

ORDINANCE NO. 2023- 42

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, “PLANNING,” BY AMENDING SECTION 154.61, “REDEVELOPMENT AND FLEXIBILITY UNITS,” TO CREATE AN EXPEDITED APPROVAL PROCESS FOR PROJECTS USING COUNTY POLICY 2.16.3; AND AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.2424., “APPEAL,” TO PROVIDE FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days’ notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 154.61, “Redevelopment and Flexibility Units,” of Chapter 154, “Planning,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 154.61 REDEVELOPMENT AND FLEXIBILITY UNITS.**

(A) In conformance with the Comprehensive Plan, flexibility and redevelopment units as defined in § 154.60 of this chapter, may be allocated to authorize residential projects or mixed use projects on properties with commercial land use designations (limited to 20% of the total lands designated Commerce in the county’s 2017 Land Use Plan) or additional units on properties with residential land use designations. Approval of an allocation of flexibility and redevelopment units shall be achieved as outlined below.

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(C) Procedure for Residential and Nonresidential (Per 5% Rule: Residential to Commercial) Flexibility Allocation.

(1) Step 1: Application submittal. The applicant shall submit ~~an application to the Development Services Director as follows~~ the following:

(a) The application is in the form established by the Development Services Director;

(b) The application is accompanied by the application fee as specified in Chapter 155, Appendix C: Fee Schedule; ~~and~~

(c) The applicant includes ~~information in sufficient detail to evaluate the application in order to determine whether it complies with the review standards listed in subsection (D) below, including~~ a conceptual site plan;

(d) Sufficient and detailed information in the application in sufficient detail describing any use by the applicant of Broward County Land Use Plan Policy 2.16.3 (Policy 2.16.3) to maximize bonus density opportunities for the development of affordable dwelling units compatible with existing and future land uses; and

(e) Sufficient and detailed information in the application that complies with the review standards listed in subsection (D) below, including a conceptual site plan.

(2) Step 2: Staff review. ~~Applicable to a~~ The Application is reviewed by DRC, based on the Application Review Standards listed below in subsection (D), and comments are provided to the Development Services Director, who makes recommendations to the decision making body by the Development Service Director, following DRC review and comment based on the Application Review Standards listed in subsection (D) below.

(3) Step 3: Advisory body review and recommendation. Applicable to a review and recommendation shall be accomplished by the Planning and Zoning Board based on the Application Review Standards listed in subsection (D) below.

(a) The Planning and Zoning Board hearing shall be noticed as follows:

1. Published notice. Notice of the P&Z public hearing shall be published at least five calendar days before the hearing date.

2. Mailed notice. Notice of the P&Z public hearing shall be mailed at least six business days before the hearing date to the following recipients: Applicant; owner(s) of land subject to the application; owners of real property within 500 feet of the parcel(s) subject to the application; and the local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to the application.

(b) Projects using Policy 2.16.3 for density purposes will be reviewed for flex/redevelopment unit allocations by the Planning and Zoning Board concurrently with the Project’s application for site plan approval. In such instances, the Planning and Zoning Board shall serve as the decision-making body.

(4) Step 4: Decision-making body review and decision. ~~Applicable to a~~ The final review and decision shall be made by the City Commission, except as provided in subsection (C)(3)(b) above.

...

(D) Application review standards. Flex/redevelopment units, and commercial flexibility shall be issued at the discretion of the City Commission as a legislative action and by the Planning and Zoning Board, where applicable, based upon delegated authority from the City Commission. An application shall only be presented to the ~~City Commission~~ decision making body upon a finding that all of the following standards are met:

(1) Consistency with applicable goals, objectives and policies of the city’s Comprehensive Plan and this chapter.

...

(3) Any Applications for the use of residential flexibility or redevelopment units under this Section require a commitment to provide affordable housing units pursuant to subsection (F) below or payment of an in lieu of fee in accordance with § 154.80, except that ~~Infill~~ properties which are one-acre or less are exempt from this requirement.

(E) ~~EXCEPTION: Administrative Allocation and~~ Single Family and Duplex Homes. Flex units for single-family and duplex homes may be administratively allocated by the Development Services Director, following a review of the corresponding application requesting such allocation. The Development Services Director may approve the Application for flexibility units, approve the Application subject to conditions or deny the Application based on the review standards set forth in Chapter 154, City Code. This subsection shall not apply to single-family and duplex projects having more than four contiguous lots on any block face.

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(G) The availability of redevelopment and flexibility units will become null and void upon the expiration of the time limits provided in the development order or resolution, where applicable, allocating such units. Time extensions may be granted by the decision-making body originally granting the unit allocation, for good cause shown, if sufficient progress on the Project is demonstrated. The respective decision-making body must reevaluate and make a new determination on any flex/redevelopment unit allocation if there are changes to any information, terms or conditions contained in the development order or resolution granting such flex units.

**SECTION 2.** That Section 155.2424., “Appeal,” of Chapter 155, “Zoning Code,” of the City of Pompano Beach Code of Ordinances is amended to read as follows:

**§ 155.2424. APPEAL**

**A. PURPOSE**

The purpose of this section is to establish an administrative remedy whereby persons claiming to having been aggrieved by a decision of the Development Services Director or a decision-making body may appeal that decision.

**B. RIGHT TO APPEAL.**

1. Parties aggrieved by a final decision of the Development Services Director.

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2. A party aggrieved by a final decision by the P&Z ~~on a Major Site Plan application or Air Park Obstruction Permit~~, by the AAC on a Major Building Design application, or by the HPC on a Major Certificate of Appropriateness application may appeal the decision to the City Commission in accordance with this section, including the procedures as set forth in Section 155.2424.C.

...

**SECTION 3.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this

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

**SECTION 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 13th day of September, 2022.

**PASSED SECOND READING** this 14th day of March, 2023.

DocuSigned by:  
*Rex Hardin*  
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**REX HARDIN, MAYOR**

**ATTEST:**

DocuSigned by:  
*Kervin Alfred*  
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**KERVIN ALFRED, CITY CLERK**

MEB/jrm  
8/29/22  
L:ord/ch154/2022-253

