

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 154.80, "PROVISION OF REQUIRED AFFORDABLE HOUSING," TO AMEND THE IN LIEU OF FEE AMOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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, a public hearing before the City Commission was held pursuant to the aforesaid 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. That Section 154.80, "Provision of Required Affordable Housing," of Chapter 154, "Planning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

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 approved after September 30, 2023, the in lieu of fee, ~~\$2,333~~ \$10,000 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 definitions in § 154.60. All flex units allocated before September 30, 2023 that opt to buyout of any income-restriction applicable at the time of approval will pay \$2,333 for every flex unit allocated.

(B) For projects within an area that is subject to affordable housing requirements established through a Broward County Land Use Plan Amendment process approved after September 30, 2023, the in lieu of fee to be paid to the city shall be ~~\$2,333~~ \$10,000 per market-rate unit. If affordable units will be provided, they will meet the definition of affordable housing provided in § 154.60 and deed restricted to the proposed range of affordability for a ~~15-year~~ 30-year period. All projects subject to affordable housing requirements established through a Broward County Land Use Plan Amendment process approved before September 30, 2023 that opt to buy-out will pay \$2,333 per non-income restricted unit.

(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) 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) The city's \$10,000 in lieu fee per subsections (A), (B) and (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 sales costs, development costs, land values, interest rates and other considerations.~~ increased by 3% on every January 1 after adoption.

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 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 _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm/jrm
6/26/23
l:ord/ch154/2023-193