

ORDINANCE NO. 2021- 82

**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 155.7304., "RECONSTRUCTION OR REPAIR AFTER DAMAGE," TO MODIFY REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(a), a 10-day newspaper advertisement in accordance with said statute has been published notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons 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 155.7304., "Reconstruction or Repair After Damage," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.7304. RECONSTRUCTION OR REPAIR AFTER DAMAGE

Except as otherwise provided in Section 155.7305, Exceptions for Nonconforming Structures in Transit Oriented District, the reconstruction or repair of a damaged nonconforming structure shall be subject to the following provisions.

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B. DAMAGE GREATER THAN 50 PERCENT OF VALUE

1. Except as otherwise provided in subsection 2 below, ~~if~~ if a nonconforming structure is damaged by any means to an extent whereby the cost of

restoring the structure to its before-damaged condition would equal or exceed 50 percent of the structure's fair market value before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Code.

2. Exceptions

a. A multifamily residential development that exceeds the allowed density of a nonresidential zoning district but is in compliance with the underlying residential land use category, shall be permitted to be restored to the condition it was in if such structure(s) located on the development site is damaged by any means by more than fifty percent (50%) of its replacement value or more than fifty percent (50%) of the gross floor area of the existing structure(s), in accordance with the following:

i. The total number of dwelling units to be provided in the rebuilt structure(s) shall not exceed the total number of dwelling units previously existing in the same structure prior to the destruction.

ii. The dimensions of the rebuilt structure(s) on the development site shall be permitted based on what previously existed in the same structure(s) prior to the destruction and shall not result in an increase in nonconformity as it relates to all other provisions of the city's zoning regulations.

iii. Such redevelopment shall meet all applicable public safety codes in effect at the time of redevelopment including the building code, aviation-related height limitations, flood elevation, hurricane evacuation, natural resource protection including those related to beaches, marine resources and sea level rise.

SECTION 2. 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 13th day of July, 2021.

PASSED SECOND READING this 27th day of July, 2021.

DocuSigned by:

Rex Hardin

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REX HARDIN, MAYOR

ATTEST:

DocuSigned by:

Asceleta Hammond

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ASCELETA HAMMOND, CITY CLERK

MEB/jmz
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