



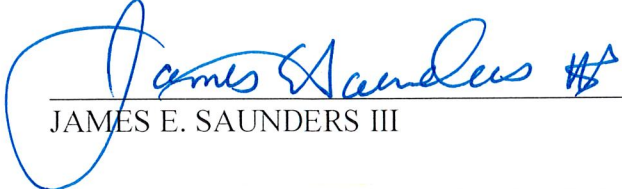
City Attorney's Communication #2024-413
March 5, 2024

TO: Max Wemyss, Principal Planner, AICP
FROM: James E. Saunders III, Assistant City Attorney
RE: Ordinance - DPOD Height Bonus Text Amendment

As requested in your memorandum dated February 27, 2024, Development Services Memorandum No. 24-010, I have prepared and attached herewith the following captioned ordinance:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO PROVIDE ALTERNATIVE PUBLIC PARKING IN EXCHANGE FOR HEIGHT BONUS OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Please feel free to contact us if we may be of further assistance.



JAMES E. SAUNDERS III

/jrm
l:cor/dev-srv/2024-413

Attachment

ORDINANCE NO. 2024-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, “DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT,” TO PROVIDE ALTERNATIVE PUBLIC PARKING IN EXCHANGE FOR HEIGHT BONUS OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

WHEREAS, in accordance with Florida Statutes Section 166.041(3)(c)2, advertisements have been published in a newspaper of general circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings 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 155.3708, “Downtown Pompano Beach (DP) Overlay District,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

A. PURPOSE

The Downtown Pompano Beach Overlay district (DPOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development.

...

E. BUILDING HEIGHT REGULATING PLAN AND MODIFIED HEIGHT STANDARDS

1. Building Height Regulating Plan

All new and modifications to existing development shall comply with the standards found within the Building Height Regulating Plan. In addition, the following shall apply:

- a. Areas intended for commercial uses on the ground floor of all non-residential and mixed-use buildings shall be a minimum of 12 feet in height; and
- b. Buildings higher than 6 stories shall be developed according to the tower building type standards.

2. Height Bonus Options

In addition to the maximum building height shown in the Building Height Regulating Plan, properties within the DPOD may be eligible for a height bonus in accordance with Table 155.3708.E.1. ~~In no case shall a property be permitted to utilize more than one height bonus.~~ Properties may use one height bonus except when using Height Bonus Option #2. When using Height Bonus Option #2, properties are permitted to use up to two bonuses; however, Height Bonus Option #2 is not permitted in combination with Height Bonus Option #3.

TABLE 155.3703E.1: Height Bonus Options

Bonus Option	Sub-Area	Height Bonus	Requirement
#1	Core and Center	28 ft.	Properties whose front lot line or street side lot line is directly abutting or located across a street from the designated public open space.

#2	All <u>Core and Center</u>	±224 ft.	<p><u>Buildings at the end of a street vista. The additional height/story shall occupy up to 15% of the floor area of the story immediately below. Properties that provide public parking, acceptable to the City, in accordance with the following:</u></p> <ul style="list-style-type: none"> <u>a. The minimum number of spaces required for off-street parking spaces are provided (may include Off-Street Parking Alternatives); and</u> <u>b. A minimum of 100 parking spaces are reserved for public parking. The reserved parking spaces shall be in addition to the number of spaces required for the total number of units (including any density bonus), guest parking spaces, and parking spaces for any nonresidential uses; and</u> <u>c. The spaces shall be conveniently located to the street access or primary entrance to the garage, and shall be distinctly separated from the off-street parking required of the development. The spaces are not intended to primarily serve the uses within the development. The City may require a fee for parking, the logistics of which shall be negotiated by lease agreement between the property owner and the City; and</u> <u>d. A lease agreement between the property owner and the City, at a rate established by the City, shall be recorded for a term not less than 50 years.</u>
----	----------------------------	----------	---

#3	All	12 ft.	<p>Properties located within the ¼ mile radius (1,320 feet) of the BCT North East Transit Center, that provide public parking, acceptable to the City, in accordance with the following:</p> <ul style="list-style-type: none"> a. <u>The minimum number of spaces required for off-street parking spaces are provided using one or more of the Off-street Parking Alternatives; (may include Off-street Parking Alternatives); and</u> b. <u>A minimum of 10% of the parking spaces are reserved for public parking. The 10% of parking spaces shall be calculated including the spaces required for the height bonus based on the total number of spaces required for the total number of units (including any density bonus), guest parking spaces, and parking spaces for any nonresidential uses. The 10% shall be provided in addition to the required parking spaces; and</u> c. <u>The spaces shall be conveniently located to the street access or primary entrance to the garage, and shall be distinctly separated from the off-street parking required of the development. The spaces are not intended to primarily serve the uses within the development. The City may require a fee for parking, the logistics of which shall be negotiated by lease agreement between the property owner and the City and;</u>
----	-----	--------	--

			d. <u>A lease agreement between the property owner and the City, at a rate established by the City, shall be recorded for a term not less than 50 years.</u>
#4	All	12 ft.	<p>All new non-residential, multi-family residential and mixed-use construction that provide public art using one or a combination of the following strategies:</p> <ol style="list-style-type: none"> 1. A fee equal to 1 percent of the project's construction costs; <u>or</u> 2. A piece of artwork valued at 1 percent of the project's construction costs;: <ol style="list-style-type: none"> a. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building;: <u>and</u> b. Public art proposed for public areas shall be required to <u>receive submit the art proposal for review and recommendation by the City's Public Art Committee and later approval from the City Commission.</u>
#5	Core and Center	12 ft.	Development which achieves at least 28 points per Table 155.5802, Sustainable Development Options and Points.

...

SECTION 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this

Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

JES:jrm
3/5/24
L:ord/ch155/2024-108