

ORDINANCE NO. 2023- 64

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," AND SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," RELATED TO AFFORDABLE HOUSING, IN THE DOWNTOWN POMPANO OVERLAY DISTRICT (DPOD) AND THE EAST OVERLAY DISTRICT (EOD) TO REQUIRE THE USE OF BROWARD COUNTY MIXED INCOME HOUSING DENSITY BONUS POLICIES FOR PROJECTS CONSISTING OF SEVEN RESIDENTIAL UNITS OR MORE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

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, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice 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 155.3708., "Downtown Pompano Beach (DP) Overlay District," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

A. PURPOSE

The Downtown Pompano Beach Overlay district (DPOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development.

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K. ADDITIONAL DPOD STANDARDS

In addition to the Regulating Plans, the following standards apply to properties within the DPOD.

1. Reduced and Modified Off-street Parking Standards

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4. Affordable Housing

Until such time as the 15% affordable housing requirements is met based on 15% of the total residential entitlements within the DPOD as approved in Ordinance 2013-14, which may be amended from time to time, all new residential development in the DPOD which does not meet the definition of affordable housing per Code of Ordinances Chapter 154 (Planning), shall be required to implement the city's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the DPOD. The city has adopted a policy to require the use of the County's mixed income housing density bonus policies 2.16.3 or 2.16.4 for any project in the DPOD with seven or more units. This requirement can be waived by the City Commission in a duly noticed public hearing upon the finding that additional affordable housing is not required at the specific location presented and public benefits will be derived by allowing the Applicant to use the City's in lieu of fee provision in Section 154.80.

The City may apply to new housing projects one or a combination of the following affordable housing strategies, without limitation:

- a. A specific set-aside of all or a portion of 15% of the proposed units as vertically integrated affordable housing;
- b. If the project is awarded their entitlements from the District's basket of rights, the applicant may

Contribute, through in-lieu-of fees as set forth in the City Code of Ordinances Chapter 154 (Planning):

i. to programs that facilitate the purchase or renting of the existing affordable housing stock;

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iv. to other programs or initiatives designed and implemented by the city to address specific affordable housing market needs and challenges ~~in the TO-OP~~ that may arise including, but not limited to, strategies that reduce the cost of housing production; promote affordable housing development; prevent displacement; prevent homelessness; promote economic development; and promote transit amongst low-income populations.

c. If the project is awarded entitlements through Broward County policies 2.16.3 or 2.16.4, affordable housing will be provided as required by those policies as long as the minimum 15% of the units are affordable per the land use regulations. No buyout is allowed if using County Policy 2.16.3. The buyout if using County Policy 2.16.4 will be per that policy as it may be amended from time-to-time.

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SECTION 2. That Section 155.3709., “East Overlay District (EOD),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.3709. EAST OVERLAY DISTRICT (EOD)

A. PURPOSE.

The East Overlay District (EOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development in the area connecting the Downtown Pompano Beach Overlay District and the Atlantic Boulevard Overlay District. The purpose

of the district standards is to stimulate economic revitalization, create a pedestrian-friendly environment and promote mixed-use development. It is also intended to help implement the Pompano Beach Transportation Corridor Study Transformation Plan and the Pompano Beach Community Redevelopment Plan for the East Pompano Beach Redevelopment District.

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K. AFFORDABLE HOUSING

The ETOC land use plan amendment created 2,399 new residential units and a minimum of 15% of those units (360 units) are required to be affordable or to contribute to the implementation of the city's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the city. The city has adopted a policy to require the use of the County's mixed income housing density bonus policies 2.16.3 or 2.16.4 for any project in the ETOC with seven or more units. This requirement can only be waived by the City Commission in a duly noticed public hearing upon the finding that additional affordable housing is not required at the specific location presented and public benefits will be derived by allowing the Applicant to use the city's in lieu of fee provision in Section 154.80.

The city may apply to new housing projects one or a combination of the following affordable housing strategies, without limitation:

1. Each residential development may be required to set aside a minimum of 15% of their proposed units as affordable housing to provide all or a portion of the required 360 affordable housing units as vertically integrated affordable housing; or
2. If the project is awarded their entitlements from the District's basket of rights, ~~U~~ntil such time as all 360 affordable housing units have been provided, each residential development shall contribute in-lieu-of fees per Code of Ordinances, Chapter 154 (Planning). These funds will be used to promote one or more of the following:
 - (a) programs that facilitate the purchase or renting of the existing affordable housing stock;
 - (b) programs which facilitate the maintenance of the existing supply of affordable housing;
 - (c) programs which facilitate the use of existing public lands, or public land-banking, to facilitate an affordable housing supply;

- (d) other programs or initiatives designed and implemented by the city to address specific affordable housing market needs and challenges in the city that may arise, including but not limited to, strategies that reduce the cost of housing production; promote affordable housing development; prevent displacement; prevent homelessness; promote economic development; and promote transit amongst low-income populations.

3. If the project is awarded entitlements through Broward County policies 2.16.3 or 2.16.4, affordable housing will be provided as required by those policies as long as the minimum 15% of the units are affordable per the land use regulations. No buyout is allowed if using County Policy 2.16.3. The buyout if using County Policy 2.16.4 will be per that policy as it may be amended from time-to-time.


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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 11th day of July, 2023.

PASSED SECOND READING this 25th day of July, 2023.

DocuSigned by:

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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:

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KERWIN ALFRED, CITY CLERK

MEB/mcm/jrm
 6/26/23
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