ORDINANCE NO. 2019-____

CITY OF POMPANO BEACH Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED AT 801 N.E. 33rd STREET, ST. ELIZABETH GARDENS, FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, pursuant to Section 155.2305.C of the Pompano Beach Code of Ordinances, notice has been mailed notifying owners of real property within 500 feet of the subject parcel of the first City Commission public hearing on this proposed Ordinance; and

WHEREAS, a public hearing before the City Commission was held pursuant to such notice, at which hearing, the parties in interest and all other citizens so desiring had an opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. - FINDINGS: The City Commission finds as follows: that the rezoning of the property described in Exhibit "A," attached and made a part of this Ordinance ("TBR Parcel"), is consistent with the Comprehensive Plan; that the rezoning complies with City Code Section 155.3602, General Standards for All Planned Development Districts, as well as all other requirements of the Zoning Code; that the rezoning does not have a potentially injurious effect on land adjacent to the TBR Parcel; and that rezoning is reasonably related to the public health, safety and welfare.

SECTION 2. - REZONING AND APPROVAL OF PLANNED DEVELOPMENT

<u>PLAN</u>: The TBR Parcel is rezoned from a present zoning classification of RM-12 (Multiple-Family Residence 12) to RPUD (Residential Planned Unit Development) as that zoning classification is defined by Chapter 155 of the City of Pompano Beach Code of Ordinances.

Pursuant to the requirements of Sections 155.3602 and 155.3603 of the City of Pompano Beach Code of Ordinances, the Planned Development Plan ("Plan") submitted for the TBR Parcel, and attached and made a part of this Ordinance as Exhibit "B," is adopted. All development of the Property shall proceed in accordance with the Plan, as approved, and Section 155.3603 of the City of Pompano Beach Code of Ordinances.

SECTION 3. - EFFECTIVE PERIOD OF APPROVAL: Pursuant to City Code Section 155.2405.I, Expiration, approval of this rezoning shall automatically expire if an application for a Site Plan (Major or Minor) for any part of the development shown on the approved Plan is not submitted within two years after approval of the RPUD, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

SECTION 4. - **SEVERABILITY**: 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 5. - <u>RECORDATION</u>: This Ordinance shall be recorded with Broward County Records in accordance with Section 155.2405.F., Recordation. **<u>SECTION 6.</u>** - <u>EFFECTIVE DATE</u>: This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES: 6/4/19 L:ord/2019-211

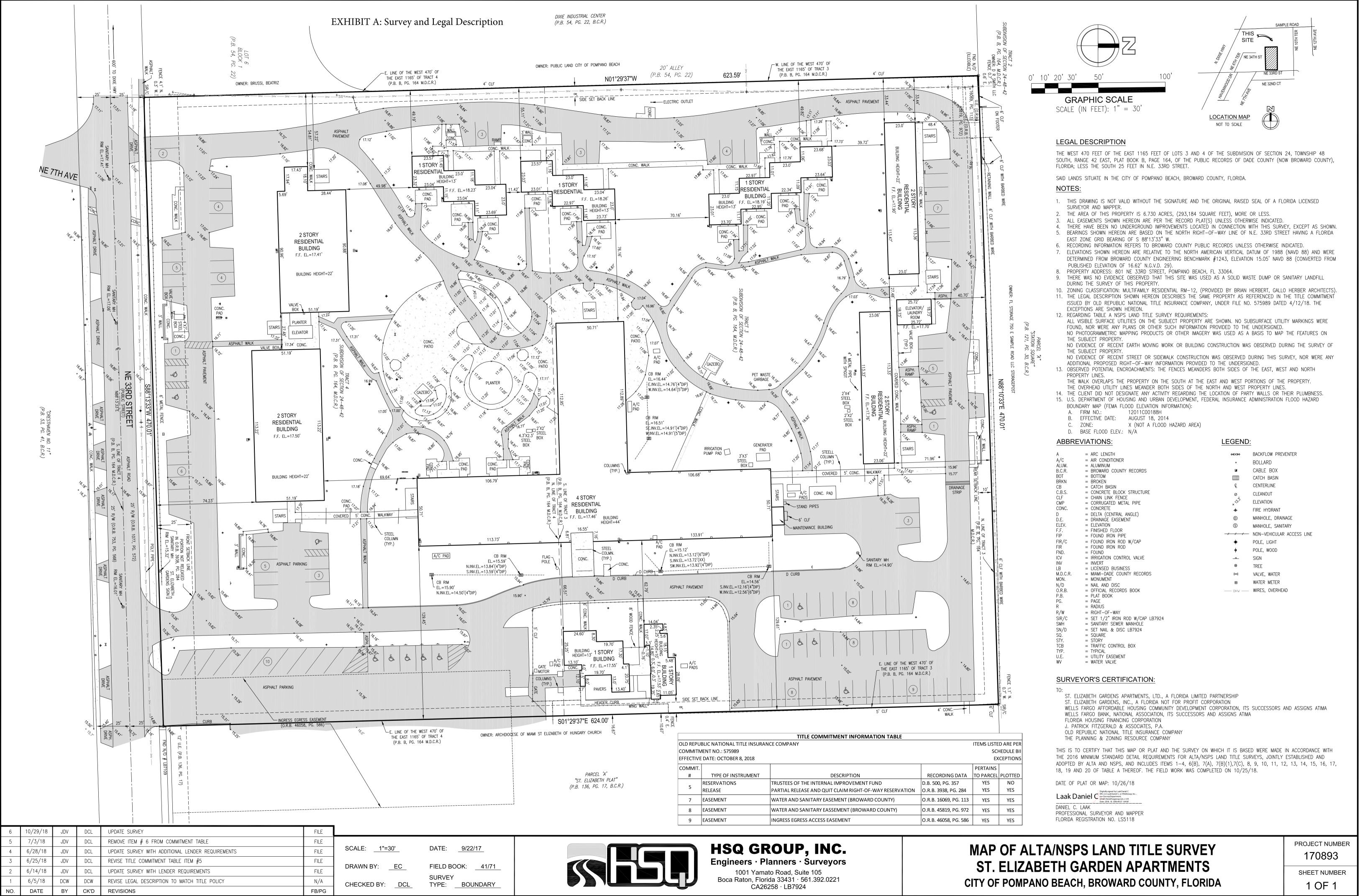


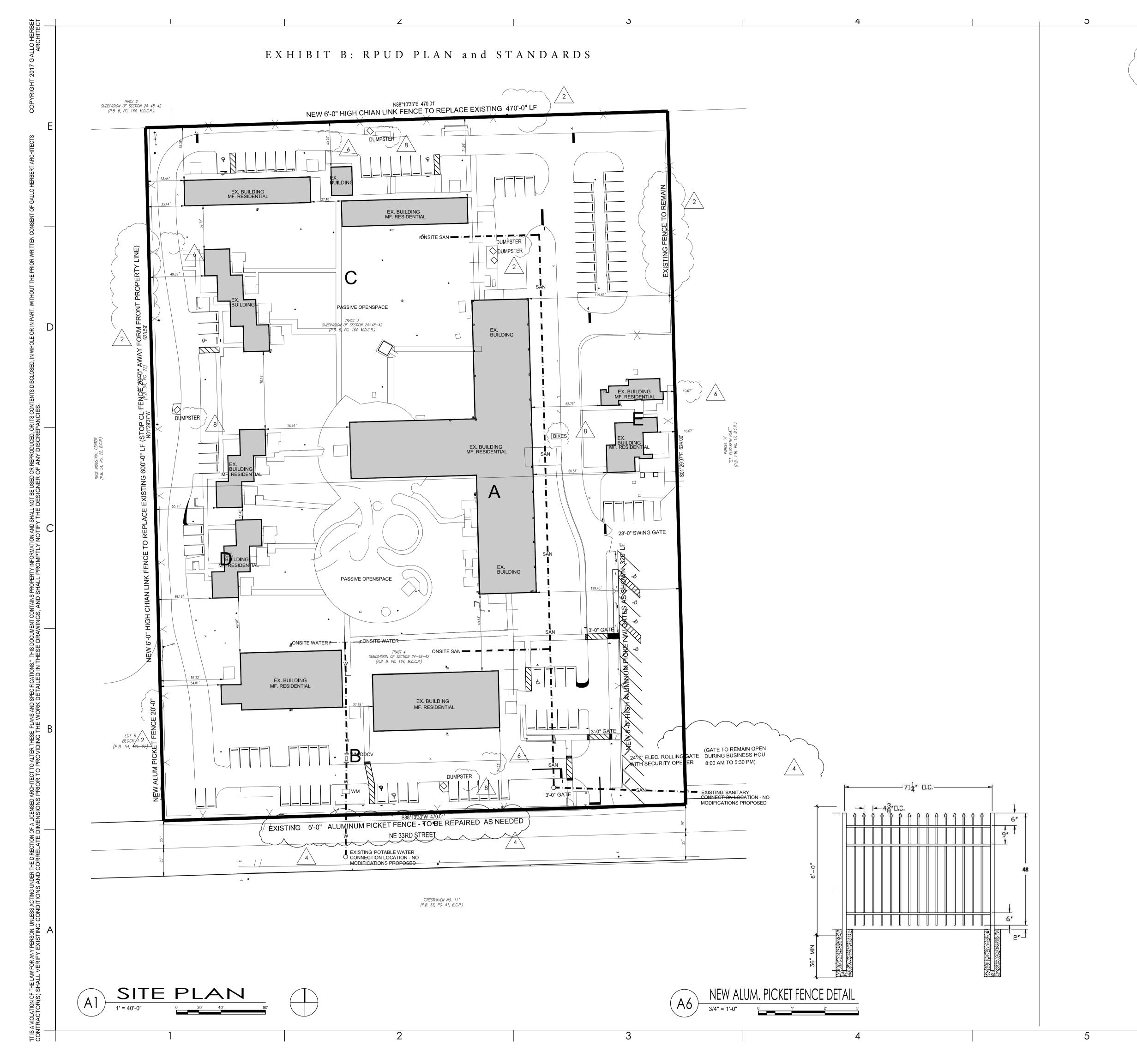
EXHIBIT A: Survey and Legal Description

Legal Description

St. Elizabeth Gardens

The West 470 feet of the East 1165 feet of Lots 3 and 4 of the Subdivision of Section 24, Township 48 South, Range 42 East, Plat Book "B", Page 164, of the Public Records of Dade County (now Broward County), Florida; less the South 25 feet in N.E. 33rd Street.

Said lands situate in the City of Pompano Beach, Broward County, Florida.



7	MASTER SITE TABLE										
	DIMENSIONAL REQUIREMENTS COMPARISON TABLE										
7	DIMENSIONAL REQUIREMENT	RM·	-12	PDI	PROV'D IN PD MASTER PLAN						
	lot area, minimum (Sq Ft)	7,000 (N	OTE 2)	N/A	304,920 SF (7 ACRES)						
\sim	LOT WIDTH, MINIMUM (FT)	60' (NC	DTE 2)		127	127'-6"					
	DENSITY, MAXIMUM (DU/AC)	10 (NO	ſE 2,3)		23.03 NET	22.15 GROSS					
		SF	950		N/A	N/A					
		2F	750		N/A	N/A					
	FLOOR AREA PER DWELLING UNIT, MINIMUM (SQ FT)	MF	EFFICIENCY UNITS: 500 (NOTE 1)		EFF. 151	470 SF					
		OTHER UNITS: 650+100/BR>1	1 BR 650 (NOTE 1)		1-BR (2)	650 SF					
			2 BR 750 (NOTE 1)		2-BR (2)	750 SF					
	LOT COVERAGE, MAXIMUM (% OF LOT AREA)	605	%	to be Established	30.7% = (10,717 SF						
	PERVIOUS AREA, MINIMUM (% OF LOT AREA)	JM (FT) 35' ETBACK, MIN. (FT) 25'		IN PD PLAN.	35.5% = (12,405 SF)						
	HIEGHT, MAXIMUM (FT)			SECTION 155.3602.A PD PLAN	40'-11''	(NOTE 3)					
	FRONT YARD SETBACK, MIN. (FT)			FUFLAN	74.23'						
	STREET SIDE YARD SETBACK, MIN. (FT)				N/A						
	SETBACK FROM A WATERWAY OR CANAL, MIN.	25	;'		N	/A					
	SETBACK FROM A DUNE VEGETATION LINE, MIN.	25	;'		N/A						
	INTERIOR SIDE YARD SETBACK, MIN. (FT)	8'			10.67'						
	REAR YARD SETBACK, MIN. (FT)	10	ľ		40.70'						
	SPACING BETWEEN PRINCIPAL STRUCTURE, MIN.	25)		39.72'						
	REQ'D FRONT YARD, PERVIOUS AREA, MINIMUM (% OF REQUIRED FRONT YARD)	50' (FOR SINGLE FAMILY DWELLINGS ONLY)									

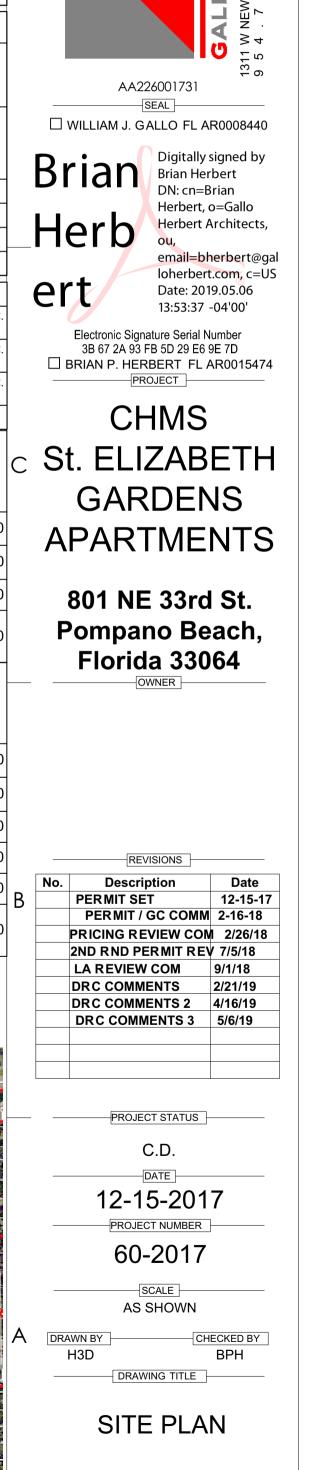
PARKING REQUIREMENT										
DWELLING MULTI-FAMILY		RM	-12							
	QT	REQ'D/ DU	PROV'D	PROVIDED IN PD MASTER PLAN						
EFFICIENCY 1-BEDROOM UNIT		1.0	151							
		1.5	3	109 STANDARD 9 ACCESSIBLE						
2-BEDROOM UNIT	2	1.5	3							
TOTAL PARKING			157	118 (NOTE 2)						
loading spaces			1	1						
BICYCLE STORAGE			2							

	RM-12 NOTES		PDI NOTES			
NOTE 1	DWELLING UNIT SIZE ORIGINALLY PERMITTED UNDER B. C. CODE	NOTE 1	REQUESTED MODIFICATION DUE TO ORIGINAL B REQUIREMENTS & ELDERLY AFFORDABLE USE			
NOTE 2	PARKING ORIGINALLY PERMITTED UNDER B.C. CODE	NOTE 2	REQUESTED MODIFICATION DUE TO ORIGINAL B.C. REQUIREMENTS & ELDERLY AFFORDABLE USE			
NOTE 3	BUILDING HEIGHT ORIGINALLY PERMITTED UNDER B.C. CODE	NOTE 3	REQUESTED MODIFICATION DUE TO ORIGINAL B.C. REQUIREMENTS & ELDERLY AFFORDABLE USE			

CONSTRUCTION AREA		UNITS	AMEN SERVIC	NITIES/ E	CIRCULATIONS		TOTAL	
FIRST F	LOOR	7,949.00	4,603.00			,240.00	14,792.00	
SECO	ND FLOOR	10,373.00	1,	1,151.00 2,3			13,922.00	
THIRD	FLOOR	10,443.00	906.00 2			,398.00	13,747.00	
TOTAL AREA	CONSTRUCTION	28,765.00	6,660.00 7			,036.00	42,461.00	
	LO.	τοτα	L					
BUILDI	NG A					19,251.00		
BUILDI	NG B					11,375.00		
BUILDI	NG C		6,296.00					
BUILD	ING D						5,420.00	
BUILD	ING E		2,370.00					
TOTAL	CONSTRUCTION A		44,712.00					



6



DRAWING NUMBER

AS-101

LOCATION MAP

SCALE: NTS

EXHIBIT B: RPUD PLAN and STANDARDS

St. Elizabeth Gardens Planning & Zoning Application No. 19-13000004

Rezoning from RM-12 to RPUD

Development Standards

The development standards set forth in the Pompano Beach Land Development Code have been followed. St. Elizabeth Gardens ("SEG") rezoning request to RPUD is intended to bring the current development into compliance with the City's zoning and development codes. SEG is already a well-established development. St. Elizabeth Gardens was built in 1970 when the property was under the jurisdiction of Broward County. Sometime thereafter the property was annexed into the City. SEG is a low income senior housing development owned and managed by an entity that is part of the Archdiocese of Miami. SEG is undergoing rehabilitation construction to substantially renovate and upgrade the facilities. In connection with obtaining construction financing for the renovation it came to SEG's attention that the facilities have legally nonconforming elements under the City's current zoning and development codes. Residential Planned Unit Development zoning would facilitate legalizing the current development without necessitating destruction of buildings and materially redeveloping the site to bring it into current legal conformity.

1. Landscaping, Tree Preservation & Screening.

SEG meets all of the Code requirements as listed in the City Zoning Code for landscaping and tree preservation. As shown in the Landscape Plans that are submitted as part of this Application, there are significant mature trees and amble landscape hedges and planting areas throughout the site, including along the perimeter of the property.

ii. Fences & Walls.

The property has existing aluminum fencing along the southern boundary along NE 33rd Street and along the eastern boundary that separates SEG from St. Elizabeth of Hungary Catholic Church and the charter school to the east. The northern and western boundaries have existing chain link fencing.

iii. Exterior Lighting.

SEG meets the Code requirements as listed in the City Code for exterior lighting as shown in the lighting plans that are submitted as part of this Application.

iv. Circulation & Streets.

The development was designed with convenient access from public roads allowing for vehicles to easily circulate and park. The site plan affords its senior residents ample walkways, open space, lush landscape, and design amenities that foster a good quality of life, with serenity, comfort and safety.

v. Pedestrian & Bicycle Circulation.

There are existing walkways throughout the development. The seniors can easily access surrounding properties along the sidewalks on NE 33rt1 Street and easterly along NE $10^{\rm th}$ Terrace.

v1. Open Space.

SEG has ample open space throughout the development. The buildings are well spaced and the site is heavily landscaped. All Code requirements for open space are met.

Attached is the Master Site Table that is also included with the Site Plan.

<u> </u>	MASTER SITE TABLE															
$\int A$	<u> </u>		PEMENTS CO	ENER COMPAREDNIALE												
	DIMENSIONAL REQUIREMENT						RM-12 P		PDI PROVID IN PD MASTER PLAN							
	LOT AREA, MINIMUM (SQ FT)						7,000 (NOTE 2) N			304.920 SF (7 ACRES)						
	LOT WIDTH, MINIMUM (FT)						60' (NOTE 2)		-	27"-6"	-					
1	DENSITY, MAXIMUM (DU/AC)						10 [NOTE 2,3]		23.03 NET	GROSS						
	FLOOR AREA PER DWELLING UNIT, MINIMUM (SQ FT)						SF 950 2F 750		N/A N/A	N/A N/A	ΞE					
							MF UNITS SOO		EFF. 151	470 SF	1					
							INCTE 1		1-8R (2)			0 3 3342				
					650+1	# VN/13, (NOTE I) 00/98>1 28# 750 (NOTE I)		2-8R [2]	650 SF 750 SF							
2	LOT COVERAGE, MAXIMUM (% OF LOT AREA)						60%	FO BE	30.7% =	(10,717 SF)		ITE 9 4				
1	<u> </u>	US AREA, MINIMUM (S OF LO	T Ai	REA}		25%	IN PD PLAN. SEE SECTION	35.5% *	(12.405 SF)						
		MAXIMUM (FT) YARD SETBACK, MIN				+	35	155.3602.A PD PLAN	<u> </u>	(NOTE 3)						
	<u> </u>	DE YARD SETBACK, I				+	8'		74.23 N/A							
		K FROM A WATERWA		_	AL, MIN		25'		—	N/A						
		K FROM A DUNE VEG		_	NE, MIN	1,	25		<u> </u>	N/A						
		R SIDE YARD SETBACH		-1)		+	6°			0.67						
		G BETWEEN PRINCIPA	-	TUR	RE. MIN	l.	25		<u> </u>	9.72		HER 0 3 0 5				
		RONT YARD, PERVIOI		. MI	INIMUA		OR SINGLE FAMILY VELLINGS ONLY		, ·	¶/A		I Wo				
	Va Or RI		-1			[0	- aconde Grécitj		<u></u>		D					
	<u> </u>		PAD	KI)	NG	FOU	IREMENT				Ľ	SALLO WNEWPORT				
	<u> </u>											GA GA				
	DW	ELLING MULTI-FAMIL		R	RM-			ED IN PI	D MASTER			CT 6				
	EFOCIEN		G	"	DU	PROVID	-					SEAL				
	EFRICIEN		1.0	3	-		109 STANDARD		Í.	WILLIAM J. GALLO FL AR0008440						
		DOM UNIT		2	1.5	3	ACCESSIBLE					Brian Brian Herbert DN: cn=Brian				
		TOTAL PA	RKING			157	157 118 (NOTE 2)					DIICII DN: cn=Brian Herbert, o=Galio				
		G SPACES		╬								Herb ou,				
				!		4	2				⊢	email=bherbert@ga				
	RM-12					- ·	P					ort c=US				
	NOTE 1 DWELLING UNIT SIZE ORIGINALLY PERMITED UNDER B. C. CODE NOTE 1 REQUIREMENTS & EDERLY AFORD							CIL Date: 2019.05.07 11:27:47 -04'00								
	NOTE 2			UNI	DER	OTE 2	REQUESTED MO	DIFICATIO	N DUE TO O			Electronic Signature Senal Number 38 67 2A 93 FB 5D 29 E6 9E 7D				
	NOTE 3	BUILDING HEIGHT ORIGI	NALLY PER	RWIL	LED 1	IOTE 3	REQUESTED MO	DIFICATIO	N DUE TO O	RIGINAL B.C.		BRIAN P. HERBERT FL AR0015474				
		UNDER B.C.	JODE			REQUIREMEN		KLT AFFORL	FORDABLE USE		CHMS					
`																
	CON	ISTRUCTION AREA	I UNUIS I			NITIES/ CIRCL	ILATIONS	TO	TOTAL	С	St. ELIZABETH					
					SERVIC						GARDENS					
	FIRST F		7,949.00			4	,603.00	2,24	0.00	14,792.00		APARTMENTS				
	SECO	ND FLOOR	10),37	73.00	1	,151.00	2,39	8.00	13,922.00						
	THIRD	FLOOR	10,443.00			906.00	2,39	8.00	13,747.00		801 NE 33rd St.					
-		CONSTRUCTION	28	28,765.00		6	660.00	7.03	36.00	42,461.00		Pompano Beach,				
	AREA						5,555.55					Florida 33064				
		10	TOO	/=		E					-	QWNER				
		LO	T CO\		:RAG				OTAL							
	BUILDI						_	+		19,251.00						
BUILDING B																
									11,375.00							
									6,296.00							
										5,420.00		REVISIONS Description Date				
							2,370.00			PERMIT SET 12-15-17 PERMIT / GC COMM 2-16-18						
	TOTAL CONSTRUCTION AREA									44,712.00		PRICING REVIEW COM 2/26/18				
		<u> </u>										2ND RND PERMIT REV 7/5/18 LA REVIEW COM 9/1/18				
												DRC COMMENTS 2/21/19 DRC COMMENTS 2 4/16/19				
												DRC COMMENTS 3 5/6/19				
1																