

ORDINANCE NO. 2022-\_\_\_\_\_

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY CERTAIN REQUIREMENTS FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING 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 in accordance with said statute have been published in a newspaper of general paid 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 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES**

**A. ACCESSORY DWELLING UNIT**

**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
A	A	A	A	A	A	A	A	A	A	A						
M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PC D	PD-TO	LAC	PD-I
						A						A		A	A	A

**2. Definition**

An accessory dwelling unit is an ancillary or secondary living unit to a single-family dwelling use that may contain a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. ~~For purposes of determining maximum density, an accessory dwelling unit shall be considered a half dwelling unit.~~

**3. Standards**

An accessory dwelling unit is allowed as an accessory use to a single-family dwelling, subject to the following standards:

- a. An accessory dwelling unit is permitted only as accessory to, and on the same lot as, a single-family dwelling, and are not permitted as accessory to a two-family dwelling, multifamily dwelling, or mobile home dwelling.
- b. Not more than one accessory dwelling unit per lot is permitted, and the accessory dwelling unit may not encroach on any required setback for the principal structure.
- c. An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse). An accessory dwelling unit attached to the

principal dwelling shall have an operative interconnecting door with the principal dwelling, and shall have a principal access only from the side or rear yard of the principal dwelling.

- d. The use of a mobile home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.
- e. The floor area of an accessory dwelling unit ~~shall not exceed the lesser of~~ may be up to 1,000 square feet ~~or 25 percent of~~ but may not exceed the floor area of the principal dwelling.
- f. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the off-street parking required for the principal dwelling).
- g. For purposes of determining maximum density, an accessory dwelling unit shall be considered a half dwelling unit, however, accessory dwelling units that are committed to be restricted to be affordable housing per Chapter 163.31771, Florida Statutes, are permitted without the need to calculate density. An affidavit that attests to the fact that the unit will only be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income person or persons is required to be submitted as part of the building permit requirements if the unit is to be approved without a density calculation.

...

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

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

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

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

:jrm  
10/4/21  
L:ord/ch155/2022-03