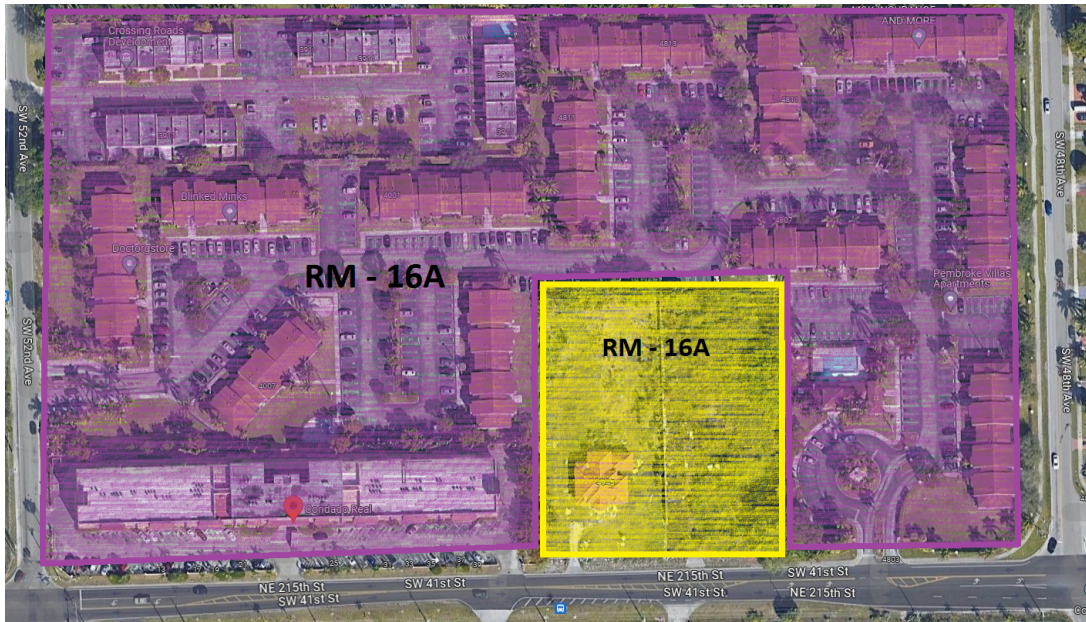
This application seeks to find a new use for this property by developing a total of 28 beautiful town homes on the site.

Surrounding Properties

The following is a summary of the uses surrounding the subject site:

	FLU Designation	Zoning District	Existing Uses	Future Uses
North	Multifamily Residential	RM - 16A	Multifamily Residential	M Medium Density Residential
South	Miami Dade County	Miami Dade County	Miami Dade County	Miami Dade County
East	Multifamily Residential	RM - 16A	Multifamily Residential	M Medium Density Residential
West	Multifamily Residential	RM - 16A	Multifamily Residential	M Medium Density Residential





NORTH : Immediately north of the subject site are Multi-Family Residential units, which retain a RM-16A designation of Multi-Family Residential and a Zoning designation of Single-Family Dwelling Units.

SOUTH: Miami Dade County

EAST: Immediately east of the subject site are Multi-Family Residential units, which retain a RM-16A designation of Multi-Family Residential and a Zoning designation of Single-Family Dwelling Units.

WEST: Immediately west of the subject site are Multi-Family Residential units, which retain a RM-16A designation of Multi-Family Residential and a Zoning designation of Single-Family Dwelling Units.

Development Program

The following outlines the development program for the proposed 28 Townhomes residential development:

Townhomes:

The proposed 2,193 sf Townhomes family residential development consist of 28 townhome units and encompasses four buildings with the following unit count:

Buildings A - C	Dwelling Unit Count (7 units each bldg)
Townhomes 101,103,105	2 (6)
Townhomes 102, 104, 106	2 (6)
Townhome 107	2 (2)
	14 units

Buildings B - D	Dwelling Unit Count (7 units each bldg)
Townhomes 101,103,105	2 (6)
Townhomes 102, 104, 106	2 (6)
Townhome 107	2 (2)
	14 units

Additionally, pursuant to Section 28-138, a fence towards all four sides of the development visually screens the development. The 8' hedge, which surrounds the development, will screen and reduce the risk of any potential adverse impacts from adjacent uses.

In order to comply with the goals of the RM-16A zoning, two centralized mailbox areas of 10'X 6' are proposed adjacent to the interior dedicated roads. The overall development has a total circulation and recreation area of 0.54 acres, and density of 16 U/AC.

Access

Pursuant to Section 28-130, the main future access for the development will be 41st Street, with a 65' ROW connection.

Separation of Building and vehicular area

Pursuant to Section 28-131, the buildings are at least 10' away from any vehicular use area.

Building Length

Pursuant to Section 28-132, the buildings are between 192' and 200' of length, therefore in compliance.

Distance between buildings

Pursuant to Section 28-133, the buildings are 30' arranged so that they do not exceed 400', therefore in compliance.

Height

Pursuant to Section 28-125, the height of buildings shall be measured in and regulated by the number of stories. The maximum height for a residential building in a RM-16A Zoning District is four stories, or 45' feet. The proposed height is three stories, 30 feet, therefore this requirement is satisfied.

Setbacks

Pursuant to Sections 28-126 thru 28-130, the required setbacks for the RM-16A Zoning District are:

RM - 16A Setbacks Requirements				
RM - 16A Zoning Designation	Setbacks and Separations			
	Front	Side	Side	Rear
Required	25'	15'	15'	20'
Proposed	50'	15'	15'	67'- 6"

Parking

Townhouses shall have at least two parking spaces per unit. The proposed Townhouse residential dwelling unit development requires 56 parking spaces and provides 59 parking spaces, as shown below:

Parking Type	# of Parking Spaces
Driveway	28
Car Garage	28
Visitor Parking	3
Total	59

Open Space/ Recreation Area

Pursuant to Sections 28-183 incise 13, "There shall be a minimum on-site landscaped open space or recreation area of not less than one hundred (100) square feet per dwelling unit." The proposed development meets the required open space area, as there will be 5.558 square feet distributed as shown in the following chart:

Open Space/ Recreation Area	Area
Calisthenic Outdoor Gym	1.160 sf
Playground Area	1.855 sf
Picnic Area	2.588 sf
Total required 2.800sf	Total Proposed 5.588 sf

Lot size, building placement, and size.

Building Placement

Pursuant to Sections 28-126 thru 28-130, the proposed development meets all setbacks for the RM-16A Zoning District as indicated in the above setbacks chart.

Lot size

Pursuant to Sections 28-123 and 28-124, the required lot size for the RM-16A Zoning District are determined and in compliance as follows:

RM - 16A Lot size Requirements			
RM - 16A Zoning Designation	Lot Size		
	Lot width	Lot area	Lot coverage
Required	100'	43,560 sf	30%
Proposed	284,53'	88,812sf	20,480 SF (22,1%)

Use

Pursuant to Section 28-121 incise a) Multiple dwellings including villas and patio homes. Residential uses are permitted by right. The proposed development meets this requirement, as Zoning District is to accommodate 28 townhome units.

Minimum landscape

Pursuant to Section 28-134, the required minimum landscape for the RM-16A Zoning District are determined and in compliance as follows:

RM - 16A Lot size Requirements			
RM - 16A Zoning Designation	Lot Size		
	Lot percentage	Lot area	Landscape
Required	45%	88,812sf	39,965 sf
Proposed	47,7%	88,810sf	42,401sf

Minimum Floor Area (Bedroom count):

Pursuant to Sec. 28-138.1.16, the minimum floor area of a dwelling unit in a multiple family development shall not be less than a thousand and fifty (1,050) square feet, for three bedrooms units. The proposed development meets this requirement, as it has a floor area of two thousand one hundred and ninety three (2,193) square feet for each three (3) bedroom unit.

Architectural Standards

The following elements have been considered in the design concept:

1. Colors:

Light colors on facades are surrounding the Pembroke Park district, white is the base color of this new design, with remarkable emphasis in cold colors on stone banding fascia.

2. Windows and doors:

Bronze aluminum windows and full view clear glass, French doors, fixed glass (as indicated on plans) and horizontal rollers windows.

3. Height of building:

The buildings will be three floors and no more than 30' above the established grade
- this will have a positive impact on this street.

4. Location of structure on site:

The structure will be located 50' back from front - property line.

5. Roof:

The design of this building includes a MIN slope ¼" Per FT Flat Roof. The roof finish is concrete flat dark gray tile.

Conclusion:

Consistency with the comprehensive plan

The existing land use designation RM-16A is consistent with the applicable Goals, Objectives, and Policies of the City of Pembroke Comprehensive Plan. The following provided responses support the proposed future land use designation:

The proposed development meets this requirement. Please refer to the Preliminary Civil Engineering Plans and Surface water management calculations that have been provided as part of this submittal.

The proposed development provides an active pedestrian and bicycle circulation environment linking the adjacent neighborhood within the CRA boundary. The main access for the development will be 41st Street, with a 65' ROW Connection.

Based on the above justification and attached information, the petitioner respectfully requests approval of a Site Plan Approval as it meets all RM-16A Zoning District requirements.

Pembroke Park Villas





Thank you!

























May 8, 2024

Aderbal Neto Neves
10768 Northwest 76 Lane
Medley, Florida 33178

Via Email Only

Dear Mr. Neves:

Re: Platting requirements for a parcel legally described as Lots 20 D and 20 E, "Hollywood Ridge Farms," as recorded in Miscellaneous Plat Book 2, Page 16, of the Public Records of Broward County, Florida. This parcel is generally located on the north side of County Line Road, between Southwest 48 Avenue and Southwest 52 Avenue, in the Town of Pembroke Park.

This letter is in response to your correspondence regarding the Broward County Land Use Plan's platting requirements for a proposed multi-family residential development on the above referenced parcel.

Planning Council staff has determined that replatting **would not be required** by Policy 2.13.1 of the Broward County Land Use Plan (BCLUP). As per the criteria of Policy 2.13.1, platting is required for the issuance of building permits when constructing a non-residential or unified residential development, unless all of the following conditions are met:

- a. The lot or parcel is smaller than 10 acres and is unrelated to any adjacent development;
- b. A majority of the lot or parcel has been specifically delineated in a recorded plat;
- c. All land within the lot or parcel which is necessary to comply with the County Trafficways Plan has been conveyed to the public by deed or easement; and
- d. The proposed development is in compliance with the applicable land development regulations.

The subject parcel is less than 10 acres (approximately 2.08 acres) and meets the specifically delineated requirement. This platting interpretation is subject to the municipality finding that the proposed development is unrelated to any adjacent development, as noted in "a." above.

Some jurisdictions may be more restrictive and require platting in more situations than the BCLUP. The Town of Pembroke Park's platting requirements should be investigated.

The contents of this letter are not a judgment as to whether this development proposal complies with State or local vehicular access provisions, the Broward County Trafficways Plan, permitted uses and densities, local zoning, the land development regulations of the municipality or the development review requirements of the BCLUP, including concurrency requirements.

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301

954.357.6695 • Broward.org/PlanningCouncil

Aderbal Neto Neves

May 8, 2024

Page Two

If you have any additional questions concerning the BCLUP's platting requirements, please contact Dawn Teetsel at your convenience.

Respectfully,



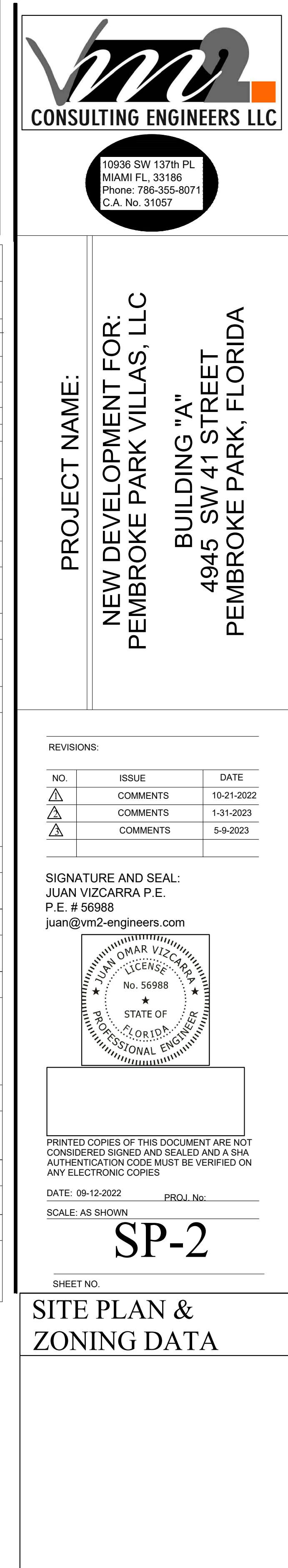
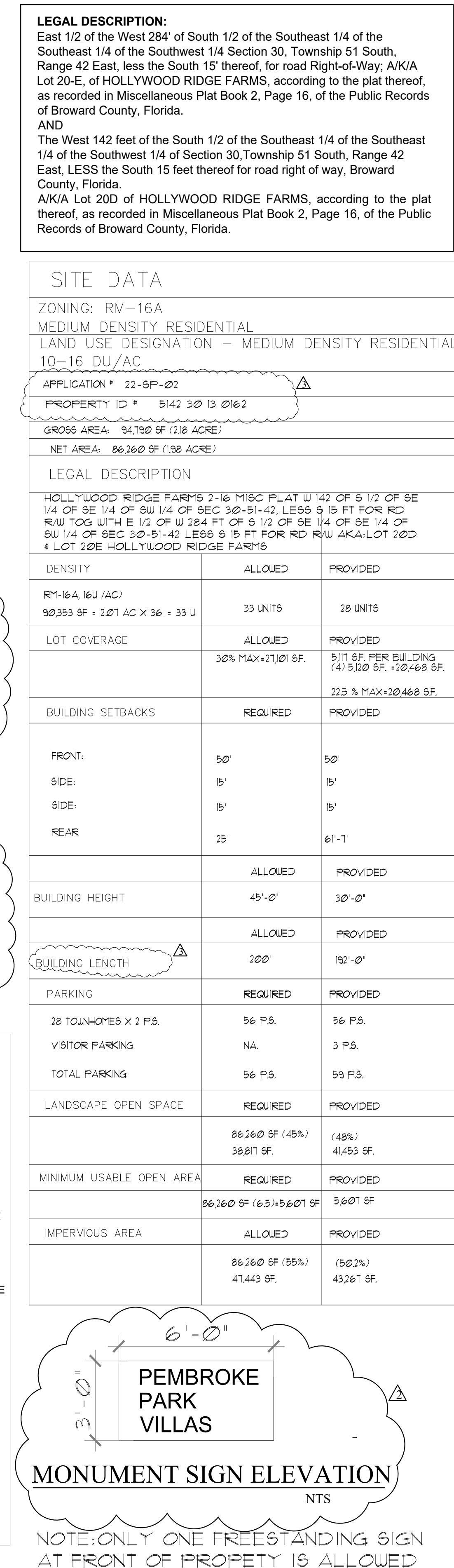
Barbara Blake Boy
Executive Director

BBB:DBT

cc/email: Aleem A. Ghany, Acting Town Manager
Town of Pembroke Park

Mike Vonder Muelen, AICP, Town Planning Consultant
Town of Pembroke Park





PART II - CODE OF ORDINANCES
Chapter 28 - ZONING
ARTICLE III. - DISTRICT REGULATIONS
DIVISION 3. RM-16A MEDIUM DENSITY RESIDENTIAL DISTRICT

DIVISION 3. RM-16A MEDIUM DENSITY RESIDENTIAL DISTRICT¹

¹Editor's note(s)—Ord. No. 08-03-01, § 1, adopted Mar. 12, 2008, changed the title of Div. 3 from RM-16 Medium Density Multiple-Family Residential District to RM-16A Medium Density Residential District.

Editor's note(s)—Ord. No. 97-3-1, § 1, adopted Mar. 12, 1997, enacted provisions designated as Div. 3, §§ 28-131—28-147. Such sections have been redesignated as §§ 28-121—28-138 in order to avoid duplicate section numbers. See Div. 4.

Sec. 28-120. Purpose and intent.

The RM-16A Medium Density Residential District is intended primarily for use as residential, however, certain other uses may be permitted as a conditional use. This zoning district is intended primarily for the southwestern area of the current Town of Pembroke Park that was previously within the former Town of Hollywood Ridge Farms. Preferred development structures include multifamily dwelling uses such as multi-story mid-rises, 2-story garden apartments, townhouses, villas and other attached units. However, detached single-family dwelling units and landscape nurseries are permitted as well and are consistent with the Medium (10-16 DUA) Residential category depicted on the Town's adopted Comprehensive Plan Future Land Use Map (FLUM).

(Ord. No. 08-03-01, § 2, 3-12-08)

Sec. 28-121. Permitted uses.

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

- (a) Multiple dwellings including villas and patio homes.
- (b) Any use permitted in the R-5 Zoning District subject to the limitations, requirements and procedures specified in the zoning ordinance for such use in that zoning district.
- (c) Zero lot line dwellings.
- (d) Uses accessory to any of the above uses when located on the same plot.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 3, 3-12-08)

Sec. 28-122. Conditional uses.

The following uses shall only be conditionally permitted subject to the procedures and requirements provided elsewhere in this chapter.

- (1) Nursery schools or child centers, subject to the following standards:
 - a. Buildings shall be located at least thirty (30) feet from any property line.
 - b. Nursery schools or child care centers shall have at least one (1) completely fenced and secure play lot which shall be established, maintained and used for children at play. The fence shall be not less than five (5) feet in height.
 - c. Play lots located closer than fifty (50) feet to the plot line shall be screened by an opaque fence or wall or compact evergreen hedge not less than five (5) feet in height.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-123. Minimum size of plot.

Every plot shall have a minimum size of one acre with a minimum width of one hundred (100) feet.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-124. Maximum plot coverage.

The maximum combined area occupied by all main and accessory structures shall be thirty (30) percent for buildings three (3) stories and under; maximum coverage for four-story buildings shall be twenty-eight (28) percent.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-125. Maximum height of buildings.

No building or structure, or part thereof, shall be erected or altered to a height exceeding forty-five (45) feet with a maximum of four (4) stories.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-126. Minimum front yard.

- (a) Residential uses: Every plot used for dwelling purposes shall have a front yard of not less than fifty (50) feet in depth if abutting an arterial roadway, as depicted on the Broward County Trafficways Plan, or not less than twenty-five (25) feet in depth or depth equal to the height of the building, whichever is greater.
- (b) Nonresidential uses: Every plot whose principal use is nonresidential shall have a front yard of not less than thirty (30) feet in depth or a depth equal to the height of the building, whichever is greater.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-127. Minimum side yards.

For the purpose of applying the side yard requirements which follow, "abut" or "abutting" shall mean that the RM zone plot adjoins or is across a water body or local street from any R-5 zoned plot.

- (a) Residential uses that do not abut an R-5 zoned plot: Such plots shall have a side yard, on each side which does not abut an R-5 zoned plot, of at least fifteen (15) feet or one-half (1/2) of the height of the building, whichever is greater.
- (b) Nonresidential uses that do not abut an R-5 zoned plot: Such plots shall have a side yard, on each side which does not abut an R-5 zoned plot, of at least twenty (20) feet plus one (1) foot for each two (2) feet of building height, or portion thereof, over twenty (20) feet.
- (c) Residential or nonresidential uses on each side abutting an R-5 zoned plot: Such plots shall have the following side yard setbacks:
 - (1) Not less than twenty (20) feet in depth plus one (1) foot for each two (2) feet in building height over twenty (20) feet for nonresidential uses.
 - (2) Not less than fifteen (15) feet in depth for residential uses.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 4, 3-12-08)

Sec. 28-128. Minimum rear yard.

For the purpose of applying the rear yard requirements which follow, "abut" or "abutting" shall mean that the RM zoned plot adjoins or is across a water body or local street from any R-5 zoned plot.

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- (a) Residential uses that do not abut an R-5 zoned plot: Such plots shall have a rear yard of not less than twenty (20) feet in depth plus one (1) foot for each two (2) feet in building height, or portion thereof, over twenty (20) feet.
 - (b) Nonresidential uses that do not abut an R-5 zoned plot: Such plots shall have a rear yard of not less than twenty-five (25) feet plus one (1) foot for each two (2) feet of building height, or portion thereof, over twenty (20) feet.
 - (c) Residential or nonresidential uses abutting an R-5 zoned plot: Such plots shall have the following rear yard setbacks:
 - (1) Not less than twenty-five (25) feet in depth plus one (1) foot for each two (2) feet in building height over twenty (20) feet for nonresidential uses.
 - (2) Not less than twenty (20) feet in depth for residential uses plus one (1) foot for each two (2) feet in building height over twenty (20) feet.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 5, 3-12-08)

Sec. 28-129. Minimum street yards (corner plots).

All side or rear yards that abut any street shall have a minimum dimension which is the greater of the front yard or the applicable side or rear yard requirement.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-130. Prohibition of vehicular use areas in required yards.

- (a) Vehicular use shall not be located within the first ten (10) feet of a required front yard on all plots and shall not be located within five (5) feet of a required side yard and five (5) feet of a required rear yard.
- (b) No vehicular encroachment, other than necessary access ways, shall be permitted within the above required setbacks or a required buffer.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-131. Minimum separation of any building from any vehicular use area.

A vehicular use area shall be separated from any building by at least a ten-foot unpaved landscape area. Perpendicular sidewalks leading to building entrances may be located in this area.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-132. Maximum building length.

No building or structure shall be erected or altered to a length greater than two hundred (200) feet.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-133. Minimum distance between buildings and building orientations.

- (a) Standard building separations. Buildings shall be separated by at least twenty (20) feet at the closest point or by the sum of the building heights divided by two (2), whichever is greater.

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(Supp. No. 38)

(b) Special building separations:

- (1) Buildings arranged in a lineal form with a combined length in excess of four hundred (400) feet shall have a minimum separation twice the distance specified in subsection (a) of this section. Where buildings are back-to-back, front-to-front, or front-to-back, the minimum distance between any two (2) buildings so situated shall be the greater of twenty (20) feet or the sum of the building heights divided by two (2). However, the average separation between such buildings shall not be less than forty (40) feet.
- (2) When buildings arranged in a lineal form are staggered by a minimum offset of five (5) percent of the combined building lengths or where the buildings are arranged to form an angle greater than fifteen (15) degrees end-to-end, the lineal standards shall not be applied.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-134. Minimum landscaped open space.

Each plot of less than one and one-half (1.5) acres in total area shall provide at least forty (40) percent of its area in landscaped open space. Each plot greater than or equal to one and one-half (1.5) acres in total area shall provide at least forty-five (45) percent of its area in landscaped open space. For the purpose of this section, recreation facilities, (i.e. tot lots, swimming pools, etc.) shall be considered landscaped open space.

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-135. Minimum useable open space.

- (a) Plots shall contain a minimum useable open space of six and one-half (6½) percent of the plot area.
- (b) Multifamily developments of three (3) acres or more in size shall provide a play lot with play equipment designed for children ages two (2) through six (6). Said play lot shall have at least fifteen (15) square feet or area for each dwelling unit with two (2) or more bedrooms. The minimum size for any play lot shall be seven hundred fifty (750) square feet. The play lot shall be located away from streets, lakes or canals and shall be fenced. The multifamily development shall locate the play lot in an area which is not directly adjoining or across a water body from any R-5 or T-1 zoned plot unless it is impractical, as determined by the Town Commission, or the multifamily development employs other site planning criteria such as increased and staggered plantings between the R-5 or T-1 zoned plot and the play lot to reduce noise. The play lot and equipment shall be constructed in accordance with the United States Consumer Products Safety Commission guidelines. A plot may use all or a portion of its useable open space requirements to satisfy the requirement to provide a play lot. However, the requirement for a plot lot will not be applied to multifamily developments, or those portions of a multifamily development, restricted by deed, a notation on the face of the plat or other recorded instrument which in the opinion of the Town Attorney creates said restriction to adults.
- (c) For the purpose of the section, recreation facilities (i.e. tot lots, swimming pools, etc.) shall be considered useable open space.

The development shall locate any game courts in an area which is not directly adjoining or across a water body or local street from any R-5 or T-1 zoned plot, unless it is impractical, as determined by the Town Commission, or the multifamily development employs other site planning criteria such as increased and staggered plantings between the R-5 or T-1 zoned plot and the game courts to reduce noise.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 6, 3-12-08)

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Sec. 28-136. Minimum floor area.

The minimum floor area of a one-family dwelling unit shall not be less than one thousand two hundred (1,200) square feet and the minimum floor area of dwelling unit in a two-family dwelling (duplex) shall be not less than eight hundred (800) square feet.

The minimum floor area of a dwelling unit in a multiple family dwelling shall not be less than as follows:

Dwelling Unit Type
Minimum Floor Area
(square feet)

- (1) Efficiency unit 550
- (2) One-bedroom unit 750
- (3) Two-bedroom unit 900
- (4) For each additional bedroom in excess of two (2) add 150

(Ord. No. 97-3-1, § 1, 3-12-97)

Sec. 28-137. Limitation on number of dwelling units per gross acre.

Each plot or portion of a plot which is zoned RM-16A shall not exceed a density of sixteen (16) dwelling units per gross acre provided the requirements of the Code of Ordinances (and the Land Development Code) and Comprehensive Plan are satisfied or the Town Commission authorizes the use of reserve or flexibility units, if required.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 7, 3-12-08)

Sec. 28-138. Required perimeter buffering adjacent to streets and abutting properties.

When an RM-16A zoned plot abuts or is across a water body or street from any R-5 or T-1 zoned plot, a buffer area shall be required on the RM-16A zoned property which satisfies one of the following criteria:

- (a) When a wall or berm is used: The buffer area shall include a solid opaque screen with a minimum height of four (4) feet and a maximum height of six (6) feet. The minimum width of the buffer area shall be fifteen (15) feet where abutting any R-5, T-1 or similarly zoned plot and ten (10) feet where abutting any other zoned plot. This option may be used without placing a solid opaque screen on the RM-16A zoned plot if the abutting plot has a minimum four-foot high solid opaque screen between the plots.
- (b) When a wall or berm is not used: The minimum width of any such buffer shall be fifteen (15) feet to screen adjoining streets, parking lots, other vehicle use areas or single story buildings. Where there is no vehicle uses area between a building and the plot line abutting any R-5, T-1 or similarly zoned plot, then the minimum width of the buffer shall be fifteen (15) feet in width.

(Ord. No. 97-3-1, § 1, 3-12-97; Ord. No. 08-03-01, § 8, 3-12-08)

DIVISION 3.25. RM-16B MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 28-138.1.1. Purpose and intent.

The RM-16B Medium Density Residential District is intended primarily for residential uses if re-development occurs in the Mobile Home/RV Parks located in the eastern areas of the Town of Pembroke Park. Parcels of land in this area are generally very large, un-platted and have been used as Mobile Home/RV Parks communities since the mid 1950s. Preferred development types include single-family (either traditional or zero lot line), two-family (duplex) and lower intensity multifamily development uses such as villas and other attached units and customary accessory uses consistent with the Medium (10-16 DUA) Residential category depicted on the Town's adopted Comprehensive Plan Future Land Use Map (FLUM). The areas currently used for Mobile Home/RV Parks uses are restricted to one-story structures in the Town Code. As such development intensities, building massing and building heights in the RM-16B District are restricted to be compatible with the character of existing developments.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.2. Permitted uses.

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one (1) or more of the following specified uses:

- (a) Multiple dwellings including villas and patio homes.
- (b) Any use permitted in the R-5 District subject to the limitations, requirements and procedures specified in the zoning ordinance for such use in that district.
- (c) Zero lot line dwellings.
- (d) Uses accessory to any of the above uses when located on the same plot.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.3. Minimum size of plot.

Every plot shall have a minimum size of one acre with a minimum width of one hundred (100) feet.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.4. Maximum plot coverage.

The maximum combined area occupied by all main and accessory structures shall be thirty-five (35) percent.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.5. Maximum height of buildings.

No building or structure, or part thereof, used for residential purposes, shall be erected or altered to a height exceeding twelve (12) feet or one story in height within seventy (70) feet of the boundary of a plot line. A building or structure used for residential purposes located more than seventy (70) feet from a plot line may not exceed twenty-five (25) feet or two (2) stories in height. Accessory buildings or structures such as community buildings for recreation, laundry, meetings and offices shall not exceed twenty-five (25) feet or two (2) stories in height.

(Ord. No. 08-03-02, § 1, 3-12-08)

(Supp. No. 38)

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Sec. 28-138.1.6. Minimum front yard.

Every plot shall have a front yard setback of not less than fifty (50) feet in depth if abutting an arterial roadway, as depicted on the Broward County Trafficway Plan, or not less than twenty-five (25) feet in depth abutting any other roadway.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.7. Minimum side yards.

Every plot shall have side yard setbacks of not less than fifteen (15) feet in depth.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.8. Minimum rear yard.

Every plot shall have a rear yard setback of not less than twenty (20) feet in depth.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.9. Minimum street yards.

All side or rear yards that abut a street shall have a minimum dimension which is the greater of the front yard or the applicable side or rear yard requirement.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.10. Prohibition of vehicular use areas in required yards.

- (a) Vehicular use shall not be located within the first ten (10) feet of the required front yard on all plots and shall not be located within five (5) feet of a required side yard and five (5) feet of a required rear yard.
- (b) No vehicular encroachment, other than necessary ways, shall be permitted within the above required setbacks or a required buffer.
- (c) Notwithstanding the above, for single-family developments, the Town Commission may elect to approve modified criteria based on the site development plan design.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.11. Minimum separation of any building from any vehicular use area.

All vehicular use areas shall be separated from any building by at least a ten-foot unpaved landscape area, except for a driveway to a garage or covered parking structure. Perpendicular sidewalks leading to building entrances may be located in this area.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.12. Maximum building length.

No building or structure shall be erected or altered to a length greater than two hundred (200) feet.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.13. Minimum distance between buildings and building orientations.

Buildings shall be separated by at least twenty (20) feet at the closest point or by the sum of the building heights divided by two (2), whichever is greater.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.14. Minimum landscaped open space.

Each plot of less than one and one-half (1½) acres in total area shall provide at least forty (40) percent of its area in landscaped open space. Each plot greater than or equal to one and one-half (1½) acres in total area shall provide at least forty-five (45) percent of its area in landscaped open space. For the purposes of this section, recreational facilities (i.e. tot lots, swimming pools, etc.) shall be considered landscaped open space.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.15. Minimum useable open space.

- (a) Plots shall contain a minimum useable open space of six and one-half (6½) percent of the total plot area.
- (b) Developments of three (3) acres or more in size shall provide a play lot with play equipment designed for children ages two (2) through six (6). Said play lot shall have at least fifteen (15) square feet of area for each dwelling unit with two (2) or more bedrooms. The minimum size for any play lot shall be seven hundred fifty (750) square feet. The play lot shall be located away from any street, lake or canals and shall be fenced. The development shall locate the play lot in an area which is not directly adjoining or across a water body from any R-5 or T-1 zoned plot unless it is impractical, as determined by the Town Commission, or the development employs other site planning criteria such as increased and staggered plantings between the play lot and the R-5 or T-1 zoned plot to reduce noise. The play lot and equipment shall be constructed in accordance with the United States Consumer Products Safety Commission guidelines. A plot may use all or a portion of its useable open space requirement to satisfy the requirement to provide a play lot. For the purpose of the section, recreational facilities (i.e. tot lots, swimming pools, etc.) shall be considered useable open space. However, the requirement for a play lot will not be applied to multifamily developments, or those portions of development, restricted by deed, a notation on the face of the plat or other recorded instrument which in the opinion of the Town Attorney creates said restriction to adults.
- (c) The development shall locate any game courts in an area which is not directly adjoining or across a water body or local street from any R-5 or T-1 zoned plot, unless it is impractical, as determined by the Town Commission, or the multifamily development employs other site planning criteria such as increased and staggered plantings between the game courts and the R-5 or T-1 zoned plot to reduce noise.

(Ord. No. 08-03-02, § 1, 3-12-08)

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(Supp. No. 38)

Sec. 28-138.1.16. Minimum floor area.

The minimum floor area of a one-family dwelling unit shall not be less than one thousand two hundred (1,200) square feet and the minimum floor area of a dwelling unit in a two-family dwelling (duplex) shall be not less than eight hundred (800) square feet.

The minimum floor area of a dwelling unit in a multiple family development shall not be less than as follows:

Dwelling Unit Type	Minimum Floor Area(square feet)
(a) Efficiency Unit	550
(b) One-Bedroom Unit	750
(c) Two-Bedroom Unit	900
(d) For each additional bedroom in excess of two	add 150

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.17. Limitation on number of dwelling units per gross acre.

Each plot or portion of a plot which is zoned RM-16B shall not exceed a density of sixteen (16) dwelling units per gross acre provided the requirements of the Code of Ordinances (and the Land Development Code) and Comprehensive Plan are satisfied or the Town Commission authorizes the uses of reserve or flexibility units.

(Ord. No. 08-03-02, § 1, 3-12-08)

Sec. 28-138.1.18. Required perimeter buffering adjacent to streets and abutting properties.

When an RM-16B zoned plot abuts or is across a water body or street from any R-5, T-1 or similar zoning classification in an adjoining governmental jurisdiction, a buffer area shall be required on the RM-16B zoned property which satisfies one of the following options:

- (a) When a wall or berm is used: The buffer area shall include a solid opaque screen with a minimum height of six (6) feet and a maximum height of ten (10) feet. The minimum width of the buffer area shall be fifteen (15) feet where abutting any street, R-5, T-1 or similar zoned plot and ten (10) feet where abutting any other zoned plot. This option may be used without placing a solid opaque screen on the RM zoned plot if the abutting plot has a minimum four-foot high solid opaque screen between the plots.
- (b) When a wall or berm is not used: The minimum width of any such buffer shall be fifteen (15) feet to screen adjoining parking lots, other vehicle use areas or single story buildings. Where there is no vehicular use area between a building and the plot line abutting any R-5 or T-1 zoned plot then the minimum width of the buffer shall be fifteen (15) feet.

The buffer shall be landscaped in accordance with the provisions set forth elsewhere in this chapter.

(Ord. No. 08-03-02, § 1, 3-12-08)

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(Supp. No. 38)

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

954.966.4600 • www.tppfl.gov



May 22, 2024

To: Planning & Zoning Board

From: Mike Vonder Meulen, AICP, Consultant Town Planner, KEITH

RE: Proposed Code Text Amendment – Non-Conforming Uses/Stuctures

Recommendation: The Consultant Town Planner recommends approval of the proposed text amendment.

Background: Attached for the Planning & Zoning Board review, discussion and recommendation are text amendments to the Town's Zoning Code creating Sec 28-347 to establish regulations for nonconforming uses created by governmental acquisition of private property.

In December 2023, the Town Commission passed a resolution (2023-027) endorsing the FDOT I-95 Corridor Study which affects certain properties in the Town of Pembroke Park. FDOT provided a model ordinance for the Town to implement which would address any nonconformities that may result in the taking/purchase of private properties within the Town. The Town Commission passed this ordinance on first reading at the May 8th Town Commission meeting. Since this is an amendment to the zoning code, a recommendation from the Planning and Zoning Board is appropriate.

Consistency with the Comprehensive Plan: The Consultant Town Planner finds that the proposed text amendments are consistent and compatible with the Following Goals, Objectives and Policies of the Town of Pembroke Park Comprehensive Plan including:

GOAL I: Encourage the private and public sectors to adhere to the patterns of planned development in the Town which shall promote environmental protection, strive to meet the Town's social and economic needs and contribute to the health, welfare, and safety of its residents.

POLICY #1.1.2: The Town shall periodically review its current Land Development Regulations

RESOLUTION NO. 2023-027

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA ENDORSING AND SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION PROJECT DEVELOPMENT AND ENVIRONMENT STUDY FOR THE I-95 CORRIDOR FROM SOUTH OF HALLANDALE BEACH BOULEVARD (SR858) TO NORTH OF HOLLYWOOD BOULEVARD (SR820), AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 8, 2021, the Town Commission of the Town of Pembroke Park adopted Resolution No. 2021-045, thereby requesting certain revisions and changes to the Florida Department of Transportation ("FDOT") project development and environment study ("PD&E") to remove certain impacts to existing businesses in the Town; and

WHEREAS, the Town specifically expressed concerns about how the planned interchange and pond location would affect businesses along S.W. 30th Avenue and West Hallandale Beach Boulevard, including significant impacts to *ad valorem* tax revenue for the Town, access to the northern portion of S.W. 30th Avenue, and limiting economic redevelopment opportunities for the underserved populations of the Town; and

WHEREAS, at the Commission workshop on October 25, 2023, representatives from the FDOT presented a revised PD&E study plan to the Town Commission, which sought to address the concerns previously raised by the Town; and

WHEREAS, the Town's professional staff has reviewed the revised PD&E study presented by FDOT and determined that it sufficiently addressed the Town's concerns; and

WHEREAS, the Town's professional staff supports the revised PD&E study and recommends that the Town Commission endorses the same; and

WHEREAS, the Town Commission of the Town of Pembroke Park hereby supports and endorses the revised PD&E study presented by FDOT, a copy of which is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That the foregoing "Whereas" clauses are true and correct and expressly made a part of this resolution. Further, that all exhibits attached hereto are incorporated herein and expressly made a part hereof.

Section 2: That the Town Commission of the Town of Pembroke Park hereby endorses and supports the FDOT Project Development and Environment Study for the I-95 corridor from south of Hallandale Beach Boulevard (SR858) to north of Hollywood Boulevard (SR820), as more particularly described in Exhibit "A."

Section 3: If any clause, section, other part or application of this Resolution is held by any Court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 4: That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 5: That this Resolution shall be in force and take effect immediately upon its passage and adoption.

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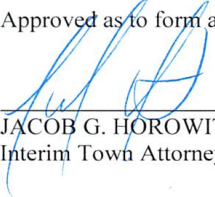
PASSED AND ADOPTED this 13th day of December, 2023.

ATTEST:


MARLEN D. MARTELL
Town Clerk



Approved as to form and legal sufficiency:


JACOB G. HOROWITZ, ESQ
Interim Town Attorney

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PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY

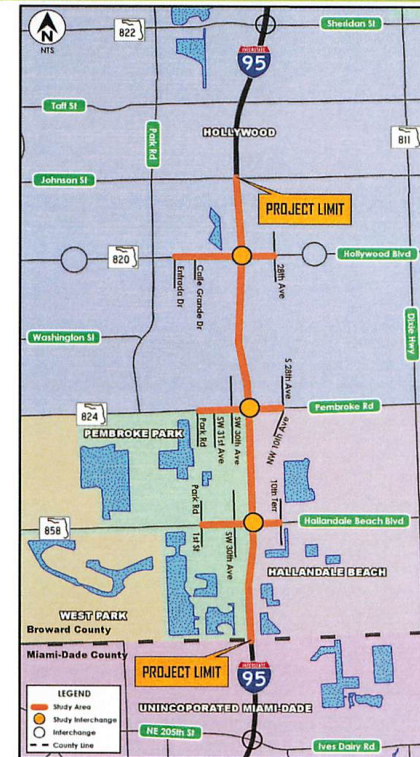
Interstate 95 (I-95/SR 9) • From South of Hallandale Beach Boulevard (SR 858) to North of Hollywood Boulevard (SR 820)
Broward County, FL • FPID No.: 436903-1-22-02 • ETDM No.: 14254



PD&E Study - Project Limits and Study Area

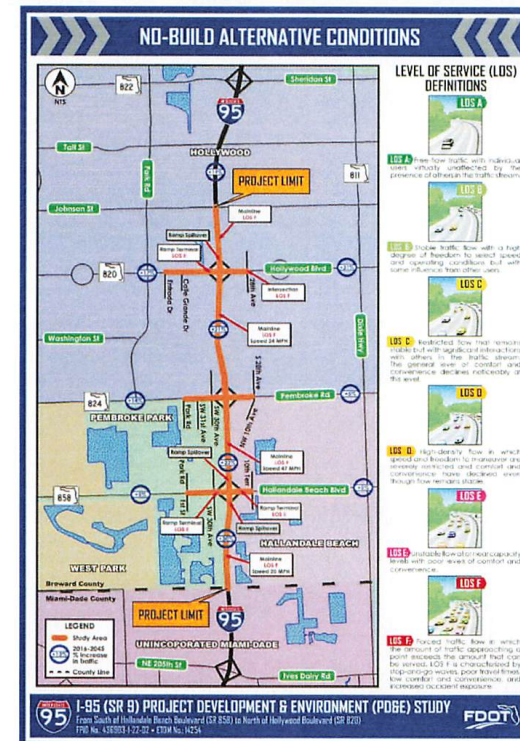


- ☐ From: South of Hallandale Beach Boulevard
(Miami-Dade/Broward Countyline)
- ☐ To: North of Hollywood Boulevard
(Johnson Street)
- ☐ 3 Miles
- ☐ 3 Interchanges
- ☐ Broward County, Florida
- ☐ Municipalities:
 - Hallandale Beach
 - Pembroke Park
 - Hollywood



PD&E Study - Scope of Project

- ❑ Evaluate Interchange Improvements to improve operations and safety
- ❑ Identify Ramp Terminal Intersection Improvements
- ❑ Evaluate the social, economic, physical and environmental impacts associated with the potential improvements
- ❑ Evaluate Traffic Operations
 - Opening Year 2030
 - Design Year 2045
- ❑ Identify a Preferred Alternative



PD&E Study – Needs of the Project



Corridor Traffic Demand

- Interstate 95: 23% Average Increase
- Hallandale Beach Boulevard, Pembroke Road and Hollywood Boulevard: 13% Average Increase

13-23% increase in traffic from year 2016 to 2045



Collisions due to heavy congestion and constant stop-and-go

Safety

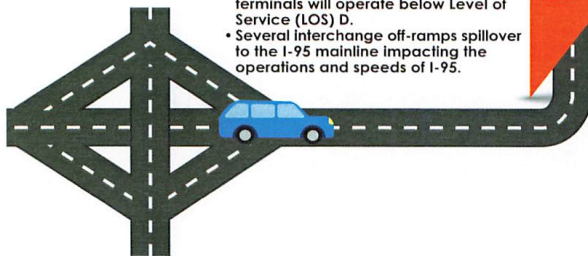
- Over 2,800 crashes on I-95 between 2008-2015.
- Congestion and additional future traffic will increase accidents within the area.



Interchange Capacity Needs

- I-95 freeway segments between interchanges and interchange ramp terminals will operate below Level of Service (LOS) D.
- Several Interchange off-ramps spillover to the I-95 mainline impacting the operations and speeds of I-95.

Additional capacity is needed now

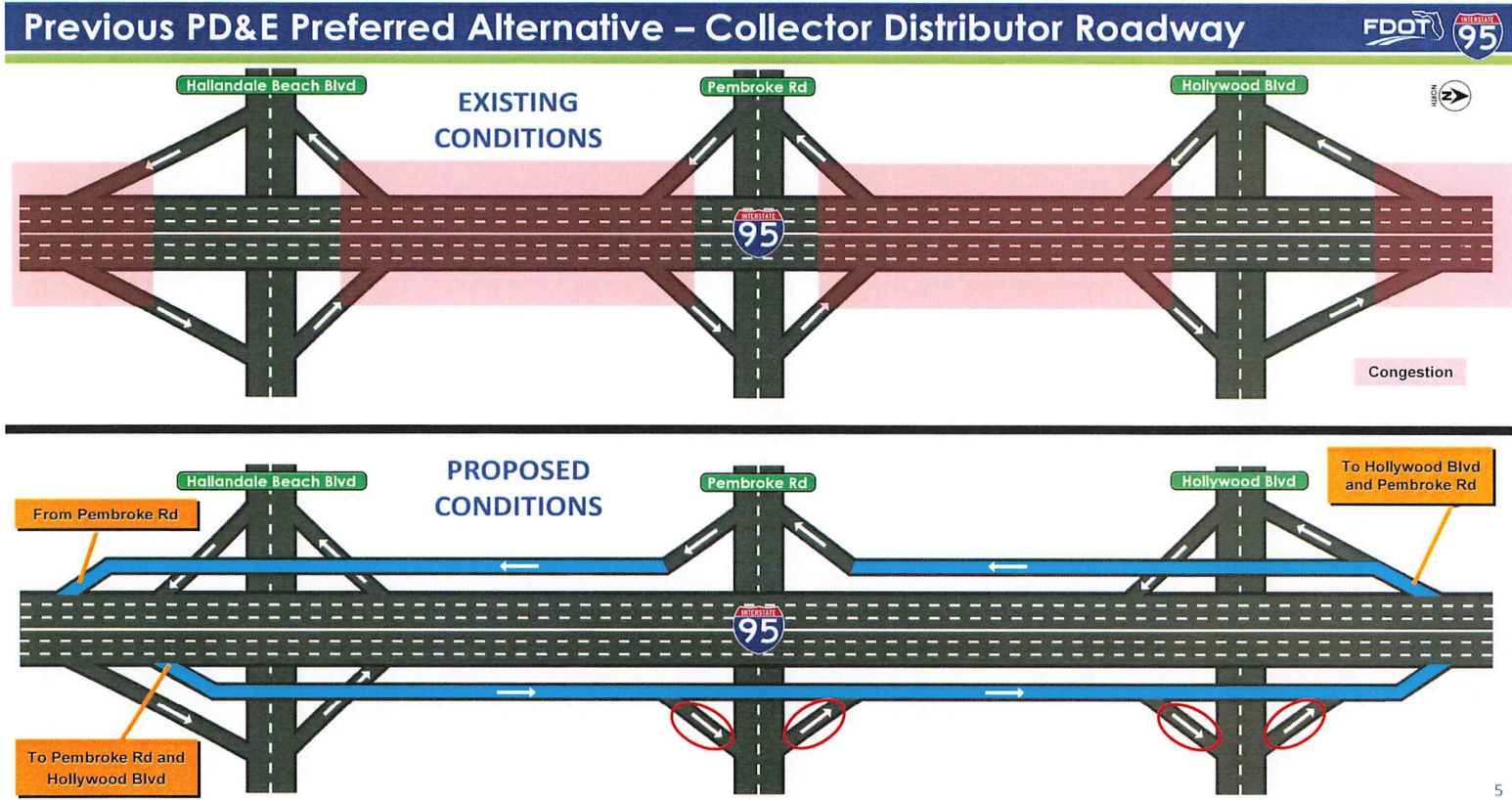


Part of emergency evacuation route

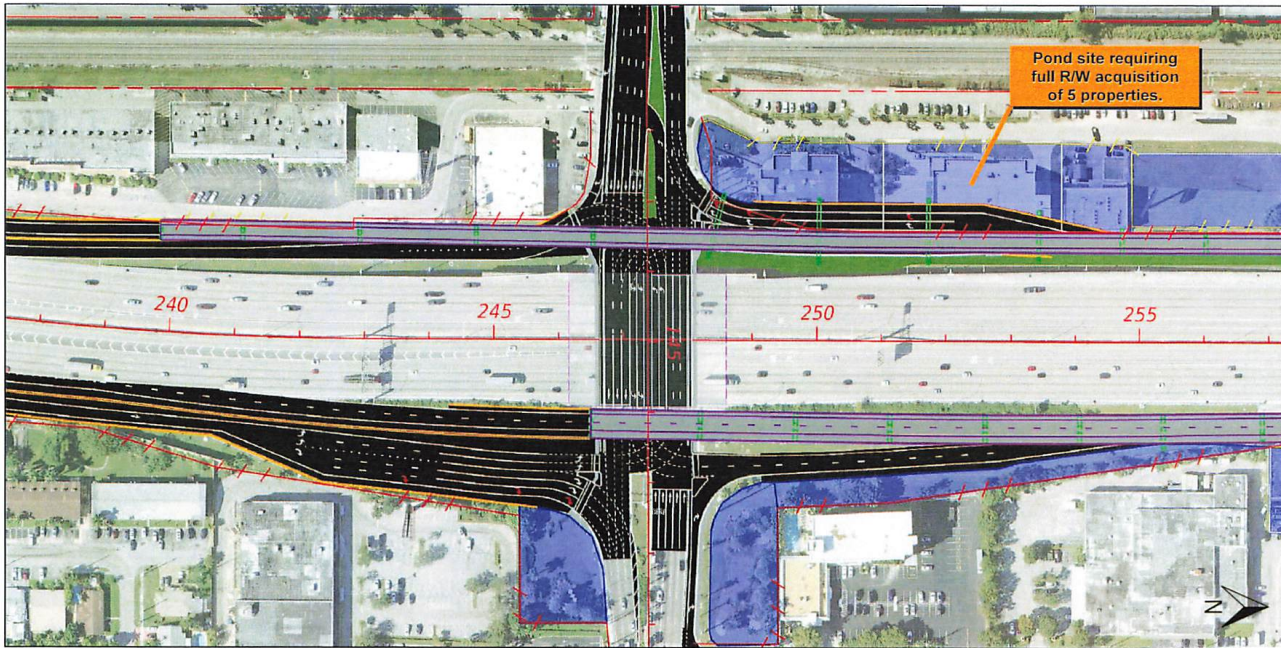


Emergency Evacuation

- The I-95 corridor is vital during emergency evacuation periods.
- Hallandale Beach Boulevard, Pembroke Road, and Hollywood Boulevard are also part of the emergency evacuation routes network.



Previous Preferred Alternative – Hallandale Beach Boulevard



Coordination with the Town of Pembroke Park



☐ Meetings

- Thursday August 19, 2021 – Public Hearing Briefing
- Thursday September 2, 2021 – At the In-Person Public Hearing
- June 23, 2022 – w/ Town Manager (JC Jimenez) & Staff
- December 29, 2022 – w/ Town Manager (JC Jimenez)
- February 29, 2023 – w/ Town Manager (JC Jimenez)
- June 6, 2023 – w/ Town Manager (JC Jimenez)
- September 21, 2023 – w/ Town Manager (Aleem Ghany) & Tom Positano

Coordination with the Town of Pembroke Park



❑ Resolution No. 2021-45 Issued on September 8, 2021

❑ Issue Identified in Resolution

- The Town opposed the PD&E Preferred Alternative due to the SB off-ramp geometry and the proposed pond at the NW quadrant of the Hallandale Beach Blvd. Interchange which required full takes of five (5) properties.

RESOLUTION NO. 2021-045

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION REMOVE THE IMPACTS TO EXISTING BUSINESSES IN THE TOWN OF PEMBROKE PARK FROM THE PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY FOR INTERSTATE 95 (I-95) FROM SOUTH OF HALLANDALE BEACH BOULEVARD (SR 858) TO NORTH OF HOLLYWOOD BOULEVARD (SR 820) AND ANY FUTURE DESIGN; REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSIDER IMPROVEMENTS TO INTERSTATE 95 IN THE TOWN OF PEMBROKE PARK THAT DO NOT INCLUDE IMPACTS TO PROPERTIES IN THE TOWN; AND INSTRUCTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO CERTAIN ENTITIES AND PEOPLE, PROVIDING FOR SEVERABILITY; SUPERSEDING CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Pembroke Park ("Town") has a transportation network that includes roadways under the control of the Florida Department of Transportation ("Department"); and

WHEREAS, the Town is almost built-out with a large stable residential/mobile home park population; and

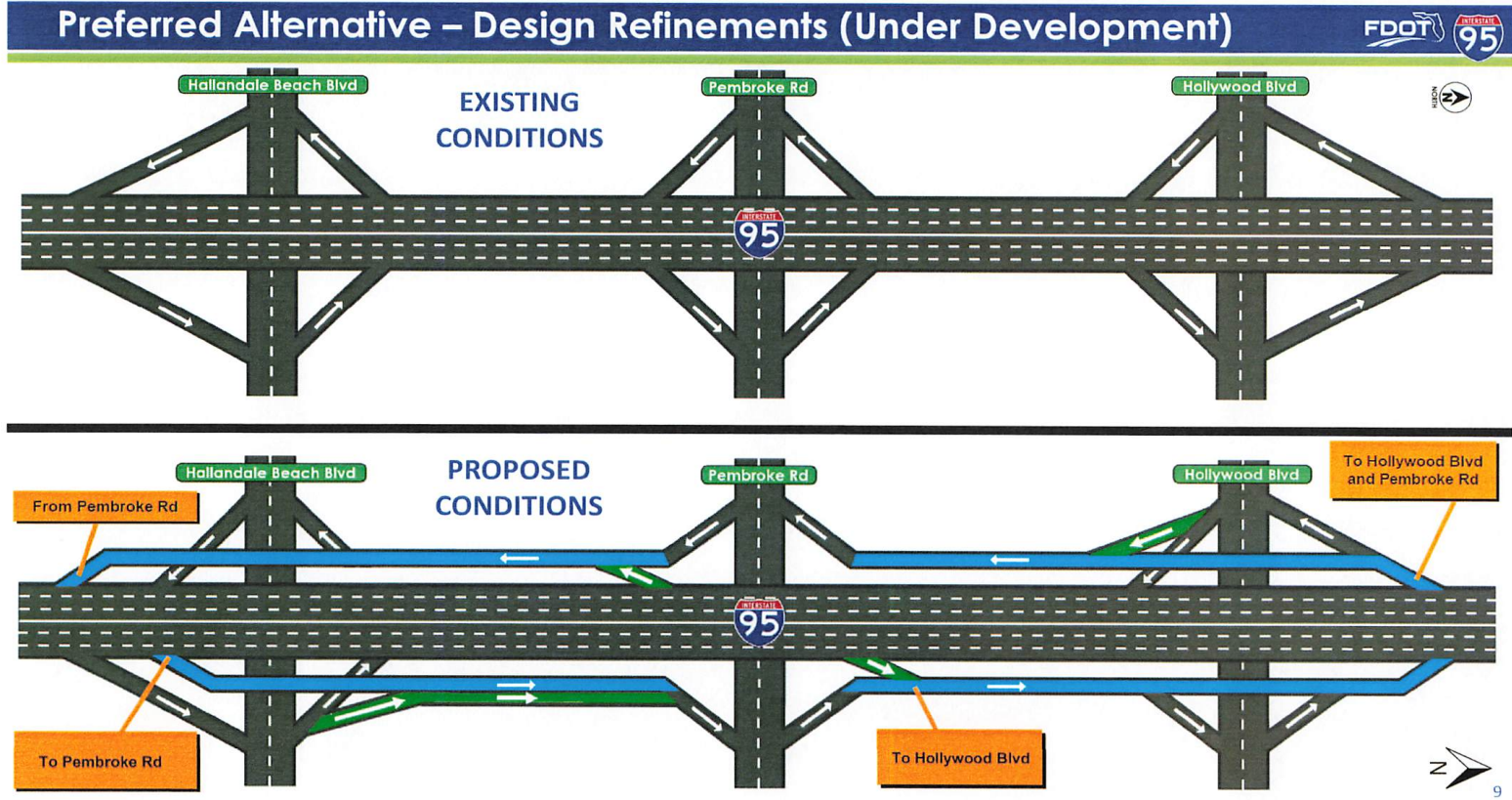
WHEREAS, there is limited lands available in the Town for commercial and industrial uses; and

WHEREAS, SW 30th Avenue and West Hallandale Beach Boulevard are key commercial and industrial corridors in the Town; and

WHEREAS, FDOT has proposed a project (the "Project") to improve Interstate 95 (I-95) from south of Hallandale Beach Boulevard (SR 858) to north of Hollywood Boulevard (SR 820); and

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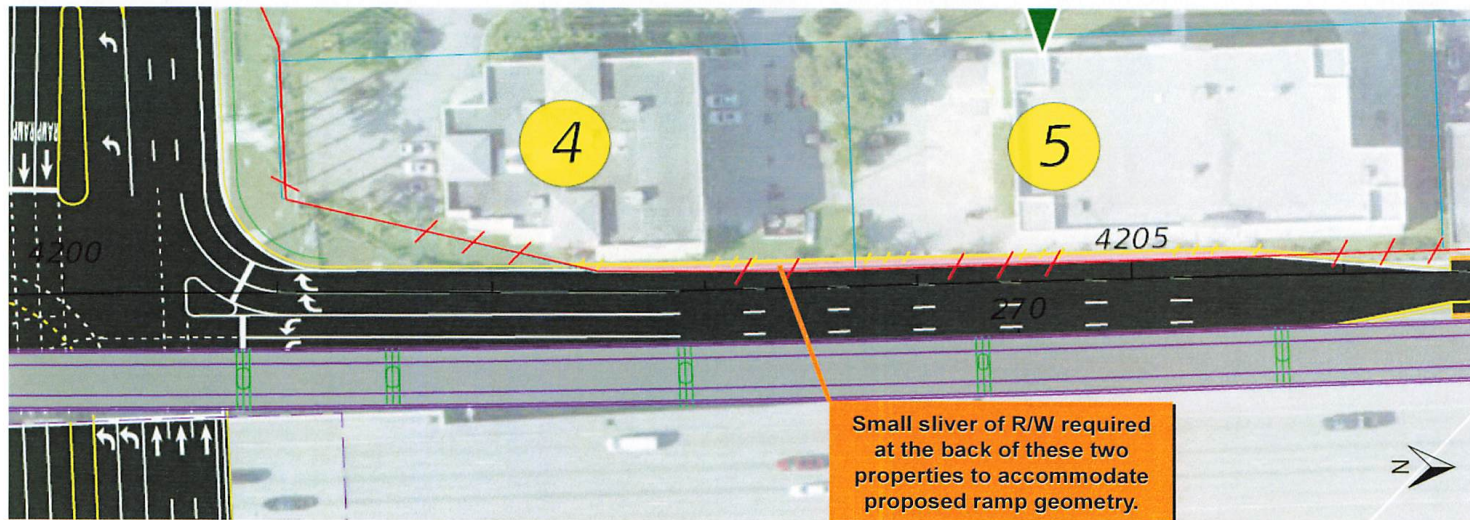
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Refined Alternative – Hallandale Beach Boulevard Interchange

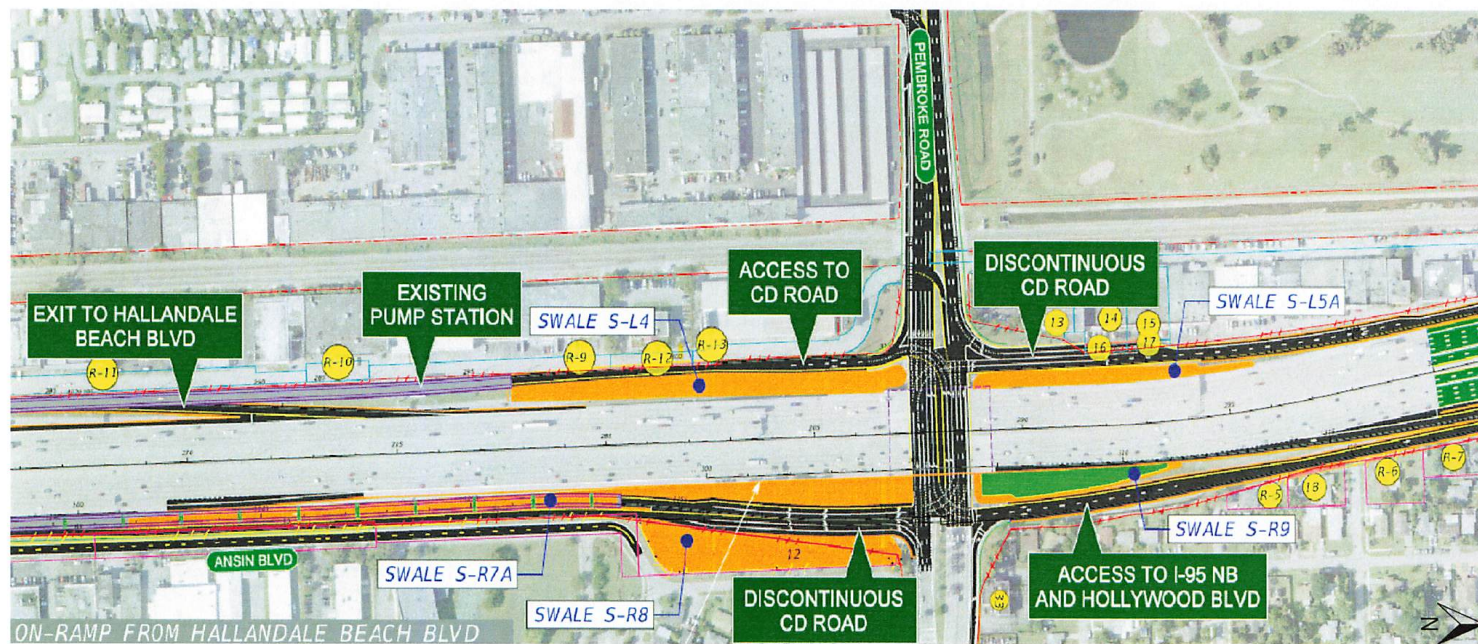


Eminent Domain Ordinance



- FDOT urges the Town to consider adopting an eminent domain ordinance that establishes a formal and orderly process and allows for a proper and sound evaluation of impacts and non-conformities caused by partial acquisitions
- Ultimately, the goal is to limit impacts, to the greatest extent possible, to land and business owners to **promote the continued use and operation of impacted properties and businesses, thus maintaining the ad valorem property base.**

Refined Alternative – Pembroke Road Interchange



Goal of Refinements to PD&E Preferred Alternative



- Our goal is to receive a Resolution from the Town of Pembroke Park in support of the project based on the design refinements that we have made in collaboration with the Town.
- FDOT is also seeking for the Town to adopt an eminent domain ordinance thus promoting the continued use and operation of impacted properties and businesses and maintaining the ad valorem property base.
 - Samples of ordinances from other municipalities will be provided to staff for review and guidance to implement.

Questions / Comments



ORDINANCE NO. 2024-006

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA; AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES ENTITLED “ZONING”; AMENDING ARTICLE V ENTITLED “NONCONFORMING USES” TO CREATE SECTION 28-347 ENTITLED “NONCONFORMING USES CREATED BY GOVERNMENTAL ACQUISITIONS OF PRIVATE PROPERTY”; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADOPTION OF A POLICY AND PROCEDURE CONCERNING NONCONFORMITIES CREATED BY GOVERNMENTAL ACQUISITION OF PRIVATE PROPERTY INCLUSIVE OF A VARIANCE MECHANISM TO CURE NONCONFORMITIES; PROVIDING THE TOWN MANAGER OR TOWN MANAGER’S DESIGNEE TO TAKE NECESSARY STEPS TO ENFORCE APPLICABLE BUILDING AND SAFETY CODES ON PROPERTIES THAT ARE SUBJECT TO A PENDING GOVERNMENTAL ACQUISITION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Pembroke Park (“Town Commission”) desires to adopt a policy to address land use non-conformities (the “Nonconformities”) which are created by the acquisition of private property for transportation facilities or other public purposes by governmental entities (the “Governmental Acquisitions”); and

WHEREAS, the Town of Pembroke Park (“Town”) wishes to provide a means to cure such non-conformities, mitigate the impact of Governmental Acquisitions upon continued operations of business, and reduce the expenditure of public funds for severance damages and other costs of Governmental Acquisitions, while preserving traffic and pedestrian safety and enhancing the aesthetic characteristics of the Town; and

WHEREAS, the Town Commission has determined that adopting a policy to address Nonconformities created by the acquisition by governmental entities of private property for transportation facilities or other public purposes is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF

THE TOWN OF PEMBROKE PARK, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Intent and Purpose.

The purpose of this Ordinance is to provide a mechanism for the Town to grant variances in those situations in which private property has been subjected to the eminent process either through acquisition by formal eminent domain proceedings or through negotiation as a viable and fair means of mitigating the adverse impact to such property as a result of the acquisition process, and to allow for the continued use of property in a manner, to the greatest extent feasible, similar to its pre-acquisition condition.

Section 3. Section 28-347 of the Town’s Code of Ordinance is created as follows:

Section 28-347.- Nonconforming uses created by governmental acquisitions of private property.

(a) Definitions

- (1) Acquiring Authority shall mean the governmental entity proposing to acquire private property for public transportation or other public purposes pursuant to eminent domain proceedings or pursuant to negotiation in lieu of or under threat of the power of eminent domain. Acquiring authorities include, but are not limited to, the Town, Broward County (“County”), the Federal Department of Transportation (“FDOT”) or other condemning authority.
- (2) Town shall mean the Town of Pembroke Park.
- (3) Cure shall mean a variance granted pursuant to this Ordinance, which authorizes the continued use and enjoyment of private property, as a lawful use, subsequent to the creation of a Nonconformity by an Acquiring Authority.
- (4) FDOT means the Federal Department of Transportation or successor entity.
- (5) Nonconformity means the failure of a lot, parcel, structure or use to comply with the requirements of the Land Development Code including, but not limited to, motor vehicle parking, landscaping, setbacks, lot size, or other criteria, which failure is caused or increased by acquisition of private property by an Acquiring Authority.

(b) Procedures for Governmental Takings and Cure Plans. The following procedures shall apply to governmental takings and related cure plans:

- (1) Structures, Lot Size and Land Use Made Illegal as a Result of Governmental Acquisition. In the event that an Acquiring Authority acquires private property for a public transportation facility or other public purpose or facility and the acquisition results in the increase of or the creation of a Nonconformity, such private property shall constitute an illegal non-conforming use unless a site plan modification is approved in accordance with this Section.
- (2) Authority and Procedures to Apply for a Site Plan.
 - (a) The Acquiring Authority and the property owner are each hereby granted the authority to apply for a site plan or site plan amendment to cure Nonconformities, pursuant to this Section. An application may be made prior to or after the creation of the Nonconformity.
 - (b) Procedures to apply for site plan approval shall conform with Chapter 28 of the Town's Code of Ordinances. Additional procedures shall be followed for a full review as set forth in paragraph (b) of said section and as made applicable to the Town. An application for final site plan approval shall include a development plan that meets the submission requirements set forth in paragraph (c). Additionally, revision of the site plan, withdrawal of the site plan application, issuance of development orders, and the effective period of final site plan approval shall all comply with Chapter 28 of the Town's Code of Ordinances.
- (3) Authority to Grant Site Plan Approval. The Town Administrator or designee shall have the authority to approve site plans to cure Nonconformities, pursuant to this Section.
- (4) Standard for Approval or Denial of Site Plans. Existing lots, parcels, structures or uses which become or will become Nonconforming or suffer an increase in Nonconformity as a result of governmental acquisition by an Acquiring Authority, shall submit a site plan that amends the existing conditions of the site. The amended site plan shall meet the Town's Zoning and Land Development Code requirements or the applicant may request a variance.
- (5) Status of Lots, Parcels, Structures, or Uses After Site Plan Approval. The approval of a site plan shall serve to cure the Nonconformity, subject to implementation of the site plan in accordance with the specific approval granted and in accordance with any conditions imposed upon the site plan.

(c) Code Violations

- (1) The provisions of this Ordinance shall not be interpreted to allow for the continued existence of building or safety code violations that are determined to be an immediate threat to the public health, safety or welfare.
- (2) The Town Administrator or designee is hereby authorized to take any necessary steps necessary to enforce all applicable building and safety codes even though the subject property is part of a pending governmental acquisition.

Section 4. Conflict.

All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Inclusion In Code.

It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the Town of Pembroke Park and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that

Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 7. Effective Date.

This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2024.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2024.

ATTEST:

ASHIRA MOHAMMED
Mayor

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Town Attorney

VOTE

ASHIRA MOHAMMED	_____
GEOFFREY JACOBS	_____
MUSFIKA KASHEM	_____
WILLIAM R. HODGKINS	_____
ERIK MORRISSETTE	_____

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

954.966.4600 • www.tppfl.gov



May 22, 2024

To: Planning & Zoning Board

From: Mike Vonder Meulen, AICP, Consultant Town Planner, KEITH

RE: Proposed Code Text Amendment – Quasi-Judicial Proceedings

Recommendation: The Consultant Town Planner recommends approval of the proposed text amendment.

Background: Attached for the Planning & Zoning Board review, discussion and recommendation are text amendments to the Town's Land Development Code creating Secs 13.5-80 through, 13.5-83 formalizing and establishing Quasi-Judicial proceedings for certain site specific applications before the Town.

The Florida Supreme Court has determined that certain applications which effect specific individuals, interests, or activities, based on testimony presented at a hearing is quasi-judicial in nature and the Florida Legislature have established a process to disclose ex parte communications in quasi-judicial proceedings with local government officials so that such communications will not be presumed to be prejudicial to the proceeding. The proposed Town Ordinance intends to formalize and codify the quasi-judicial process.

The Code amendment provides:

- Intent of the ordinance;
- Definitions;
- Identifies the applications which are quasi-judicial in nature;
- Establishes procedures including ex parte communications;
- Formalizes the notification process;
- Establishes Quasi-Judicial procedures; and
- Clarifies Final Orders, Continuance, Deferral and Appeals.

Consistency with the Comprehensive Plan: The Consultant Town Planner finds that the proposed text amendments are consistent and compatible with the Following Goals, Objectives and Policies of the Town of Pembroke Park Comprehensive Plan including:

GOAL I: Encourage the private and public sectors to adhere to the patterns of planned development in the Town which shall promote environmental protection, strive to meet the Town's social and economic needs and contribute to the health, welfare, and safety of its residents.

POLICY #1.1.2: The Town shall periodically review its current Land Development Regulations

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA; AMENDING CHAPTER 13.5 “LAND DEVELOPMENT”, OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES, BY CREATING ARTICLE VIII, TO BE ENTITLED “QUASI-JUDICIAL PROCEEDINGS”; CREATING SECTIONS 13.5-80 THROUGH 13.5-83 OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES; ESTABLISHING QUASI-JUDICIAL PROCEDURES FOR PEMBROKE PARK; PROVIDING FOR THE INTENT; PROVIDING FOR DEFINITIONS; IDENTIFYING QUASI-JUDICIAL MATTERS; PROVIDING PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, EX PARTE COMMUNICATIONS, NOTIFICATION, PRESENTATION OF EVIDENCE AND PREPARATION OF THE ORDER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Supreme Court has determined that the application of a general rule or policy to specific individuals, interests, or activities, based on testimony presented at a hearing, that does not affect a large portion of the public is quasi-judicial in nature; and

WHEREAS, the State Legislature has adopted a process to disclose ex parte communications in quasi-judicial proceedings with local government officials so that such communications will not be presumed to be prejudicial to the proceeding; and

WHEREAS, the Town Commission of the Town of Pembroke Park has determined it to be in the best interests of the citizens and residents of the Town to adopt procedures related to quasi-judicial proceedings, including a process whereby ex parte communications may be disclosed in an effort to avoid a prejudicial impact on quasi-judicial proceedings.

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Words in underscore type are additions

WHEREAS, the Town of Pembroke Park Planning and Zoning Board acting as the Local Planning Agency held a public hearing on May 30, 2024 and recommended approval/denial of the code amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: The Town Commission of the Town of Pembroke Park hereby amends Chapter 13.5, entitled "Land Development", of the Town of Pembroke Park Code of Ordinances by creating Article VIII, to be entitled "Quasi-Judicial Proceedings", as follows:

Article VIII. Quasi-Judicial Proceedings

Sec. 13.5-80 Intent

It is the intent of the Town to provide an equitable and efficient manner for the Town to hear matters which are considered quasi-judicial in nature. Notwithstanding other provisions of the Town's Code of Ordinances, Sections 13.5-80 through 13.5-83 set forth the Town's procedures to be utilized for quasi-judicial proceedings. These procedures shall be utilized by the Town Commission in regards to hearings on quasi-judicial matters in which their body is the final authority.

Sec. 13.5-81 Definitions.

As used in this Article, the terms listed below shall be defined as follows:

(1) Affected Person means a person (or persons), natural or corporate, who is the owners of the subject property or who owns property within

Page 2

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Words in underscore type are additions

three hundred (300) feet of the subject property as listed in the records of the County property appraiser, or who resides in or operates a business within three hundred (300) feet of the subject property.

(2) Town or Town Commission means the Town Commission of the Town of Pembroke Park, Florida.

(3) Local Public Official means any public official holding a Town office who considers quasi-judicial action as a member of a Board or Commission.

(4) Party or Parties means the petitioner, Town, and any Affected Person who has requested to be heard at the proceeding.

(5) Quasi-Judicial in Nature means the application of a general rule or policy to specific individuals, interests, or activities.

(6) Quasi-Judicial Proceeding means hearing held by the Town Commission to adjudicate private rights of a particular person after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.

(7) Site Specific means an individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

Sec. 13.5-82 Quasi-Judicial Matters

(1) For the purpose of this article, the following matters, regardless of whether the final determination is made by the Town Commission, shall be considered to be quasi-judicial:

- (a) Site specific rezonings and site plans;
- (b) Site specific land use amendments;
- (c) Variances, including, but not limited to, trees, signs, setbacks, distance requirements between buildings or other variances permitted by the Town Code.
- (d) Plat approvals, Plat Note Amendments, or Non-Vehicular Access Line Amendments;
- (e) Special Exceptions which relate to the use of land and business;
- (f) Parking Waivers.

Sec. 13.5-83 Procedures for Quasi-Judicial Proceedings

(1) Ex parte (oral) communications.

Ex parte communications are not presumed prejudicial provided any disclosure required in subsections (a), (b), or (c) below is made before or during the public meeting at which a vote is taken on the matter.

(a) The substance of any ex parte communication with a local public official that relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record.

(b) A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.

(c) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made apart of the record before final action on the matter.

(d) Notwithstanding the provisions of this section above, in quasi-judicial proceedings on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communications prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body must be supported by substantial, competent evidence in the record pertinent to the proceedings, irrespective of such communications.

(2) Notification.

(a) At least seven (7) calendar days prior to the proceeding, Town shall provide a legal advertisement to be published in a newspaper of general paid circulation in Broward County and of general interest and readership in the community, not one of limited subject matter. Said notice shall state the name of the petitioner for the requested action, the date, time and location of the proceeding, and the location and times where and when the petition and any back-up information may be reviewed. In addition, the notice shall inform all affected persons that they will be allowed to present evidence at the hearing, bring forth witnesses, and cross-examine witnesses provided they notify and file the required forms provided by the Town clerk's office, the substance of which is described in subsection (d), below, at least seven (7) calendar days prior to the proceeding.

(b) Applications for site specific zoning amendments shall adhere to the notification requirements in Sec. 28-37.

(3) Presentation of evidence.

(a) All persons testifying before the Town Commission must be sworn in. The petitioner, members of the Town Commission and any affected person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.

(b) All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.

(c) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.

(d) Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(e) A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.

(f) The office of the Town attorney shall represent the Town Commission. Any questions as to the propriety and admissibility of evidence shall be presented to the Town Attorney's Office in a timely fashion.

(4) Quasi-Judicial Proceeding Procedure

The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:

(a) To call and examine witnesses;

(b) To introduce exhibits;

(c) To cross-examine opposing witnesses on any relevant matter; and

(d) To rebut evidence.

(5) Conduct of Quasi-Judicial Proceedings

To the extent possible, the following shall be the order of the proceedings:

(a) Call the proceeding to order and announce the beginning of the proceeding. A majority of the Town Commission members must be continuously present during the proceeding.

(b) The matter to be heard and the rules concerning the admissibility of evidence should be announced.

(c) Statements of counsel shall only be considered as argument and not be considered as testimony. Counsel for parties shall not be subject to cross-examination. The Town Commission shall have the authority to refuse to hear any testimony which is irrelevant or repetitive.

(d) The Mayor shall have the option of determining the order of presentation of the parties in order to expedite the proceeding.

During its presentation the Town shall present any staff, board or other reports on the matter as well as any comments. These reports shall include, but not be limited to, a description of the request of the petitioner; an analysis which includes the consistency with the Town's Comprehensive Plan, if applicable, and whether the petition does or does not meet the requirements of the Town Code; a listing of the exhibits to be presented; a listing of potential witnesses; a summary of the issues; and the staff and board(s) recommendations. These reports shall include specific findings in support of justifying a recommendation for approval or denial of the petition.

(e) Petitioner or his or her representative may make a presentation. If the petitioner chooses to make a presentation it should include a description of the nature of the petition if there is additional information that has not been previously provided to or by the Town. In addition, the petitioner shall introduce any exhibits and witnesses.

(f) Parties who are in support of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.

(g) Parties who are in opposition to the petition shall make their presentation. The party shall introduce any exhibits and witnesses.

(h) Town personnel in attendance shall provide responses to any party to the proceeding.

(i) After each witness testifies or documents are made a part of the record, a party shall be permitted to question the witness. The questioning party is not permitted to make any statements, only to ask questions which are directly related to the testimony presented.

(j) Final presentation by the petitioner in response to any testimony from other parties.

(k) Final presentation by the Town in response to any testimony from other parties.

(l) The Town Commission shall deliberate on the petition. No further testimony shall be taken and the members of the Town Commission shall not ask further questions of persons presenting testimony. The Town Commission shall discuss the evidence that was presented at the proceeding and vote on the petition.

(6) Final Determination by the Town Commission.

In reaching a determination as whether to grant or deny the petition, the Town Commission shall:

(a) Consider whether the petitioner's request is consistent with the Town's Comprehensive Plan, if applicable, and

(b) State with specificity the reasons for the approval or denial of the petition. Said approval or denial may by reference incorporate the staff, or other reports.

(c) State whether or not the order is to be recorded in the public records of Broward County, and if applicable, that the cost of recording shall be paid by the petitioner.

(7) Preparation of the Order

The Town Attorney's Office shall prepare the final order of the Town Commission based upon the determination. The final order shall include, but not be limited to, the finding of facts, any conditions, requirements or limitations on the approval of the petition. The order shall be recorded in the Broward County Public Records. If a resolution or ordinance is required to be adopted upon approval of an action by the Town Commission, a final order will not be needed unless the petition is denied.

(8) Continuances and Deferrals.

If, in the opinion of the Town Commission, any testimony or documentary evidence or information presented at the proceeding justifies providing additional time to allow additional research or review in order to properly determine the issue presented, the Town Commission shall continue the case to a designated time to allow for the additional research or review. After the decision is made to continue, the date to which the proceeding shall be continued shall be announced at

the proceeding. All funds expended by the Town Clerk's Office pursuant to this section and reimbursed by the Petitioner shall be directed by to the Town Clerk's Office.

(9) Transcription of Quasi-Judicial Proceedings

The official transcript of a proceeding shall be preserved by tape recording or other device by the Town clerk's office. Nothing precludes any party from providing a court reporter for the proceeding.

(10) Maintenance of Evidence and Other Documents.

The office of the Town clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the Town Manager or his or her designee, all which become a part of the public record of the proceeding.

(11) Appeal of Final Determination by Town Commission.

The final determination of the Town Commission is subject to judicial review in a court of competent jurisdiction. An appeal of the final determination of the Town Commission must be filed within thirty (30) days of the Town Commission decision.

SECTION 3: It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications

of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 6: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this __ day of _____, 2024.

ASHIRA MOHAMMED
Mayor

ATTEST:

MARLEN MARTELL
Town Clerk

ROLL CALL

Mayor _____
Vice Mayor _____
Clerk Commissioner _____
Commissioner _____
Commissioner _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
Town Attorney

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CODING: Words in ~~strike-through~~ type are deletions from the existing law;
Words in underscore type are additions

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

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May 22, 2024

To: Planning & Zoning Board

From: Mike Vonder Meulen, AICP, Consultant Town Planner, KEITH

RE: Proposed Code Text Amendment – Signage

Recommendation: The Consultant Town Planner recommends approval of the proposed text amendment.

Background: Attached for the Planning & Zoning Board review, discussion and recommendation are text amendments to the Town's Sign Code including Secs 21-17, 21-19 and 21-20 to allow LED lights to outline windows and doors of local businesses.

In 2023 when processing the previous sign code amendment, the Mayor and Town Commission requested to amend the sign code to include LED lighting which would outline windows and doors which face the street. Many of the local businesses have tinted windows and doors which make the businesses appear closed, especially during the winter months when the sunset early. It was recommended by the commission that staff draft a code amendment to address the business owner's concerns. Rotating, animated moving flashing and/or strobe lighting is not permitted.

Consistency with the Comprehensive Plan: The Consultant Town Planner finds that the proposed text amendments are consistent and compatible with the Following Goals, Objectives and Policies of the Town of Pembroke Park Comprehensive Plan including:

GOAL I: Encourage the private and public sectors to adhere to the patterns of planned development in the Town which shall promote environmental protection, strive to meet the Town's social and economic needs and contribute to the health, welfare, and safety of its residents.

POLICY #1.1.2: The Town shall periodically review its current Land Development Regulations to:

e) Regulates signage

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 21 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "SIGNS AND ADVERTISING;" AMENDING ARTICLE II, ENTITLED "SIGNS" BY AMENDING DIVISION 1, ENTITLED "COMPREHENSIVE REGULATIONS AND REQUIREMENTS"; AMENDING SECTION 21-17 ENTITLED "DEFINITIONS"; SECTION 21-19 ENTITLED "PROHIBITED SIGNS;" PROVIDING AN EXCEPTION TO THE PROHIBITION OF LED LIGHTING; AMENDING SECTION 21-20, ENTITLED "PERMANENT SIGNS," TO ALLOW LED LIGHTING ON WINDOWS AND DOORS ON PROPERTIES ENGAGING IN NONRESIDENTIAL USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Code of Ordinances presently prohibits local businesses from displaying Led outlines of windows and doors; and

WHEREAS, the Town has received numerous requests from local business owners to amend the Town's Code of Ordinances to permit local businesses to display LED lighting indicating that the business is open; and

WHEREAS, the City Commission has determined that amending the Town's Code of Ordinances to allow local businesses to display an illuminated window sign is in the best interest of the residents of Pembroke Park because such changes can cause a positive economic impact to the Town's economy by helping ensure that local businesses stay open and more residents remain employed; and

WHEREAS, the Town's Planning and Zoning Board recommended approval of the proposed amendments to the Town's Code at its May 30, 2024, meeting; and

WHEREAS, the Town Commission finds the amending the Town's sign code, as

{00578454.1 3399-0000000 }

detailed herein, is in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-17 entitled "Definitions", under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec.21-17. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them below:

Window sign means a sign located on a window or within a building or other enclosed structure which is visible from the exterior through a window or other openings. [window signs are] not permitted to be illuminated except as permitted in Section 21-20(3)(c).

Section 3. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-19 entitled "Prohibited Signs," under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec.21-19 Prohibited signs

The following are those signs which shall not be permitted within the municipal limits of the Town:

(o) window signs, when illuminated; except for as permitted in Sec.21-20(3)(c).

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Section 4. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-20 entitled "Permanent Signs," under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec. 21-20 Permanent signs

Only such permanent signs as are listed in this section shall be permitted to be erected or maintained upon any building lot, plot or parcel of land for the following types of land uses:

(c) All nonresidential uses:

3. Window/door signs

- c. Window/door signs, when illuminated with LED lights that border the window/door with the following criteria:
(a) Must face a major street;
(b) Rotating, animated, moving, flashing, strobe lighting are prohibited.

Section 5. It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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Section 7. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 8. This Ordinance shall become effective upon passage and adoption.

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**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2024.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE
PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF
_____, 2024.**

ATTEST:

MAYOR ASHIRA MOHAMMED

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Interim Town Attorney

VOTE

ASHIRA MOHAMMED	_____
GEOFFREY JACOBS	_____
MUSFIKA KASHEM	_____
WILLIAM R. HODGKINS	_____
ERIK MORRISSETTE	_____