

ORDINANCE NO. 2022- 36

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.02, "DEFINITIONS," TO REMOVE DEFINITIONS; BY AMENDING SECTION 154.60, "DEFINITIONS," TO ADD DEFINITIONS; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY APPLICATION REVIEW STANDARDS, TO REMOVE DEFINITIONS, AND TO PROVIDE REQUIREMENTS FOR DECONCENTRATION OF POVERTY THROUGH ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.80, "PROVISION OF REQUIRED AFFORDABLE HOUSING," TO MODIFY REQUIREMENTS FOR PROVISION OF REQUIRED AFFORDABLE HOUSING; AND AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," AND SECTION 155.3304., "GENERAL BUSINESS (B-3)," TO PROVIDE ADDITIONAL OPTIONS FOR ALLOCATION OF RESIDENTIAL UNITS IN A COMMERCIAL LAND USE DESIGNATION; BY AMENDING SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD LIVING USES," TO PROVIDE ADDITIONAL STANDARDS FOR IMPLEMENTATION OF BROWARD COUNTY'S AFFORDABLE HOUSING POLICIES AND THE CITY'S POLICIES FOR REDEVELOPMENT AND FLEXIBILITY UNITS; BY AMENDING SECTION 155.5602., "COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS," AND SECTION 155.5603., "INDUSTRIAL DESIGN STANDARDS," TO PROVIDE ADDITIONAL REQUIREMENTS FOR COMPLIANCE WITH STANDARDS FOR EACH SECTION; BY AMENDING SECTION 155.5605., "PARKING DECK OR GARAGE DESIGN STANDARDS," TO PROVIDE ADDITIONAL DESIGN STANDARDS; BY AMENDING SECTION 155.9401., "MEASUREMENT," TO PROVIDE MEASUREMENT STANDARDS AND OPTIONS FOR MEASUREMENT OF REQUIRED DISTANCES BETWEEN PROPERTIES AND USES; AND BY AMENDING ARTICLE 9, PART 5, "TERMS AND USES DEFINED," BY PROVIDING DEFINITIONS FOR INCOME-RESTRICTED AND NON-INCOME RESTRICTED UNITS; 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 154.02, "Definitions," of Chapter 154, "Planning," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

GENERAL

§ 154.02 DEFINITIONS.

(A) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

...

~~**LOW INCOME HOUSING UNIT.** A housing unit which is affordable by one or more natural persons or a family, with a total annual adjusted gross household income which does not exceed 80% of the median annual adjusted gross income for households within the county in which the person or family resides.~~

~~**MODERATE INCOME HOUSING UNIT.** A housing unit which is affordable by one or more natural persons or a family, with a total annual adjusted gross household income which does not exceed 120% of the median annual adjusted gross income for households within the county in which the person or family resides.~~

...

~~**WORKFORCE HOUSING UNIT.** A housing unit which is affordable by one or more natural persons or a family, with a total annual adjusted gross household income which does not exceed 140% of the median annual adjusted gross income for households within the county in which the person or family resides.~~

...

SECTION 2. That Section 154.60, "Definitions," of Chapter 154, "Planning," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

***FLEXIBILITY AND REDEVELOPMENT UNITS AND
NONRESIDENTIAL FLEXIBILITY***

§ 154.60 DEFINITIONS.

For the purpose of this subchapter the following words and phrases shall have the meanings herein set forth.

AFFORDABLE HOUSING. Housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

FLEXIBILITY UNIT. Shall be equal to the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units," which were equal to two percent of the total number of dwelling units permitted by the local government's certified future land use plan map.

LOW INCOME HOUSING UNIT. A unit which is affordable by a person or persons who have a combined income of 50% to 80% median income of Broward County adjusted for family size.

MODERATE INCOME HOUSING UNIT. A unit which is affordable by a person or persons who have a combined income of 80% to 120% of median income of Broward County adjusted for family size.

...

THE 20% RULE: RESIDENTIAL FLEXIBILITY. The Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit 20 percent of the lands designated "Commerce" on the 2017 Broward County Land Use Plan Map to be used for residential use (with the application of flexibility or redevelopment units) without a City or County Land Use Plan Amendment in accordance with the rules established within the county's "Administrative Rules Document: Broward County Land Use Plan" and the F.S. Chapter 163 plan adoption and amendment process.

VERY LOW INCOME HOUSING UNIT. A unit which is affordable by a person or persons who have a combined income of up to 50% median income of Broward County adjusted for family size.

SECTION 3. 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.

...

(C) Procedure for Residential and Nonresidential (Per 5% Rule: Residential to Commercial) Flexibility Allocation ~~and procedure for allowing Commercial Uses in Industrial Land Use Category.~~

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

...

(3) Step 3: Advisory body review and recommendation. Applicable to a recommendation by the Planning and Zoning Board based on the Application Review Standards listed in subsection (D) below. ~~(Note: For applications requesting Commercial Uses in an Industrial Land Use Category, the P&Z Board will be the decision-making body and Step 3 will be the last step.)~~

...

(D) Application review standards. Flex units and Commercial Flexibility shall be issued at the discretion of the City Commission as a legislative action. An application shall only be approved on presented to the City Commission upon a finding that ~~there is competent substantial evidence in the record 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.

(2) The use of the redevelopment and flexibility units; and/or the establishment of nonresidential development within a residential land use designation; ~~or the approval of commercial uses in an Industrial Land Use category~~ will produce a reasonable development pattern. The criteria for reasonableness shall

include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

(3) Applications for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units per subsection ~~(E)~~(F) below or 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.

...

(F) ~~Affordable housing~~ Deconcentration of poverty requirements.

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

~~**LOW INCOME HOUSING UNIT.** A unit which is affordable by a person or persons who have a combined income of up to 80% median income of Broward County~~

~~**MODERATE INCOME HOUSING UNIT.** A unit which is affordable by a person or persons who have a combined income of up to 80% of median income of Broward County~~

~~**WORKFORCE HOUSING UNIT.** A unit which is affordable by a person or persons who have a combined income of 100% to 120% median income of Broward County.~~

(2) Purpose and intent. The purpose of this section is to promote the ~~construction of affordable housing units in the city or the~~ deconcentration of poverty and to allow the payment of funds in-lieu of ~~construction~~ constructing affordable housing into the Local Affordable Housing Trust Fund through the allocation of flexibility and redevelopment units.

(3) To be eligible for the allocation of flexibility or redevelopment units the applicant ~~must agree to provide affordable housing units on the application site of any one type or combination of types. following provisions shall be applicable: Each different type of affordable housing units has a ratio which indicates how many affordable housing units shall be constructed for a specified number of flexibility or redevelopment units. The different types and their respective ratios are:~~

(a) ~~Workforce housing: (100% to 120% median income), for every one workforce housing unit constructed, the applicant may be granted one flexibility or redevelopment unit. 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 80% Non-Income Restricted Units.

(b) ~~Moderate income housing: (80% to 100% median income) for every one moderate income housing unit constructed, the applicant may be granted three flexibility or redevelopment units. All new residential and mixed use 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.~~

(c) ~~Low income housing: (up to 80% median income) for every one low income housing unit constructed, the applicant may be granted five flexibility or redevelopment units. Comply with additional residential and mixed-use standards of section 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 section 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.

<p align="center"><i>Table 1</i></p> <p align="center">Allocation of Flex and Redevelopment Units for Projects Containing Workforce Housing</p>		
<p align="center">Ratio of workforce housing units to market units: 1 workforce housing unit to 1 market unit</p>		
<i>Total number of housing units proposed</i>	<i>Number of workforce units</i>	<i>Number of market rate units</i>
2	1	1
4	2	2
6	3	3
8	4	4
10	5	5

12	6	6
14	7	7
16	8	8
18	9	9
20	10	10
22	11	11
24	12	12
26	13	13
28	14	14
30	15	15
Note: For housing developments above 30 units continue with the formula above. For housing developments with number of units not shown above, the number of required moderate housing units shall be the resulting whole number of the total number of housing units divided by 2.		

<p align="center"><i>Table 2</i></p> <p align="center">Allocation of Flex and Redevelopment Units for Projects Containing Moderate Housing</p>		
Ratio of moderate housing units to market units: 1 moderate housing unit to 3 market units		
<i>Total number of housing units proposed</i>	<i>Number of moderate units</i>	<i>Number of market rate units</i>
4	1	3
8	2	6
12	3	9
16	4	12
20	5	15
24	6	18
28	7	21
32	8	24
36	9	27
40	10	30
44	11	33
48	12	36
52	13	39

~~Note: For housing developments above 50 units continue with the formula above. For housing developments with number of units not shown above, the number of required moderate housing units shall be the resulting whole number of the total number of housing units divided by 4.~~

<p align="center"><i>Table 3</i> <i>Allocation of Flex and Redevelopment Units for Projects</i> <i>Containing Low Income Housing</i></p>		
Ratio of low income housing units to market units: 5 low income housing units to 1 market unit		
<i>Total number of housing units proposed</i>	<i>Number of low income units</i>	<i>Number of market rate units</i>
6	1	5
12	2	10
18	3	15
24	4	20
30	5	25
Note: For housing developments above 30 units continue with the formula above. For housing developments with number of units not shown above, the number of required low income housing units shall be the resulting whole number of the total number of housing units divided by 6.		

~~(4) Notwithstanding subsection (D)(2) above, off-site affordable units may be permitted if on-site construction is not found to be feasible, subject to the following. **OFF-SITE**, for the purposes of these provisions, is defined as within the city.~~

~~(5)~~ (4) Affordable housing units must be constructed according to the following guidelines:

...

~~(6)~~ (5) The affordable housing units shall be maintained as such for a period of 15 years (when resulting from flex and redevelopment units) through the use of restrictive covenants. Applicant is required to have such restriction placed in the deed from the applicant.

~~(7)~~ (6) All of the affordable housing units shall receive certificates of occupancy before the final 10% of the flexibility or redevelopment units obtain certificates of occupancy.

SECTION 4. That Section 154.80, "Provision of Required Affordable Housing," of Chapter 154, "Planning," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

AFFORDABLE HOUSING CONTRIBUTIONS

§ 154.80 PROVISION OF REQUIRED AFFORDABLE HOUSING.

(A) In lieu of providing affordable housing units on-site or off-site as required by regulations within Chapter 154 and Chapter 155 (Zoning) or pursuant to a land use plan amendment, a property owner may elect to contribute a fee in lieu of to be deposited into the city's Local Affordable Housing Trust Fund. If this in lieu of option is taken for the allocation of flex or redevelopment units, the in-lieu of fee, \$2,333 per unit (except for those units required to be Non-Income Restricted pursuant to § 154.61(F)(3)(i)), will apply to every flex and redevelopment unit allocated to the project that is not classified as affordable in accordance with the ~~requirements~~ definitions in § ~~154.61(E)~~ 154.60.

(B) For projects within an area that is subject to affordable housing requirements established through a Broward County Land Use Plan Amendment process, the in lieu of fee to be paid to the city shall be \$2,333 per market-rate unit. If affordable units will be provided, they will meet the definition of affordable housing provided in § ~~154.61~~ 154.60 and deed restricted to the proposed range of affordability for a 15-year period.

(C) Projects granted density bonuses, in association with the Broward County Administrative Policy 2.16.3 and 2.16.4 must comply with the fees and standards of the Broward County policy which include a deed restriction of 30 years.


~~(C)~~ (D) The city's in-lieu fee associated with flex and redevelopment units and Comprehensive Plan amendments that were subject to County policy 2.16.2, shall be paid to the city at the time of building permit.

~~(D)~~ (E) The city's fee per (D) above shall be reviewed a minimum of once every three years. The fee may be adjusted by the City Commission to reflect updated housing sale costs, development costs, land values, interest rates and other considerations.

SECTION 5. 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		<div>Typical Lot Pattern</div> 
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.	
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]		
1. See measurement rules and allowed exceptions/variations in Article 9:Part 4.		
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.		
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 <u>or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</u>		

...

SECTION 6. 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		<div>Typical Lot Pattern</div> 
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.	
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]		
1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.		
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.		
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 <u>or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</u>		
4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.		
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.		

...

SECTION 7. 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		<div>Typical Lot Pattern</div> 
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.	
NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]		
1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.		
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.		
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 <u>or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</u>		
4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.		
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.		

...

SECTION 8. 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 2.16.4 (residential density in Commerce/Activity Center Land Use) and Section 154.61 (Redevelopment and Flexibility Units). The standards are intended to encourage redevelopment along the city's commercial corridors that is mixed use/mixed income, and transit/pedestrian oriented while maintaining compatibility with adjacent uses. The district standards are intended to stimulate economic revitalization, create a pedestrian-friendly environment, encourage 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.

ii. Density

Development parcels with two or more density area designations shall unify for development purposes and may cluster units within the most intense density area of the development parcel.

iii. Floor Area Per Dwelling Unit

<u>Table 155.4202.A.1.a.iii: Floor area per dwelling unit, minimum (square feet)</u>		
<u>MF</u>	<u>Efficiency Units</u>	<u>450</u>
	<u>1 Bedroom</u>	<u>575</u>
	<u>2 Bedroom</u>	<u>750</u>
	<u>3 Bedroom</u>	<u>850</u>
	<u>Additional Bedroom</u>	<u>100</u>

iv. Maximum Lot Coverage

Multi-Family and Mixed-use development that incorporates residential may increase lot coverage by up to 20%.

v. Minimum Pervious Area

Multi-Family and Mixed-use development that incorporates residential may reduce the pervious area requirement to 10% of the total lot area. Landscaping and stormwater retention requirements still apply.

vi. Setbacks and Building Placement

<u>Table 155.4202.A.1.a.vi: Setbacks and Building Placement</u>			
		<u>Along Eligible Corridor</u>	<u>Along any other Roadway</u>
<u>Front / Street Side Setback</u>	<u>Minimum</u>	<u>0 feet</u>	<u>5 feet</u>
	<u>Maximum</u>	<u>20 feet</u>	<u>15 feet</u>
<u>Build-to Zone (minimum)</u>		<u>60%</u>	<u>0%</u>
<u>Interior Side Setback (minimum)</u>		<u>0 feet</u>	<u>5 feet</u>
<u>Rear</u>		<u>20 feet</u>	<u>20 feet</u>
<u>Note:</u>			

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.

Rear Setback may be reduced to 5 ft where the rear yard abuts an improved and dedicated public alley at least 20 ft wide.

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.
- (2) All new residential and mixed use development projects with a residential component along Dixie Highway (between city limits) and North Powerline Road (between Atlantic Boulevard and NW 15th Street) must include a minimum of 80% Non-Income Restricted Units. See incentives and implementation requirements set forth in Section 155.4202.A.1.b.
- (3) When using County Policy 2.16.4, commercial and residential mixed-use shall be required and uses shall be mixed within the same building or horizontally on the same parcel.

(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 without the zoning density incentive, use mixing is not required.

(6) 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).

(B) Vertically integrated commercial uses shall be limited to floors below those used for residential uses, with exception for a top floor/rooftop eating or drinking establishment.

(C) Commercial principal uses shall be limited to:

(1) Eating or drinking establishments (including accessory outdoor seating areas);

(2) Professional/Medical office; and

(3) Retail sales and service uses.

viii. Access and Circulation

(A) Access shall be located off side streets or alley where feasible.

(B) Access is limited to one point per street frontage unless off an alley.

(C) The width of the points of access should not exceed 24 feet.

(D) No vehicular use area or parking shall be permitted in front of the primary façade and the street.

(E) A primary entrance providing pedestrian access shall be provided on the primary façade.

(F) Off-Street Parking reductions

(1) Multifamily dwellings 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.

(2) On-street parking, along the corresponding frontage lines touching the adjacent sidewalk to the property, may be used to satisfy a portion of the off-street parking requirements for all uses.

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 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.

- (B) Any developments fronting on Dixie Hwy between SW 3rd Street and SW 6th Street shall be permitted to include Multi-Family Residential as part of a Mixed-Use project as a principal use, regardless of underlying zoning district regulation.

ii. Reporting:

- (A) Owners of development projects that are subject to this section must provide an annual report in a form acceptable to the City verifying compliance with the income commitments.

~~A. B.~~ **Dwelling, Live/Work**

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~~B. C.~~ **Dwelling, Mobile Home**

...

~~C. D.~~ **Dwelling, Multifamily**

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~~D. E.~~ **Dwelling, Single-Family**

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~~E. F.~~ **Dwelling, Single-Family (Zero Lot Line)**

...

~~F. G.~~ **Dwelling, Two-Family**

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~~G. H.~~ **Dwelling, Mixed Use**

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~~H.~~ I. Family Community Residence

...

~~I.~~ J. Transitional Community Residence

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~~J.~~ K. Mobile Home Park

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SECTION 9. That Section 155.5602., “Commercial, Institutional, and Mixed Use Design Standards,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5602. COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS

...

B. Applicability

Except as otherwise provided in this Code, the standards in this section shall apply to the following:

1. All new commercial, institutional, B-4 zoning districts, and mixed-use development (as defined in Section Article 9: Part 5 Terms and Uses Defined), including large retail establishments.
2. Commercial, institutional, B-4 zoning districts, and mixed-use development required to obtain Major Building Design Approval.

C. General Commercial, Institutional, and Mixed-Use Design Standards

All commercial, institutional, industrial uses within a commercial zoning district, and mixed-use development subject to this section shall comply with the following standards:

1. **Business Activities to be Conducted in Enclosed Buildings**

...

7. Fenestration/Transparency

- a. At least 30 percent of the street-facing facade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways. This figure may be reduced to 20 percent of the first-floor front facade of a structure housing a large retail sales establishment.

...

- d. Street-facing facades of the ground level floor for all commercial, institutional, industrial uses in commercial zoning districts and mixed-use developments shall not include roll up doors.

...

SECTION 10. That Section 155.5603., "Industrial Design Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5603. INDUSTRIAL DESIGN STANDARDS

...

B. Applicability

Except as otherwise provided in this Code, the standards in this section shall apply to the following:

1. All new industrial development within an industrial zoning district.
2. Industrial Development within an industrial zoning district required to obtain ~~Major~~ Building Design approval.

...

SECTION 11. That Section 155.5605., "Parking Deck or Garage Design Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5605. PARKING DECK OR GARAGE DESIGN STANDARDS

...

C. General Parking Deck or Garage Design Standards

Multi-level parking deck or garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:

1. All levels of the parking deck or garage structure shall comply with the standards below.

...

5. Non-active facades along an interior property line and visible from neighboring active facades, shall provide either a. or b. below:

- a. a landscape buffer at least 10 feet wide including:
 - i. one canopy tree per 30 linear feet; and
 - ii. a continuous hedge at least four feet high along the facade; and
 - iii. one shrub per 10 linear feet; or
- b. the architectural treatments required by Section 155.5605.C.1.a

SECTION 12. That Section 155.9401., "Measurement," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.9401. MEASUREMENT

...

H. Yard Setback

1. Generally

Front, side, and rear yard setbacks on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot (See Figure 155.9401.H: Lot Dimensions.). Allowable encroachments into required yards shall be ignored when measuring yard setbacks (See Section 155.9402.C, Allowable Required Yard Encroachments.).

...

I. Measuring Required Distances Between Uses or Properties

- 1.** Unless otherwise specified in the code, when a specified distance is required between uses, the distance shall be measured using the shortest possible distance between the two property lines by airline route. City staff will use computer software capable of performing spatial analysis to approximate the distance between properties & uses.
- 2.** If contested, the applicant (at their expense) may submit a survey illustrating the true distance between property lines for the city to review. On determining that the applicant's survey is accurate, the Development Services Director may accept the survey in lieu of the estimated distance.

SECTION 13.

That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

...

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

IMPERVIOUS SURFACE

Land surface that does not allow, or minimally allows, the penetration of water. Examples are buildings and nonporous concrete and asphalt pavements.

INCOME RESTRICTED UNITS

Units that are restricted to certain income levels and cannot be rented or sold at prices based on what the unrestricted private market will bear.

...

NONCONFORMITY

A nonconforming use, structure, lot of record, sign, or site feature.

NON-INCOME RESTRICTED UNITS

Units that are not restricted to certain income levels and can be rented or sold at prices based on what the unrestricted private market will bear.

...

SECTION 14. 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 15. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 8th day of March, 2022.

PASSED SECOND READING this 22nd day of March, 2022.

DocuSigned by:

Rex Hardin

502CB780EB3E480

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:

Asceleta Hammond

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ASCELETA HAMMOND, CITY CLERK

MEB/jrm
3/22/22
L:ord/ch155/2022-115

DocuSigned by:

