

ORDINANCE NO. 2023- 44

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY REQUIREMENTS TO PROVIDE INCENTIVES FOR MIXED INCOME RESIDENTIAL DEVELOPMENT; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," SECTION 155.3304., "GENERAL BUSINESS (B-3)," AND SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD LIVING USES," TO CLARIFY AND AMEND STANDARDS FOR MIXED INCOME RESIDENTIAL DEVELOPMENT USING BROWARD COUNTY LAND USE PLAN POLICIES 2.16.3 AND 2.16.4; 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 this 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 was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an 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 Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 154.61 REDEVELOPMENT AND FLEXIBILITY UNITS.

...

(F) Deconcentration of poverty requirements.

(1) Definitions. The definitions in § 154.60 apply to this section.

...

(3) To be eligible for the allocation of flexibility or redevelopment units the following provisions shall be applicable:

(a) All new residential and mixed use development projects with a residential component along Dixie Highway and North Powerline Road (between Atlantic Boulevard and NW 15th Street) must include a minimum of 50% non-income restricted units.

...

(c) Comply with additional residential and mixed-use standards of § 155.4202.A.1

~~(d) Projects that use the 50% zoning density incentive shall be required to provide a mix of commercial and residential uses, per § 155.4202.A.1.a.vii.(A).~~

~~(e)~~ Those projects that are required to provide non-income restricted units are not required to pay into the Local Affordable Housing Trust Fund.

~~(f)~~ All other areas: All projects must include a minimum of 15% affordable housing or pay into the Local Affordable Housing Trust Fund for every unit that is not classified as affordable.

~~(g)~~ The City Commission must reevaluate and make a new determination on any flex allocation if there are changes to any information, terms or conditions contained in the resolution granting the flex units.

...

SECTION 2. That Section 155.3302., “Limited Business (B-1),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3302. LIMITED BUSINESS (B-1)

...

C. Intensity and Dimensional Standards ¹		Typical Lot Pattern
Lot area, minimum (sq ft)	7,000 ²	
Lot width, minimum (ft)	70 ²	
Density, maximum (du/ac)	20 ^{2,3}	
Lot coverage, maximum (% of lot area)	35 ²	
Pervious area, minimum (% of lot area)	20 ²	
Height, maximum (ft)	50	
Front yard setback, minimum (ft)	0	
Street side yard setback, minimum (ft)	0	
Setback from a waterway or canal, minimum (ft)	15	
Interior side yard setback, minimum (ft)	0 ²	
Rear yard setback, minimum (ft)	30	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in Article 4: Part 3.	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9:Part 4.</p> <p>2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy <u>2.16.3 (if less than 10-acres)</u> or <u>Policy 2.16.4</u> and Article 3, Use Standards.</p>		

...

SECTION 3. That Section 155.3303., “Community Business (B-2),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3303. COMMUNITY BUSINESS (B-2)

...

C. Intensity and Dimensional Standards ¹		Typical Lot Pattern
Lot area, minimum (sq ft)	10,000 ²	
Lot width, minimum (ft)	100 ²	
Density, maximum (du/ac)	30 ^{2,3}	
Lot coverage, maximum (% of lot area)	45	
Pervious area, minimum (% of lot area)	20	
Height, maximum (ft)	105 ⁴	
Front yard setback, minimum (ft)	0	
Street side yard setback, minimum (ft)	0 ⁵	
Setback from a waterway or canal, minimum (ft)	15	
Setback from the historic dune vegetation line, minimum (ft)	25	
Interior side yard setback, minimum (ft)	0 ^{2,5}	
Rear yard setback, minimum (ft)	30 ⁵	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in Article 4: Part 3.	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.</p> <p>2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy <u>2.16.3</u> (if less than 10-acres) or <u>Policy 2.16.4</u> and Article 3. Use Standards.</p> <p>4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.</p> <p>5. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.</p>		

...

SECTION 4. That Section 155.3304., “General Business (B-3),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3304. GENERAL BUSINESS (B-3)

...

C. Intensity and Dimensional Standards ¹		Typical Lot Pattern
Lot area, minimum (sq ft)	10,000 ²	
Lot width, minimum (ft)	100 ²	
Density, maximum (du/ac)	46 ^{2,3}	
Lot coverage, maximum (% of lot area)	60	
Pervious area, minimum (% of lot area)	20	
Height, maximum (ft)	105 ⁴	
Front yard setback, minimum (ft)	0	
Street side yard setback, minimum (ft)	0 ^{2,5}	
Setback from a waterway or canal, minimum (ft)	15	
Setback from the historic dune vegetation line, minimum (ft)	25	
Interior side yard setback, minimum (ft)	0 ^{2,5}	
Rear yard setback, minimum (ft)	30 ⁵	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in Article 4: Part 3.	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.</p> <p>2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154 , Planning or the allocation of residential units in accordance with County Affordable Housing Policy <u>2.16.3 (if less than 10-acres) or Policy 2.16.4</u> and Article 3. Use Standards.</p> <p>4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.</p> <p>5. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.</p>		

...

SECTION 5. That Section 155.4202., “Residential: Household Living Uses,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

A. Standards Applicable to Household Living Uses

1. Additional Standards for Implementation of Broward County Policy 2.16.3 and 2.16.4 and Section 154.61 Redevelopment And Flexibility Units

The following shall apply to any development that implements Broward County Policy 2.16.3 (additional density in Residential Land Use or Commercial Land Use if less than 10-acres) or 2.16.4 (residential density in ~~Commerce/Activity Center~~ Commercial, Regional Activity Center, Local Activity Center, Transit-Oriented Corridor and Mixed-Use Residential Land Use) and Section 154.61 (Redevelopment and Flexibility Units). The standards are intended to encourage economic revitalization through redevelopment ~~along the city’s commercial corridors~~ that is mixed use/mixed income, and transit/pedestrian oriented, ~~while maintaining compatibility~~ compatible with adjacent uses. ~~The district standards are intended to stimulate economic revitalization, create a pedestrian friendly environment, and encourages corridor beautification, and promote mixed-use residential development.~~

a. Additional and Modified Development Standards

i. Height

All developments greater than 35’ in height must result in an effective transition of heights from abutting low-density residential (20 units per acre or less) development to the tallest portion of the development. The effective transition of heights is intended to demonstrate compatibility of heights with abutting low-density residential development and to demonstrate that the tallest portions of the development are appropriately located including a gradual and incremental increase in height that is proportionally tiered and reasonably distributed.

...

vi. Setbacks and Building Placement

Table 155.4202.A.1.a.vi: Setbacks and Building Placement			
		Along <u>Policy 2.16.4</u> Eligible Corridors	Along any other Roadway
Front / Street Side Setback	Minimum	0 feet	5 feet
	Maximum	20 feet	15 feet
Build-to Zone (minimum)		60%	0%
Interior Side Setback (minimum)		0 feet	5 feet
Rear (<u>minimum</u>)		20 feet	20 feet
<p>Note:</p> <p>Build-to Zone is the area on a lot located between the minimum and maximum setback that must contain a principal structure. A Courtyard, Plaza, or Forecourt may occupy the otherwise required build-to-zone, if the space is publicly accessible, providing building access and a pedestrian connection to the existing city street grid. Fenestration requirements for abutting facades still apply.</p> <p>Rear Setback may be reduced to 5 ft where the rear yard abuts an improved and dedicated public alley at least 20 ft wide.</p> <p><u>Refer to the underlying zoning district for requirements on streets unrelated to 2.16.4 corridors.</u></p>			

vii. Standards for Commercial/Residential Mixed-Use Developments

(A) Mixed-Use / Mixed-Income Standards

The incorporation of high-activity nonresidential uses such as retail shops and restaurants at street level is encouraged along those building facades abutting or most visible from a transit corridor, other major arterial street, major pedestrian walkway, or public space.

(1) All new development projects with a residential component within One-half Mile Radius of an Income Restricted Housing Development must include a minimum of 50% Non-Income Restricted Units. See incentives and implementation requirements within Section 155.4202.A.1.b.

...

~~(4) When using Flex and the 50% zoning density incentive, per Section 155.4202.A.1.b, commercial and residential mixed use shall be required and uses shall be mixed within the same building or horizontally on the same parcel.~~

~~(5) When using Flex and/or Policy 2.16.3 without the zoning density incentive, use mixing is not required.~~

(6 4) Exemption: The income mixing requirements are not applicable to the following:

(a) Any residential and/or mixed-use residential developments with approved Development Orders signed and dated prior to the passage of this ordinance, and/or active projects that have been reviewed by the Development Review Committee (DRC).

(b) Any property owned, at least in part, as of the date of the passage of this ordinance, by an entity that is required by the Florida Statutes to construct affordable housing (examples include but are not limited to the Housing Authority of Pompano Beach).

(c) Affordable housing projects permanently restricted to home-ownership.

...

viii. Access and Circulation

- (A) Access priority shall be ~~located off side streets or alley where feasible~~ in the following order as feasible: cross access, alley, side street, street front.
- (B) Access is limited to one point per street frontage unless off an alley, as feasible.
- ~~(C) The width of the points of access should not exceed 24 feet.~~
- ~~(D)~~ (C) No vehicular use area or parking shall be permitted in front of the primary façade and the street.
- ~~(E)~~ (D) A primary entrance providing pedestrian access shall be provided on the primary façade.
- ~~(F)~~ (E) Off-Street Parking reductions
 - (1) Multifamily dwellings with two bedrooms or less shall provide a minimum of one off-street parking space per 1,000 square feet of gross floor area, with a minimum of one off-street parking space per unit. Multifamily dwelling units with three or more bedrooms will provide the parking required in Table 155.5102.D.1.

...

b. Incentives and Reporting Requirements:

i. Incentives:

- (A) All ~~such~~ development projects ~~that are required to include a minimum number of Non Income Restricted Units~~ in a commercial land use category that utilize Broward County Policy 2.16.3 or 2.16.4 shall receive up to a 50% zoning density bonus. They may also apply for minor variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria as detailed in Section 155.2421. ADMINISTRATIVE ADJUSTMENT.

...

SECTION 6. If any provision of this Ordinance or the application thereof 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 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 14th day of March, 2023.

PASSED SECOND READING this 28th day of March, 2023.

DocuSigned by:
Rex Hardin
502CB780EB3F480...
REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Kervin Alfred
D1C913A8ED334CA...
KERVIN ALFRED, CITY CLERK

:jrm
2/2/23
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