

Ord. 29

ORDINANCE NO. 2020- 22

**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 ADMINISTRATIVELY REVIEW AND APPROVE FLEXIBILITY UNIT ALLOCATION REQUESTS FOR PROJECTS INVOLVING UP TO FOUR SINGLE FAMILY AND DUPLEX HOMES; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE FOR APPEAL OF DECISION BY DEVELOPMENT SERVICES DIRECTOR; 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 ~~multifamily dwellings~~ for 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.

...

(D) Application review standards. An application shall only be approved on a finding that there is competent substantial evidence in the record that all of the following standards are met:

...

(E) EXCEPTION: 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.

(E F) Affordable housing requirements.

(1) Definitions. The following definitions apply to this section.

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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

...

B. RIGHT TO APPEAL

1. Parties Aggrieved by final decision by the Development Services Director.

A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with the procedures as set forth in Section 155.2424.C, Appeal Procedure.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
Application Type	Board Responsible for Reviewing Appeal
Minor Building Design	Architectural Appearance Committee (AAC)
Minor Certificate of Appropriateness	Historic Preservation Committee (HPC)
<u>Single-Family or Duplex Unit Flex Allocation</u>	<u>City Commission</u>
All other application types and waiver requests	Zoning Board of Appeals (ZBA)

...

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 10th day of December, 2019.

PASSED SECOND READING this 14th day of January, 2020.



 REX HARDIN, MAYOR

ATTEST:



 ASCELETA HAMMOND, CITY CLERK

JES/jrm
 11/20/19
 ord/ch154/2020-60