

uses, the underlying Commercial land use category and the goals, objectives and policies in the Comprehensive Plan.

Given the information provided to the Board, as the finder of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board’s discretion.

Alternative Motion 1: Recommend approval of the rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use policies.

Alternative Motion 2: Table this application for additional information as requested by the Board.

Alternative Motion 3: Recommend denial as the Board finds that the request is not consistent with the aforementioned Future Land Use policies.

Staff recommends Alternative Motion 1.

Mr. Stacer asked if there were any questions of staff. There were none. He asked if the Applicant or owner wanted to make a presentation. He declined.

Mr. Stacer asked if anyone from the public wished to speak on this item. There were none. Mr. Stacer closed the public hearing.

(13:57)

MOTION by Carla Coleman and seconded by Joan Kovac that the Board find that competent, substantial evidence has been presented for application PZ #21-13000005 that satisfies the review standards for granting a Rezoning, and that approval is recommended to the City Commission. All voted in favor of the motion.

(14:52)

**2. [LN-185](#) ACCESSORY DWELLING UNIT CODE AMENDMENT
SECTION 155.4303**

Request:	Zoning Code Text Amendment to Section 155.4303
P&Z#	N/A
Owner:	City of Pompano Beach
Project Location:	N/A
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	N/A
Project Planner:	Jean E. Dolan, AICP, CFM

Ms. Jean Dolan, Principal Planner, introduced herself to the Board. She stated that this is a zoning code text amendment to allow accessory dwelling units in single-family zoning districts without having to calculate density as long as the owner agrees that if the unit is rented, it will be to low-to-moderate income individuals or families at rents affordable to those income groups. If the property owner does not want to commit to the affordable requirement, they can still build an accessory unit but the lot must be large enough to result in a total density of 1.5 units/acre. She stated that the State passed Chapter 163.31771 in 2011 which created the opportunity to for accessory dwelling units without calculating density in exchange for the commitment to provide affordable housing. Broward County adopted this policy in the Broward County Land Use Plan in 2017 and the City adopted the same policy in 2020 as part of the updated Comprehensive Plan. This final step to amend the zoning code is necessary for staff to fully implement this opportunity for affordable accessory dwelling units without a density calculation.

Mr. Stacer asked if the Board had any questions for staff.

Ms. Aycock asked if there were any changes to the table where this was listed as a permitted use. Ms. Dolan responded no there were no changes to where it was permitted.

Ms. Edge asked if there was a consideration for how long the income restrictions would be applied. Ms. Dolan responded said it would be in perpetuity as the restriction run with the land. Ms. Edge asked if the household size was relevant for this. Ms. Dolan responded yes; it is relevant. She stated you would only need to look at the 1–2-person size. Ms. Edge asked if the family size was relevant or if income is more relevant. Ms. Dolan responded the statute defines the income groups. These are updated every April and the owner would have to those annually. Ms. Edge asked if there was a way the city would be communicating this annual update to the applicants. Ms. Dolan responded staff can attach the most recent update to each application.

Ms. King asked if there would be any information on the website with the incomes. Ms. Dolan responded that the Office of Housing and Urban Improvement (OHUI) would be administering their programs using the same income criteria. It is likely on their website but staff can explore including it in in the website. Ms. King suggested that it would be helpful to be on the City’s website. Ms. King asked if there were any changes to the median incomes in the last 2 years, especially relative to the pandemic. Ms. Dolan responded that the income is evaluated by HUD annually for every year and every County. No interim information was provided in 2020 and if there was any downward adjustment due to the pandemic, it would be reflected in the 2021 data.

Ms. Coleman asked if these would be rental units, meaning not for purchase. Ms. Dolan responded yes. Ms. Coleman asked if this would not affect the ordinance in place that allows any homeowner to build a non-income restricted unit in their backyard. Ms. Dolan responded if a property owner had enough land to build the unit, he or she can build without needing the affidavit.

Ms. Edge asked if there are programs in place to assist the homeowner in identifying who the appropriate renters might be or would that be up to the individual owner to verify the income of a potential renter. Ms. Dolan responded that the individual homeowner would be self-administering this program as it relates to the income levels of the people they are renting to. She stated most of these units are rented to someone the homeowner knows.

Mr. Stacer asked if anyone from the public wished to speak on this item. There were none. Mr. Stacer closed the public hearing.

(23:34)

MOTION by Carla Coleman and seconded by Tobi Aycock that the Board recommend approval of the code amendment to the City Commission. All voted in favor of the motion.

- 3. [LN-60](#) **400 EAST ATLANTIC BOULEVARD MAJOR SITE**
PLAN Request: Major Site Plan
P&Z# 20-12000027
Owner: Atlantic Estates, LLC
Project Location: 400 E Atlantic Blvd
Folio Number: 494201010010 & 494201000311
Land Use Designation: ETOC (East Transit Oriented Corridor)
Zoning District: TO/EOD (Transit Oriented East Overlay District)
Commission District: 3
Agent: Matthew Scott (561-405-3350)
Project Planner: Pamela Stanton (954-786-5561)
 / pamela.stanton@copbfl.com