



Staff Report

**File #:** LN-223

PLANNING AND ZONING BOARD

Meeting Date: JANUARY 26,2022

**TEXT AMENDMENT COMMERCIAL MIXED-USE CORRIDORS**

**Request:** Text Amendment  
**P&Z#** N/A  
**Owner:** N/A  
**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:** Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

**Summary:**

At the February 24, 2021 Planning and Zoning Board meeting Chair Fred Stacer began a discussion related to the City’s interest in beautifying the Dixie Hwy Corridor. Following the city’s investment in the roadway itself through the GO Bond program, Mr. Stacer provided that the expectation of quality design from new development should increase. These discussions kicked off an initiative that evolved into an Economic Development Council (EDC) led Dixie Highway Task Force. This task force adopted the goal of encouraging mixed-income and mixed-use development along the corridor. Opportunities such as the Broward County affordable housing incentive policies (Policies 2.16.3 and 2.16.4, described below) and the City’s Mixed-Income Housing Policy (Resolution 2022-46, described below) became critical to the approach of the Task Force. The result of this initiative is a recommended text amendment to the City’s Code of Ordinances to incentivize quality designed mixed-use, mixed-income developments along applicable corridors.

**Broward County Affordable Housing Incentive Policies**

Additional residential entitlements are made possible by the Broward County’s recent policy changes related to affordable housing.

Broward County Policy 2.16.3 (Exhibit “A”) allows additional density in residential land use categories when affordable housing is included. A summary of policy is provided below:

- Allows additional density in residential land use categories for projects that include affordable housing up to 50% of land use density or 100% of land use density if very low and low income units are provided as follows:
  - 19 bonus units for every very low income unit (5% very low income project);

- 9 bonus units for low income unit (10% low income project);
- 6 bonus units for every moderate income unit (14.3% moderate income project);
- The affordable housing must be deed restricted for 30 years;
- This policy can be applied everywhere, even on the Barrier Island.

Broward County Policy 2.16.4 (Exhibit “B”) allows unlimited density (which is actually limited by the zoning district) in “Commerce” and “Activity Center” land use categories for projects on State Roads or County Arterials (see map) west of the Intracoastal that include affordable housing using the same density bonuses as in policy 2.16.3:

- 19 bonus units for every very low income unit (5%);
- 9 bonus units for every low income unit (10%);
- 6 bonus units for every moderate income unit (14.3%).
- 10% of gross floor (excluding parking garage) must be office or retail which is not accessory to the residential use
- Buyout of the affordable requirement is \$42,876 for EVERY UNIT built (City gets half of this amount and County gets the other half)
- Deed Restricted for 30-years

Density limited by Zoning (not included in policy but it is the limiting factor). Our B-3 commercial zoning district limits density in Commercial land use to 46 units per acre.

### **Mixed Income Housing Policy - Resolution 2022-46**

The proposed text amendments are required to implement the City’s Mixed Income Housing Policy, which was adopted on December 14, 2021, by Resolution 2022-46 (Exhibit “C”). The Mixed Income Housing Policy was based on the findings and data of a 2017 Housing Study, a 2021 Update to the Housing Study, and the data on which both studies are based, together with the County’s policies contained in Broward Next. As noted in the 2021 Housing Study Update, Pompano Beach is the third highest municipality in terms of proportionate share of total income restricted units to non-restricted units and Pompano has the highest total number of income-restricted housing units in the entire County, even greater than Fort Lauderdale which has twice as many total housing units as compared to Pompano. The purpose of the City’s Housing Policy is to encourage affordable housing as well as provide for relief from the adverse impacts of the concentration of income restricted housing within the City.

The policy directs staff to prepare appropriate legislation to implement Broward County Policy 2.16.4 pursuant to Section 2.16.4(10) which allows the City to adopt additional restrictions. The policy specifies that on Dixie Highway (throughout the city limits) and Powerline Road (between Atlantic Boulevard and NW 15th Street), non-accessory commercial uses are required on the ground floor of any development and residential housing shall contain a minimum of 80% non-income restricted units. To incentivize the use of this more restrictive policy, the City shall offer a 50% bonus on the density allowed in the applicable zoning category, which is primarily B-3. This zoning district allows 46 du/ac, which will be increased to 69 du/acre. The policy further specifies that for all other applicable commercial corridors, the City will apply County policies 2.16.3 and 2.16.4 as written without restrictions on income mixing. The City shall adopt design guidelines for all projects taking advantage of the Broward County policies 2.16.3 and 2.16.4.

**Dixie Highway Task Force**

The Dixie Highway Task Force is a committee assembled by EDC Chair Tom DiGiorgio. The first meeting of the task force occurred on July 6, 2021 where Planning and Zoning Board Chair Fred Stacer was appointed Chair of the Task Force. The Task Force met five times to establish a goal of creating mixed-income / mixed-use regulations for application along Dixie Highway. In the end, the approach determined for Dixie Highway is proposed for all applicable corridors, with additional requirements and incentives in those areas where deconcentration of poverty has been identified as a priority.

Dixie Highway Task Force Members

**EDC Members:**

Chair Fred Stacer  
Tom DiGiorgio Jr.  
Kim Briesemeister  
Jay Ghanem  
Joe Usman  
Whitney Rawls  
Bill Gallo  
Gerry Stryker  
Chris Metzger

**Staff Members:**

Earl Bosworth  
Brian Donovan  
David Recor  
Jennifer Gomez  
Jean Dolan  
Max Wemyss  
Nguyen Tran  
Chris Clemens

**Meetings:**

July 6, 2021 Kickoff  
July 27, 2021  
August 10, 2021  
August 24, 2021  
September 21, 2021

**Proposed Text Amendments**

The complete strikethrough and underline format of the proposed text amendments are provided in Exhibit “D”.

General Approach

1. Allow for residential entitlements using the Broward County affordable housing policies as well as Flexibility and Redevelopment Units.
2. Adopt specific standards for implementing Broward County policies 2.16.3 and 2.16.4 and Flexibility and Redevelopment Units.
  - a. Include requirements for Dixie Highway and North Powerline Rd. and areas within a half-mile of an existing subsidized project
  - b. The other standards can then be applied to any property on any eligible corridor.

Regulation Summary

1. Height transitions / Density Clustering.  
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.
2. Reduced Floor Area Sizes.  
Floor area minimums for all unit types are reduced to be consistent with the minimum requirements of mixed-use / high-density zoning districts
3. Increased lot coverage / reduced pervious area to enable development to take advantage of density bonuses while still accommodating other development constraints, i.e., landscaping, parking, stormwater management, etc.
4. Modified setbacks and building placement to create a consistent building line along active pedestrian friendly corridors.
5. Additional standards for commercial/ residential mixed use.

- a. Vertically integrated retail required
- b. Limited commercial uses (restaurants, office, retail)
- c. Access and circulation standards
6. Dixie Highway and North Powerline Road (Atlantic Blvd to NW 15<sup>th</sup> Street).
  - a. 80% non-income restricted required
  - b. 50% zoning density bonus
7. Within ½ mile of income-restricted housing - Must include 50% unrestricted

**Amended standards**

1. Commercial design standards for industrial uses within a commercial zoning districts - All mixed-use and non-residential development within a commercial zoning district, regardless of its use classification (commercial, institutional, industrial, mixed-use) are required to follow the commercial design standards. Now a warehouse within a B-4 zoning district will be required to follow commercial design standards rather than industrial design standards.
2. Additional parking garage standards - Non-active facades along an interior property line and visible from neighboring active facades must provide either a landscape buffer or architectural treatments.

**Flexibility Unit and Redevelopment Unit Changes:**

1. Dixie Highway and North Powerline Road - Must include 80% unrestricted
2. Within ½ mile of income-restricted housing - Must include 50% unrestricted
3. Projects that meet the above are eligible for 50% zoning density incentive if they provide mixed-use
4. All other areas - continue to provide 15% affordable or payment of in-lieu of fee for every flex or redevelopment unit
5. Changes to commitments or conditions of resolution must be re-reviewed by City Commission

**Conclusion:**

The proposed text amendment is intended to implement the requirements of the Mixed Income Housing Policy. As mentioned, the text amendments are the result of a collaborative effort between the Planning and Zoning Board and the Dixie Highway Task Force established by the Economic Development Council.

Staff recommends approval.

**AFFORDABLE HOUSING BONUS DENSITY****POLICY 2.16.3**

(1) Bonus residential density may be allocated to facilitate the development of affordable housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- Moderate-income persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.\*

- Low income persons having a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for households within the county.\*

- Very-Low income persons having a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county.\*

\*While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.

**(2) Bonus Formulas**

*Moderate-income:* Six (6) bonus units per every one (1) "moderate-income" unit (including areas east of the Intracoastal Waterway).

*Low-income:* Nine (9) bonus units per every one (1) "low-income" unit (including areas east of the Intracoastal Waterway).

*Very-Low-income:* Nineteen (19) bonus units per every one (1) "very-low-income" unit (including areas east of the Intracoastal Waterway).

(3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner-occupied housing.

(4) The total number of bonus affordable and bonus units may not exceed 50% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. However, for "very-low or low-income" units, the total number of bonus affordable and bonus market rate units may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. For parcels designated "Commerce" or similar designation on the local land use plan map, these percentages shall not be applicable.

(5) At the time of allocation of bonus density, the applicable local government must make a finding that adequate public facilities and services are in place, or will be in place with completion of project construction, to accommodate all bonus and affordable units.

(6) Allocations of bonus residential density does not require an amendment to the Broward County Land Use Plan or local land use plan.

(7) Units of local government may utilize the Bonus Density provisions regardless of whether such provisions are incorporated within their certified local land use elements.

(8) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing tables reflecting bonus density units allocated.

(9) Bonus "affordable" unit and bonus unit construction is subject to the following, as enforced by the applicable local government:

a. One hundred percent (100%) of bonus "affordable" units must receive certificates of occupancy before the final fifty percent (50%) of bonus units receive their certificate of occupancy; or

b. The local government must require that bonus "affordable" units are available before or concurrently with bonus units.

(10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

**AFFORDABLE HOUSING BONUS DENSITY****POLICY 2.16.4**

Within parcels located west of and including US 1\*, and designated "Commerce" on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, or within a parcel designated "Activity Center," multi-family residential use is permitted in addition to that permitted otherwise in those designations by this Plan, subject to the following:

(1) One or more of the affordable housing categories, as defined by this Plan, must be a component of the residential development based on the following "bonus" units to "affordable" unit formula(s) described below:

- (a) Moderate income: six (6) bonus units for every (1) one moderate income unit.
- (b) Low income: nine (9) bonus units for every (1) one low income unit.
- (c) Very-low income: nineteen (19) bonus units for every (1) one very-low income unit.

(2) Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of all bonus units in the development project.

(3) Single-family dwelling units are not permitted. As per Policy 2.2.6 of the Broward County Land Use Plan, studio or efficiency housing units, no greater than 500 square feet in size, may be counted by the local government as 0.5 dwelling units for residential density purposes.

(4) These additional permitted residential density provisions are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, at a minimum through the use of restrictive covenants, that the affordable unit(s) will be maintained as affordable to the applicable designated income group(s) for a minimum period of thirty (30) years.

(5) Within a development containing residential units, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved or utilized for office or commercial uses not ancillary to the residential units.

(6) "Affordable unit" requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund\*\* based on the Florida Housing Finance Corporation (FHFC) most recent "Total Development Cost Per Unit Base Limitations," as updated by the FHFC. The per unit in-lieu payment option shall be the Broward County FHFC average of the "garden ESS," "mid-rise ESS" and "high rise" total development cost (*the average is currently \$300,133*), divided by 7.

(7) Units of local government may utilize the additional permitted residential density provisions described in this Policy, at their option, regardless of whether such provisions or conflicting provisions are incorporated within their certified local land use plan elements and utilization of these provisions does not require an amendment to the Broward County Land Use Plan map or local land use plan map.

(8) Local government utilization of the additional permitted residential density provisions described in this Policy is subject to the following, as enforced by the applicable local government: (a) One hundred percent (100%) of the "affordable" units shall be available for occupancy before the final twenty-five percent (25%) of bonus units are available for occupancy.

(9) In addition to the provisions of this Policy, parcels designated "Commerce" and meeting the location, frontage, and access requirements of this Policy or within an Activity Center, where the residential development will be located within ¼ mile of a State road, County arterial, or other road or portion thereof, as approved by Board of County Commissioners ("Board"), the Board shall consider the following in the review of funding applications submitted by local governments for future public infrastructure and economic development projects:

- (a) Local government adoption of this Policy into the municipal Comprehensive Plan;
- (b) Local government adoption of specific regulations, in the municipal zoning and/or land development code, to allow allocation of additional residential density units as a permitted use, by right, within specific zoning district(s);
- (c) Local government adoption of specific regulations to implement the provisions and criteria of this Policy, including:
  1. Establishment of a minimum net residential density of twenty-five (25) dwelling units per acre;
  2. Where a building is located within 100 feet of any parcel which prohibits, through the applicable zoning regulations, residential development of ten (10) dwelling units per gross acre or more, the local government may establish a maximum building height limit of not less than five (5) stories; and
  3. The zoning regulations that establish reduced on-site parking to accommodate the mixed uses.

In order for a local government's funding application(s) for future public infrastructure and economic development projects to be eligible for consideration by the Broward County Board of County Commissioners under any section of this Policy which provides additional funding to local governments based upon their compliance with Section (9) of this Policy, the Planning and Development Management Division, in consultation with the Office of the County Attorney, must certify that all the foregoing requirements of this Section (9) have been satisfied.

(10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced Policy.

\* includes all parcels that front and have direct access to US 1 and, at the option of the applicable municipality as a permitted or special exception use, on parcels east of US 1 and west of the Intracoastal Waterway, provided the municipality makes a finding that the additional dwelling units on said parcels will not negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. A local government is not required to apply this Policy to properties east of US 1 in order to be eligible for funding consideration by the Board of County Commissioners pursuant to Section (9) herein.



\*\*Fifty percent (50%) of in lieu fees may be paid into an Affordable Housing Trust Fund or to the housing authority of the applicable municipality, provided the municipality or housing authority requires said monies to be used for the construction of new affordable units or home repair.

# EXHIBIT "C"

RESOLUTION NO. 2022- 46

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE MIXED INCOME HOUSING POLICY FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the City of Pompano Beach adopts the Mixed Income Housing Policy, attached hereto and incorporated by reference as if set forth in full.

**SECTION 2.** That City officials and city staff are hereby directed to implement said policy.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this 14th day of December, 2021.

DocuSigned by:  
*Rex Hardin*  
502CB780EB3F480...  
**REX HARDIN, MAYOR**

**ATTEST:**  
DocuSigned by:  
*Asceleta Hammond*  
62AB0835850F4A1...  
**ASCELETA HAMMOND, CITY CLERK**

/jrm  
12/6/21  
l:reso/2022-56



## **MIXED INCOME HOUSING POLICY**

The City of Pompano Beach (City) and the Pompano Beach Community Redevelopment Agency (CRA) are both committed to ensuring that there is an adequate supply of affordable housing within the City. The purpose of this Mixed Income Housing Policy is to foster the commitment to encourage affordable housing as well as provide for relief from the adverse impacts of the concentration of affordable housing within the City. Notably, the City is the third highest municipality in terms of proportionate share of total income restricted units to non-restricted units and is only second to Fort Lauderdale in the total number of income-restricted housing – both of which far exceed any other municipality in the County.<sup>1</sup> Significantly, out of 31+ municipalities in Broward County, there are 10 municipalities that do not have any income restricted development.<sup>2</sup>

### **BACKGROUND**

#### 1. The Lambert Studies

The City hired Lambert Advisory (Lambert) to evaluate the City's market rate and affordable housing markets. Specifically, Lambert was engaged to provide an evaluation of inventory aimed at determining the rent-restricted, subsidized and market-rate housing inventory and conditions at the citywide, CRA and neighborhood level; to provide an assessment which analyzed both the subsidized, rent-restricted and market rate housing inventory and opportunities for investment at the Citywide and neighborhood level; and to provide strategy and policy recommendations.

Lambert completed the evaluation and furnished the City with a study entitled "Affordable Housing Study Summary Findings" dated May 17, 2017 (the Study). A concern raised by the Study was that "a large proportion of low-income tax credit housing (LIHTC) units are being developed in census tracts where there is already a concentration of existing rent restricted or subsidized units."

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<sup>1</sup> Affordable Housing Study Summary Findings May 17, 2017, and Pompano Beach Housing Study Update April 2021

<sup>2</sup> *Id.*

The Study also found that “[C]oncentration of low-income families has a very real impact on families and neighborhoods” and that policies which promote the production of rent restricted affordable housing must do so in a way which concurrently encourages deconcentration of that housing.”

Appendix A to the Study identified several long-term studies which have tracked low income children who grew up in poor neighborhoods versus low income children who grew up in middle income neighborhoods and have “clearly found that, everything else being equal, a low income child who grows up in a middle income neighborhood will have significantly more earnings as an adult than if the same child was to grow up in a low income neighborhood.”

The Study found that “deconcentration of poverty is a central poverty fighting tool and following the publishing of these studies, the U.S. Department of Housing & Urban Development refined its deconcentration policies and requirements in 2016.

Because of the research conducted as part of the Study, Lambert made several policy recommendations including the following:

- The City should review the 2015-2019 City Consolidated Plan to determine whether it facilitates the City’s deconcentration objectives as is or requires modification. If the plan requires modification, the City should modify the City’s Consolidated Plan to delineate census tracts consistent with the Census tracts in Figure 2 of the Study. For those tracts within excess of 20 or 30 percent poverty, income restricted units should be discouraged except in the case of homeownership units targeted to families between 50 and 80 percent of median income in order to further the City’s deconcentration objectives;
- The City should approve local match/support required by the State within LIHTC applications only if the proposed LIHTC units are in census tracts where less than 20% of the rental units are rent restricted and poverty rate is below 20%.
- In addition to supporting deconcentration of low income housing the converse also is a benefit as it relates to community reinvestment and development. The City and CRA should continue to encourage the development of market rate housing and mixed-income housing within lower income neighborhoods.

On January 26, 2021, by Ordinance No. 2021-36, the City Commission adopted a temporary moratorium to enable the City sufficient time to review and evaluate deconcentration policies, hold public hearings and adopt an amendment or amendments to the City’s Code of Ordinances, Consolidated Plan,

Comprehensive Plan and/or Zoning Code, relating to the development of affordable housing within the City (the Ordinance). A further purpose of the Ordinance was to fulfill the City's constitutional charge and statutory obligations to protect and preserve the public health, safety and welfare of the citizens of the City, including the enactment of proper zoning regulations for such purpose, and thus defer official government action until the City has properly held public hearings and adopted amendments to the City's Code of Ordinances, Consolidated Plan, Comprehensive Plan and/or Zoning Code, where necessary.

Following enactment of the Ordinance, the City again engaged Lambert to update the Study to assist City staff with developing an appropriate policy and accompanying regulations to achieve deconcentration of affordable housing. The updated study, entitled "Pompano Beach Housing Study Update – Summary Comparison of Key Housing Market Metrics between Original Study (2017) and Update (2021) was completed in April 2021 (the Updated Study).

As with the Study, the Updated Study made several key findings in support of its policy recommendations. The Updated Study found that the Rental Affordability gap at both the City and County level continues to widen at a significant rate. "Specific to the City, the rental affordability gap for low and very low-income households (below 58 percent median income), increased more than 25 percent between the Original Study and Update analysis."

Additionally, in the City, "the median listing price among single family homes sky-rocketed from \$294,000 to \$529,000 (a 13% average annual increase) between the two study periods." In addition to this increase in median listing price, there were 65% fewer single family homes listed for-sale in the first quarter of 2021 as opposed to the 1st quarter of 2016.

As for the rental market, "the City's occupancy tightened further from 95 to 96 percent between the two study periods." The average monthly rental rates "increased from \$1,490 to \$1,830; or a 5.2 average annual increase which is among the strongest in the County." According to the Updated Study, this trend in the rental market, "in light of the pandemic, clearly illustrates a compounding challenge to affordability for moderate income families."

The Updated Study also found that since 2016, there have been a total of five market rate developments (896 units) and three new income-restricted developments (319 total units) within the City. “This represents nearly 35 percent of the City’s new multifamily housing comprising income restricted development. Comparatively, the County added more than 15,000 new market rate units, of which approximately 12% were income restricted.

As stated above, “Pompano Beach has remained the third highest municipality in terms of proportionate share of total income restricted to non-restricted housing” and “is only second to Fort Lauderdale in the amount of income-restricted housing –both of which far exceed any other municipality in the County.” Please refer to Exhibit “A” *Broward County Cities with Income Restricted Properties*, for a complete table of Broward municipalities, the number of income restricted projects, number of income restricted units, and ratio of income restricted units to total units.

Literature from US HUD and two other major studies “make it clear why policies which promote the production of rent restricted affordable housing must do so in a way which concurrently **encourages deconcentration of that housing**. (Emphasis supplied). These long-term studies, “which have tracked low-income children who grew up in poor neighborhoods vs. low-income children who grew up in middle income neighborhoods clearly found that, everything being equal, a low income child who grows up in a middle income neighborhood will have significantly more earnings as an adult than if that same child was to grow up in a low income neighborhood.”

As with the Study, the Updated Study made several recommendations to the City. They are:

- Continue to encourage the inclusion of affordable housing units in market rate housing developments in more affluent areas of the City;
- Increase the per unit bonus cost to a level which approaches the actual difference in value to building vs. paying into a fund from \$2,333 to a range of \$6,000 to \$6,100 and revisit the fee every three years;
- Continue to embrace and enforce Broward County affordable housing policies related to strengthening the mix of incomes in market rate housing as new product is development throughout the City;

- Either place a radius restriction between new wholly or nearly wholly income restricted developments or require the inclusion of a significant number of non-income restricted housing in otherwise income restricted developments built in areas where a concentration of income restricted housing already exists;
- Advocate at the County and State for policies that strongly encourage the development of 15 to 20 percent of income restricted units in developments built in middle income and affluent neighborhoods, particularly in jurisdictions that have a very limited number of income restricted units already.

## 2. Existing City Programs

The City implements extensive policies and programs that have resulted in the success of the Affordable Housing Trust Fund (AHTF) and other policies that have the intent of increasing the supply of affordable housing on a scale that will not result in the concentration of poverty.

The AFHT regulations have only existed for eight years, and have resulted in over \$6 million dollars in collections (from both in-lieu-of fees and proceeds from the OHUI sales of single-family homes). If 100% of the committed in-lieu-of fees are collected, this amount will exceed \$10 million. Based on the units built with these funds (29 SF homes), the affordable units built or committed by the private sector in areas approved as LUPAs or projects including flex units (1,951 units), and administrative flex units issued for single-family and duplex units (24), a total of 2,004 units of affordable housing have been built or committed over this eight year time period.

The housing policies that result in the Affordable Housing Trust Fund activity include:

- The requirement that all land use plan amendments that create over 100 units in new residential entitlements restrict 15% of those units to be affordable or contribute to the AHTF;
- Projects that receive flex units must commit some or all of those units to be affordable or contribute to the AHTF (except when less than one acre and/or in the AOD);

- The use of the AHTF monies to build and sell single-family homes to qualified families results in proceeds from those sales that are placed back into the AHTF and create a renewable source of funds for additional affordable housing projects.

Other existing policies that increase the supply of affordable housing include:

- The City has recently amended the Code to allow Single-Family homes to be constructed in B-2 zoned commercial districts with the allocation of flex units. The policy results in unrestricted housing that due to their relatively small scale are likely to be in the affordable price range.
- The City has also adopted a policy that allows the administrative allocation of flex units for use in developing duplex units in both B-2 and in areas zoned for duplex but which are platted into lots that do not meet the minimum lot size for duplex. This results in additional affordable units that are compatible with the remainder of the street frontage even when they don't have the density by right.
- The City is in the process of adopting an ordinance that allows for the development of accessory dwelling units without a density calculation in single-family areas. Assuming this ordinance passes, it will be in effect in January, 2022 and the City will start tracking the number of affordable units created as a result.

3. Land Use and Affordable Housing Analysis Map

The Florida Housing Finance Corporation typically requires ½ mile separation between Low Income Housing Text Credit projects in Broward County. In order to gain an understanding of the City's existing clusters of income restricted housing, City staff created a map of all known income restricted



housing development and drew a ½ mile buffer surrounding each project. The resulting map entitled “Land Use and Affordable Housing Analysis Map” is included as Exhibit “B”.

4. Comprehensive Plan

The City of Pompano Beach updated Comprehensive Plan was adopted October 27, 2020. A central theme within the Housing Element of the Comprehensive Plan is to encourage the de-concentration of poverty. To this end, the City established several affordable housing objectives and polices as follows:

- Policy 03.01.05: Affordable housing will be promoted in a manner which reflects the relative needs of all groups in the city and is oriented toward the goal of deconcentrating poverty and low income tax subsidized housing projects.
- Objective 03.03.00 – Land for Affordable Housing: The City shall continue to provide adequate sites for very-low, low and moderate income housing and manufactured homes through the long term planning horizon in a manner that supports the goal to deconcentrate poverty.
- Policy 03.03.01: The City shall continue to include Land Use Plan and Zoning Code designations which allow for manufactured homes. Development proposals shall be reviewed with regard to compatibility to adjacent or surrounding uses and the extent to which the proposal will aid in the de-concentration of poverty, if applicable.
- Policy 03.03.02: Through the review of development proposals, the City shall support public and private sector efforts to create and/or preserve affordable housing for very-low, low and moderate-income groups in areas designated for residential land use for future and current residents recognizing the need for distance separation for subsidized low income tax credit projects of no less than one-half mile. Review of such proposals shall be based on overall compatibility with

already established residential areas, the extent to which the location supports the de-concentration of poverty, and consistency with the land development code.

- Policy 03.03.03: To meet the goal of de-concentration of poverty, the City will continue to follow all State agency regulations in regard to locating subsidized housing while requiring the distance separation described by the Florida Housing Finance Agency funding guideline that defines a one-half mile radius separating Low Income Housing Tax Credit projects from each other.
- Policy 03.07.02: The City's Affordable Housing Advisory Committee (AHAC) shall periodically review the land development regulations to assess potential areas of improvement in the provision of affordable housing in the city consistent with the goal to deconcentrate poverty.
- Policy 03.07.03: Encourage the City's Office of Housing and Urban Improvement, Community Redevelopment Agency and the Pompano Beach Housing Authority to improve the coordination between public and private sectors involved in housing production for all residents including those with very-low, low and moderate incomes in a manner which implements the goal of de-concentration of poverty while mitigating the negative effects of major redevelopment.

5. Broward County Housing Policies

In June 2017, Broward County published “Broward Next – Highlighted Regional Issues” (Broward Next). Broward Next describes Broward County’s affordable housing vision. In summary, Broward Next states: “...the County is committed to support and employ a variety of policies and programs to maximize the attainability of housing for persons and households of moderate to lower incomes.” To this end, the County established several affordable housing strategies as follows:

- Strategy AH-1: Support sustainable funding sources to develop and/or rehabilitate affordable housing.
- Strategy AH-2: Support private, non-profit and governmental sector development of housing which utilizes construction techniques affording significant costs savings, while meeting the Florida Building Codes, including resiliency to hurricane-level storms.

- Strategy AH-3: The Broward County Land Use Plan shall include an Affordable Housing Density Bonus Program, including promoting a supply of smaller, traditionally affordable units, such as efficiency/studio occupancy units.
- Strategy AH-4: Municipalities shall adopt a comprehensive strategy to ensure a sufficient supply of affordable housing to help meet the needs of our population and economy.
- Strategy TR-1: Prioritize new development and redevelopment to existing and planned downtowns and major transit corridors and transit hubs.

As part of its implementation strategies, the County adopted several affordable housing incentives.

The County adopted Policy 2.16.3, which provides bonus residential density for the development of affordable housing for persons within specified income categories as defined in the Broward County Land Use Plan within residential land use categories.

Additionally and significantly, the County adopted Policy 2.16.4, Additional Permitted Residential Density dealing with “Commerce” and “Activity Center” land use categories. The policy provides in pertinent part:

Within parcels located west of and including US 1\*, and designated “Commerce” on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification Map, or other road or portion thereof, as approved by the Board of County Commissioners, or within a parcel designated “Activity Center,” multi-family residential use is permitted in addition to that permitted otherwise in those designations by this Plan, subject to the following:

What follows the statement of policy are ten criteria which apply to the Additional Permitted Residential Density policy. The most significant for the City of Pompano Beach is (10) which states:

- (10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced Policy.

This opportunity for local government to be more restrictive is important because the City has several commercial corridors, including Dixie Highway, North Powerline Road (between Atlantic Boulevard and NW 15<sup>th</sup> Street), where redevelopment potential exists and additional restrictions are in the best interest of the development of those corridors. In particular, these corridors are targeted for mixed use that includes an emphasis on retail and commercial and are not well-suited to a housing project that is

wholly or near-wholly affordable due to the redevelopment potential and the proximity to existing income restricted housing and the City's expressed goal of de-concentrating poverty

## **POLICY**

Having carefully considered the Study, the Updated Study and the data on which both studies are based, together with the County's policies contained in Broward Next, the City of Pompano Beach adopts the following as its Mixed Income Housing Policy:

1. Effective immediately, the City shall promote the deconcentration of poverty by prohibiting any City department from providing discretionary financial or non-financial support for any development project that has less than 50% non-income restricted housing units that elects to locate within a one-half (1/2) mile radius from a development project that contains less than 50% of non-income restricted housing units. Non-financial support includes project demand-related utilities, drainage, parking, lighting, road improvements, streetscapes and any other type of non-monetary support. This shall not apply to any existing City commitments.
2. Effective immediately, the City's Mixed Income Housing Policy shall apply equally to the CRA. The CRA is prohibited from providing discretionary financial or non-financial support, as defined above, for any development project that has less than 50% non-income restricted housing units that elects to locate within a one-half (1/2) mile radius from a development project that contains less than 50% of non-income restricted housing units. This shall not apply to any existing CRA commitments.
3. As soon as practicable, City staff shall prepare appropriate legislation to provide that as to Broward County Policy 2.16.4, the City intends to utilize its discretion to be more restrictive on its commercial corridors than the County's policy pursuant to Section 2.16.4(10). The legislation shall provide that on Dixie Highway and Powerline Road (between Atlantic Boulevard and NW 15<sup>th</sup> Street), non-accessory commercial uses are required on the ground floor of any development and residential housing shall contain a minimum of 80% non-income restricted units. To incentivize the use of this more restrictive policy, the City shall offer a 50% bonus on the density allowed in the applicable zoning category, which is primarily B-3. This zoning district allows 46 du/ac which will be increased to 69 du/acre.
4. For all other applicable commercial corridors, the City will use available density bonus programs provided in the County Land Use Plan to increase the supply of affordable housing without a requirement for income mixing. The City shall, however, adopt design guidelines for all projects taking advantage of the Broward County policies 2.16.3 and 2.16.4.
5. The City will implement Broward County Policy 2.16.3 to use available density bonus programs provided in the County Land Use Plan to increase the supply of affordable housing without a requirement for income mixing.

6. In addition to density bonuses provided by the County and to the extent practicable, the City and CRA may provide economic incentives to housing development projects that provide 80% non-income restricted housing units.

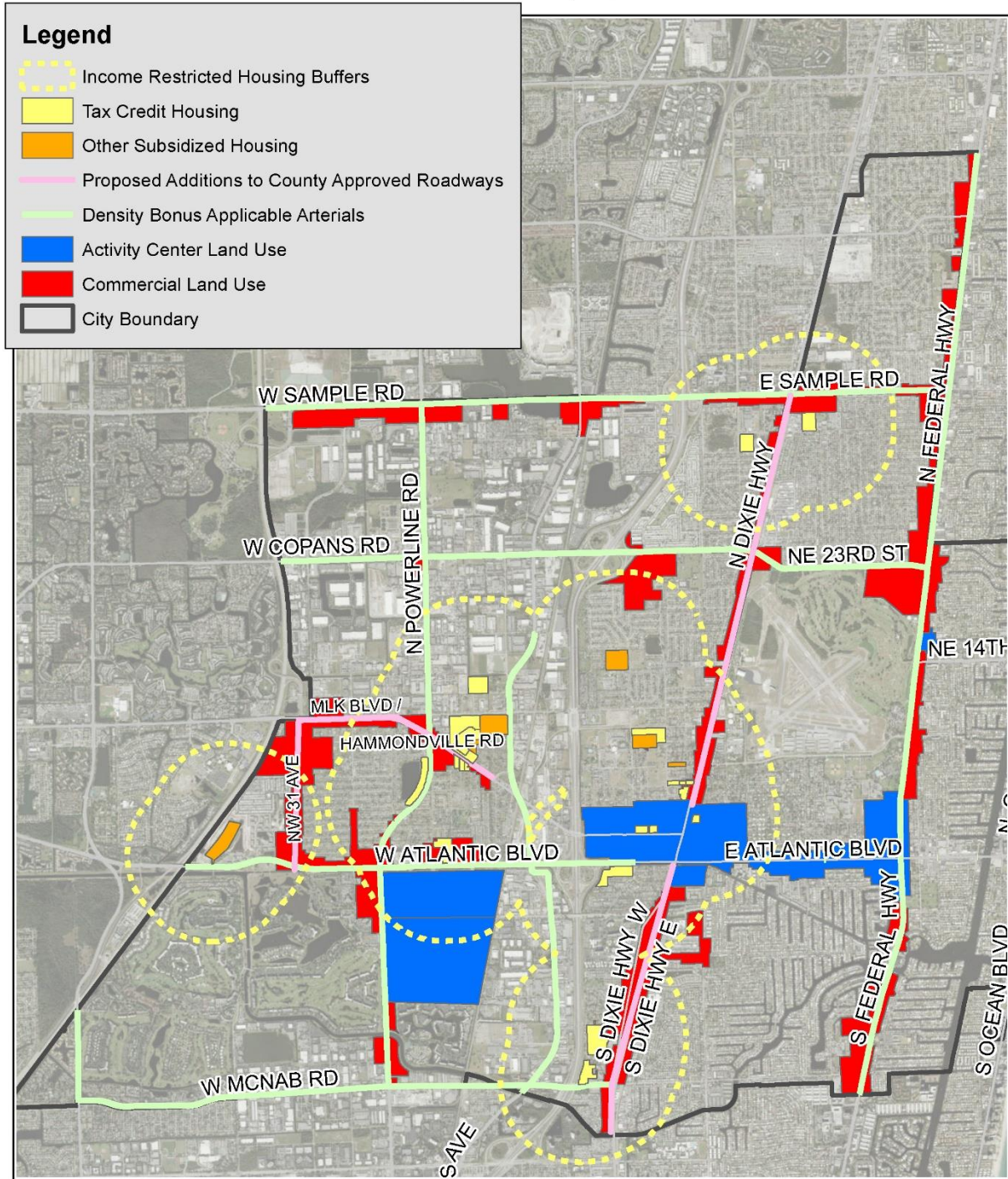
## Exhibit "A"

## HUD- Broward County Cities with Income Restricted Properties

<b>2018</b>					
City	Properties	Income Restricted	Est. 2018 Housing Units	Inc. Restricted Unit: Total Unit Ratio	Percent Income Restricted
Pembroke Park	3	620	3,647	1:6	17.0%
Lauderhill	3	1166	26,483	1:23	4.4%
Pompano Beach	13	2,140	54,163	1:25	4.0%
Lauderdale Lakes	3	528	14,197	1:27	3.7%
North Lauderdale	2	532	14,496	1:27	3.7%
Cooper City	1	300	11,712	1:39	2.6%
Ft. Lauderdale	14	1,941	96,444	1:50	2.0%
Miramar	3	772	44,205	1:57	1.7%
Oakland Park	1	312	18,615	1:60	1.7%
Hallandale Beach	2	450	28,021	1:62	1.6%
Hollywood	7	1,063	69,710	1:66	1.5%
Weston	1	300	25,041	1:83	1.2%
Coconut Creek	1	300	27,294	1:91	1.1%
Deerfield Beach	5	347	41,609	1:120	0.8%
Sunrise	2	300	37,394	1:125	0.8%
Tamarac	1	240	31,084	1:130	0.8%
Dania Beach	1	96	15,433	1:161	0.6%
Margate	1	159	26,799	1:169	0.6%
Coal Springs	1	219	44,720	1:204	0.5%
Davie	2	127	39,239	1:309	0.3%
Plantation	1	87	37,731	1:434	0.2%
<b>Total</b>	<b>68</b>	<b>11,999</b>	<b>708,037</b>	<b>1:59</b>	<b>2.4%</b>

### Exhibit "B"



## Land Use Affordable Housing Analysis Map





**ARTICLE 3: ZONING DISTRICTS**


**155.3302. LIMITED BUSINESS (B-1)**


A. Purpose		Typical Building Type
<p>The Limited Business (B-1) district is established and intended to accommodate primarily small-scale, low-intensity office, institutional, personal service, and retail sales uses that primarily serve the needs of residents of the immediately surrounding neighborhood (e.g., professional and business offices, business services, banks, restaurants), as well as serving institutional uses (e.g., child care facilities, places of worship). It also accommodates complementary residential uses moderate-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities. The district generally serves as transitional zoning between more intensive commercial development and low- and medium-density residential neighborhoods.</p>		
B. Use Standards		
<p>See <a href="#">Appendix A</a>: Consolidated Use Table, and use-specific standards in <a href="#">Article 4</a>: Use Standards.</p>		
C. Intensity and Dimensional Standards <sup>1</sup>		
Lot area, minimum (sq ft)	7,000 <sup>2</sup>	Typical Lot Pattern
Lot width, minimum (ft)	70 <sup>2</sup>	
Density, maximum (du/ac)	20 <sup>2,3</sup>	
Lot coverage, maximum (% of lot area)	35 <sup>2</sup>	
Pervious area, minimum (% of lot area)	20 <sup>2</sup>	
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 <sup>2</sup>	
Rear yard setback, minimum (ft)	30	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in <a href="#">Article 4: Part 3</a> .	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in <a href="#">Article 9:Part 4</a>.</p> <p>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.</p> <p>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 <a href="#">Chapter 154</a>, <u>Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</u></p>		
<b>D. Intensity and Dimensional Standards for Free-Standing Residential Buildings</b>		
...		



**155.3303. COMMUNITY BUSINESS (B-2)**

A. Purpose	Typical Building Type
<p>The Community Business (B-2) district is established and intended to accommodate primarily low- to moderate-intensity office, service, and retail uses that primarily serve the needs of residents of surrounding residential neighborhoods (e.g., professional and business offices, business services, banks, restaurants, convenience stores, gasoline filling stations), as well as neighborhood-serving institutional uses (e.g., child care facilities, places of worship). It also accommodates complementary residential uses moderate- to high-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities.</p>	
B. Use Standards	
<p>See <a href="#">Appendix A</a>: Consolidated Use Table, and use-specific standards in <a href="#">Article 4</a>: Use Standards.</p>	

C. Intensity and Dimensional Standards <sup>1</sup>		
Lot area, minimum (sq ft)	10,000 <sup>2</sup>	<b>Typical Lot Pattern</b> 
Lot width, minimum (ft)	100 <sup>2</sup>	
Density, maximum (du/ac)	30 <sup>2,3</sup>	
Lot coverage, maximum (% of lot area)	45	
Pervious area, minimum (% of lot area)	20	
Height, maximum (ft)	105 <sup>4</sup>	
Front yard setback, minimum (ft)	0	
Street side yard setback, minimum (ft)	0 <sup>5</sup>	
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 <sup>2,5</sup>	
Rear yard setback, minimum (ft)	30 <sup>5</sup>	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in <a href="#">Article 4: Part 3</a> .	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in <a href="#">Article 9: Part 4</a>.</p> <p>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.</p> <p>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 <a href="#">Chapter 154</a>, <u>Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</u></p> <p>4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section <a href="#">155.3707</a>.</p> <p>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.</p>		
D. Intensity and Dimensional Standards for Free-Standing Residential Buildings		

...

**155.3304. GENERAL BUSINESS (B-3)**

A. Purpose		Typical Building Type	
<p>The General Business (B-3) district is established and intended to accommodate a diverse range of moderate-intensity retail, service, office, recreation/ entertainment, visitor accommodation, and institutional uses that serve the residents and businesses in the community at large (e.g., most retail sales and service uses, restaurants, offices, banks, restaurants, gasoline filling stations, marinas, auto and boat sales and service uses, theaters, hotels, child care facilities, vocational or trade schools, health care facilities, places of worship). It also accommodates complementary residential uses (e.g., live-work and upper-story dwellings) and moderate- to high-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities.</p>			
B. Use Standards			
<p>See <a href="#">Appendix A</a>: Consolidated Use Table, and use-specific standards in <a href="#">Article 4</a>: Use Standards.</p>			
C. Intensity and Dimensional Standards <sup>1</sup>			
Lot area, minimum (sq ft)	10,000 <sup>2</sup>	<th data-bbox="1097 1251 1476 1320">Typical Lot Pattern</th> 	Typical Lot Pattern
Lot width, minimum (ft)	100 <sup>2</sup>		
Density, maximum (du/ac)	46 <sup>2, 3</sup>		
Lot coverage, maximum (% of lot area)	60		
Pervious area, minimum (% of lot area)	20		
Height, maximum (ft)	105 <sup>4</sup>		
Front yard setback, minimum (ft)	0		
Street side yard setback, minimum (ft)	0 <sup>2, 5</sup>		
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 <sup>2, 5</sup>	
Rear yard setback, minimum (ft)	30 <sup>5</sup>	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in <a href="#">Article 4: Part 3</a> .	
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in <a href="#">Article 9: Part 4</a>.</p> <p>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.</p> <p>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 <a href="#">Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.4 and Article 3. Use Standards.</a></p> <p>4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section <a href="#">155.3707</a>.</p> <p>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.</p>		
<b>D. Intensity and Dimensional Standards for Free-Standing Residential Buildings</b>		
Free-standing Residential Buildings shall comply with the following dimensional standards. Standards not listed below, including lot coverage, pervious area, and building height, shall be as required in Section <a href="#">155.3304.C</a> above.		
Lot area, maximum (acre)	5	
Lot area, maximum (acre) for properties within the NWCRA or AOD	10	
Floor area per dwelling unit, minimum (sq ft)	Efficiency	500 – habitable living space
	1 Bedroom	650 – habitable living space
	Additional Bedroom	100 – habitable living space
Interior side yard setback, minimum (ft)	10	

Rear yard setback, minimum (ft)	10
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## ARTICLE 4: USE STANDARDS

### Part 1 Organization

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### Part 2 Principal Uses and Structures

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#### 155.4202. Residential: Household Living Uses

##### A. Standards Applicable to Household Living Uses

- A. ~~B.~~ Dwelling, Live/Work
- B. ~~C.~~ Dwelling, Mobile Home
- ~~C.~~ D. Dwelling, Multifamily
- ~~D.~~ E. Dwelling, Single-Family
- ~~E.~~ F. Dwelling, Single-Family (Zero Lot Line)
- ~~F.~~ G. Dwelling, Two-Family
- ~~G.~~ H. Dwelling, Mixed Use
- ~~H.~~ I. Family Community Residence
- ~~I.~~ J. Transitional Community Residence
- ~~J.~~ K. Mobile Home Park

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

...

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

...

##### ~~C.~~ D. Dwelling, Multifamily

...

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

...

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

...

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

...

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

...

**H. I. Family Community Residence**

...

**I. J. Transitional Community Residence**

...

**J. K. Mobile Home Park**

**155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES**

**A. Standards Applicable to Household Living Uses**

**I. Additional Standards for Implementation of Broward County Policy 2.16.3 and 2.16.4 and Chapter 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 Chapter 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**

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

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

		Along Eligible Corridor	Along any other Roadway
<u>Front / Street Side Setback</u>	<u>Minimum</u>	0	5
	<u>Maximum</u>	20	15
<u>Build-to Zone (minimum)</u>		60%	0%
<u>Interior Side Setback (minimum)</u>		0	5
<u>Rear</u>		20	20

Note:

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.

- I. 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.

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 additional income mixing requirements and incentives within 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.iii.1, 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.
- (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. Income Mixing Requirements and Incentives along Dixie Highway (between City limits) and North Powerline Road (between Atlantic Boulevard and NW 15<sup>th</sup> Street):
- i. Standard:
    1. All new residential and mixed-use development projects with a residential component along these roadways must include a minimum of 80% Non-Income Restricted Units.
  - ii. Exemption: The income mixing requirements are not applicable to the following:
    1. 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).
    2. 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).

iii. Incentives:

1. All such development projects that are required to include the 80% 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.
2. 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.

iv. Implementation:

1. 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.

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

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

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~~L.~~ **D. Dwelling, Multifamily**

...

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

...

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

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

...

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

...

~~Q.~~ **I. Family Community Residence**

...

~~R.~~ **J. Transitional Community Residence**

...

~~J.~~ **K. Mobile Home Park**

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## ARTICLE 5: DEVELOPMENT STANDARDS

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### PART 6 DESIGN STANDARDS

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

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##### 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:

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##### 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.
- b. All ground-level windows on street-facing facades shall be transparent. Mirrored or heavily-tinted glass that prevents views into the building is prohibited on street-facing front building facades. This provision does not apply to a building facade enclosing a sexually oriented business use.
- c. Street-facing facades of the ground level floor for uses involving repair, servicing and/or maintenance shall not include service bay entrances, overhead doors, sliding glass doors, removable panels, or similar type of doors.
- 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.

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#### 155.5603. INDUSTRIAL DESIGN STANDARDS

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##### 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.

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### **155.5605 Parking Deck or Garage Design Standards**

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#### **C. General Parking Deck or Garage Design Standards**

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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. 1 canopy tree per 30 linear feet; and
  - ii. a continuous hedge at least 4 feet high along the facade; and
  - iii. 1 shrub per 10 linear feet; or
- b. the architectural treatments required by Section 155.5605.C.1.a

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### **155.9401. MEASUREMENT**

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#### **H. Yard Setback**

##### **I. 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.](#))

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##### **5. Cul-De-Sac Setback.**

Where a cul-de-sac occurs at the end of a street, buildings fronting thereon shall be set back from the extended center line a distance equal to half the amount of the width of the ultimate right-of-way plus the distance of the minimum required front yard.

##### **I. Measuring Required Distances Between Uses or Properties**

I. 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.

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**PART 5 TERMS AND USES DEFINED**

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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.

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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.

**CHAPTER 154: PLANNING**

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**General**

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**§ 154.02 DEFINITIONS.**

...

~~**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.~~

**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.

....

**VERY LOW INCOME 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.

**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.

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**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.

### **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 presented to the City Commission upon approved on a finding that ~~there is competent substantial evidence in the record~~ 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) Deconcentration of Poverty Affordable Housing Requirements

(1) 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 deconcentration of poverty construction of affordable housing units in the city and to allow the ~~or the~~ payment of funds in-lieu of constructing affordable housing construction ~~construction~~ 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 following provisions shall be applicable: ~~affordable housing units on the application site. of any one type or combination of types. 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:~~

- i. 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.
- ii. 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.
- iii. Comply with additional residential and mixed-use standards of section 155.4202.A.1.
- iv. 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).
- v. Those projects that are required to provide Non-Income Restricted Units are not required to pay into the Local Affordable Housing Trust Fund.
- vi. 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.
- vii. 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.

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

~~—— (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.~~

~~—— (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.~~

— (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.

— **Table 1**  
 — Allocation of Flex and Redevelopment Units for Projects  
 — Containing Workforce Housing

Ratio of workforce housing units to market units:  
 1 workforce housing unit to 1 market unit

<b>Total number of housing units proposed</b>	<b>Number of workforce units</b>	<b>Number of market rate units</b>
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.

— **Table 2**  
 — Allocation of Flex and Redevelopment Units for Projects  
 — Containing Moderate Housing

Ratio of moderate housing units to market units:  
 1 moderate housing unit to 3 market units

<b>Total number of housing units proposed</b>	<b>Number of moderate units</b>	<b>Number of market rate units</b>
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.

**—Table 3**  
 —Allocation of Flex and Redevelopment Units for Projects  
 —Containing Low Income Housing

Ratio of low income housing units to market units:  
 5 low income housing units to 1 market unit

<b>Total number of housing units proposed</b>	<b>Number of low income units</b>	<b>Number of market rate units</b>
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:

(a) The unit mix (bedroom count per unit) of the affordable housing units should be proportional to the unit mix (bedroom count per unit) of the flexibility or redevelopment units.



(b) The affordable housing units may be marginally smaller and have appliances, fixtures and finish, which meet all minimum governmental standards to reduce overall development costs.

(c) The affordable housing units should be incorporated into the general site and design of the overall development and have a compatible exterior design.

(d) The applicant may select whether the proposed development will be owner occupied or renter occupied.

~~—(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.

(Ord. 2013-34, passed 1-8-13; Am. Ord. 2014-19, passed 2-11-14; Am. Ord. 2016-12, passed 10-27-15; Am. Ord. 2018-06, passed 10-10-17; Am. Ord. 2019-17, passed 1-8-19; Am. Ord. 2019-110, passed 9-24-19; Am. Ord. 2020-22, passed 1-14-20)

### **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.

~~(D) (C)~~ 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.

~~(E) (D)~~ 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.

(Ord. 2014-19, passed 2-11-14; Am. Ord. 2018-06, passed 10-10-17; Am. Ord. 2019-17, passed 1-8-19; Am. Ord. 2019-110, passed 9-24-19)