

ORDINANCE NO. 2019- 74

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

CITY OF POMPANO BEACH,  
BROWARD COUNTY, FLORIDA  
I HEREBY CERTIFY that the foregoing is a true and  
correct copy of Ord. 2019-74  
as filed in the office of City Clerk  
WITNESS my hand and official Seal in the CITY OF  
POMPANO BEACH, FLORIDA, this 12 day of  
July A.D. 2019  
Hermin Alford Deputy/City Clerk

**AN ORDINANCE OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, REZONING  
PROPERTY LOCATED AT 801 N.E. 33<sup>rd</sup> 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**

**PLAN:** 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. - RECORDATION:** This Ordinance shall be recorded with Broward County Records in accordance with Section 155.2405.F., Recordation.

**SECTION 6. - EFFECTIVE DATE:** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 25th day of June, 2019.

**PASSED SECOND READING** this 9th day of July, 2019.

  
\_\_\_\_\_  
**REX HARDIN, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

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

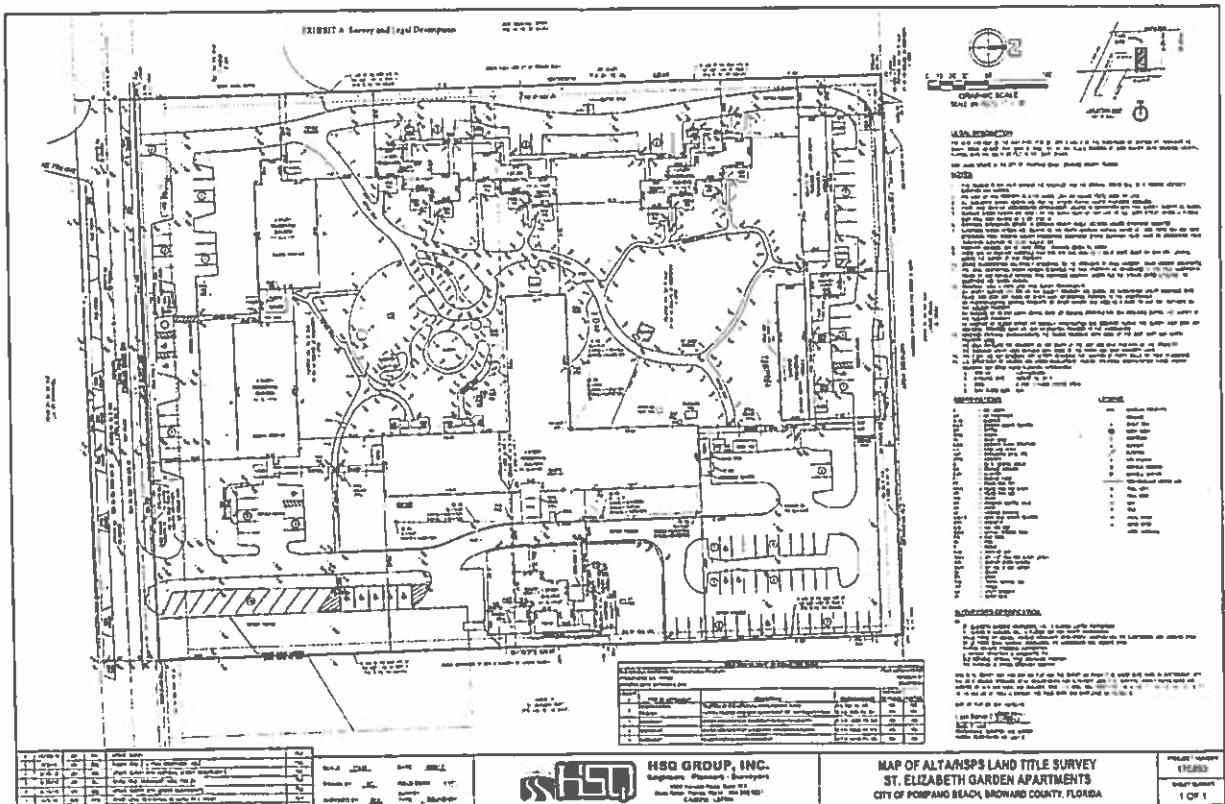
**EXHIBIT A: Survey and Legal Description**

**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.



[illegible]

AS-101

# **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.

- i. **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 ample 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 33rd Street and easterly along NE 10<sup>th</sup> Terrace.

**vi. 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.



# MASTER SITE TABLE

DIMENSIONAL REQUIREMENT					RM-12	POI	PROVIDED IN PD MASTER PLAN
LOT AREA, MINIMUM (SQ FT)					7,200 (NOTE 2)	N/A	304,920 SF (7 ACRES)
LOT WIDTH, MINIMUM (FT)					60' (NOTE 2)		127'-4"
DENSITY, MAXIMUM (DU/AC)					10 (NOTE 2)		23.00 NET 22.15 GROSS
FLOOR AREA PER DWELLING UNIT, MINIMUM (SQ FT)					37	950	N/A
					27	750	N/A
					157	EFFICIENCY UNIT, MIN (NOTE 1)	111 (151)
					100 (NOTE 1)	1-2B (NOTE 1)	470 SF
LOT COVERAGE, MAXIMUM (% OF LOT AREA)					40%	10% (NOTE 1)	30.7% = (110,717 SF)
PERVIOUS AREA, MINIMUM (% OF LOT AREA)					25%	33.5% (NOTE 1)	33.5% = (12,405 SF)
HEIGHT, MAXIMUM (FT)					35'	40' 11" (NOTE 3)	
FRONT YARD SETBACK, MIN. (FT)					25'		74.77
STREET SIDE YARD SETBACK, MIN. (FT)					5'		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)					5'		10.67
REAR YARD SETBACK, MIN. (FT)					10'		48.70
SPACING BETWEEN PRINCIPAL STRUCTURE, MIN.					25'		39.72
REAR FRONT YARD, PERVIOUS AREA, MINIMUM (% OF REQUIRED FRONT YARD)					30' (FOR SINGLE FAMILY DWELLING)		N/A

## PARKING REQUIREMENT

DWELLING MULTI-FAMILY	RM-12			PROVIDED IN PD MASTER PLAN
	Q1	REQD/DU	PROVD	
EFFICIENCY	151	1.0	151	109 STANDARD 9 ACCESSIBLE
1-BEDROOM UNIT	2	1.5	3	
2-BEDROOM UNIT	2	1.5	3	
TOTAL PARKING			157	118 (NOTE 2)
LOADING SPACES			1	1
BICYCLE STORAGE			2	

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

CONSTRUCTION AREA	UNITS	AMENITIES/SERVICE	CIRCULATIONS	TOTAL
FIRST FLOOR	7,849.00	4,603.00	2,240.00	14,792.00
SECOND FLOOR	10,373.00	1,151.00	2,398.00	13,922.00
THIRD FLOOR	10,443.00	906.00	2,398.00	13,747.00
TOTAL CONSTRUCTION AREA	28,765.00	6,660.00	7,036.00	42,461.00
LOT COVERAGE			TOTAL	
BUILDING A			19,251.00	
BUILDING B			11,375.00	
BUILDING C			6,296.00	
BUILDING D			5,420.00	
BUILDING E			2,370.00	
TOTAL CONSTRUCTION AREA			44,712.00	

**GHA**  
GALLO HERBERT ARCHITECTS  
1311 W NEWPORT CENTER DRIVE DEERFIELD BEACH, FLORIDA 33442 PH 561 794 8300 F X 954 794 8301

**Brian Herbert**  
Digitally signed by Brian Herbert  
DN: cn=Brian Herbert, o=Gallo Herbert Architects, ou, email=bherbert@gha.com, c=US  
Date: 2019.05.07 11:27:47 -0400  
Electronic Signature Serial Number 38 67 2A 13 FB 5D 28 E3 9E 7D  
BRIAN P HERBERT FL AR0015474


**CHMS**  
**St. ELIZABETH GARDENS APARTMENTS**  
801 NE 33rd St.  
Pompano Beach, Florida 33064

No.	Description	Date
1	PERMIT SET	12-18-17
2	PERMIT / GRC COMM	2-15-18
3	PRICING REVIEW COMM	3/28/18
4	2ND RND PERMIT REV	7/8/18
5	LA REVIEW COMM	8/1/18
6	DRG COMMENTS	2/21/19
7	DRG COMMENTS 2	4/16/19
8	DRG COMMENTS 3	5/8/19



**CITY CLERK'S OFFICE**  
**Memorandum No. 2019-40**

**TO:** Max Wemyss, Planner

**FROM:** Kervin Alfred, Deputy City Clerk 

**SUBJECT:** Recordation of Rezoning Ordinance for 801 NE 33<sup>rd</sup> Street  
Ord. 2019-74

**DATE:** July 12, 2019

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On July 9, 2019, the City Commission passed on second reading the Rezoning Ordinance for 801 NE 33<sup>rd</sup> Street. The ordinance has been signed and is fully executed, however pursuant to Section 5 of said ordinance it must be recorded with Broward County Records in accordance with Section 155.2405.F, which states the Development Services Director shall record the adopting ordinance, the PD Plan with the Broward County Records.

Therefore, attached hereto is a certified copy of the adopting ordinance of which can be forwarded to the County's Recording Division. Upon recordation, please forward a copy to the City Clerk's office for our records.

If you have any questions, please do not hesitate contact me.

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Attachment(s)