



Staff Report

File #: LN-522

PLANNING AND ZONING BOARD

Meeting Date: JANUARY 24, 2024

Text Amendment - DPOD Height Bonus for Public Parking

Request: Text Amendment - DPOD Height Bonus for Public Parking
P&Z# N/A
Owner: N/A
Project Location: N/A
Folio Number: N/A
Land Use Designation: Downtown Pompano Transit-Oriented Corridor (DPTOC)
Zoning District: Downtown Pompano Overlay District (DPOD)
Commission District: N/A
Agent: City-Initiated
Project Planner: Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

SUMMARY:

The City has identified an opportunity to incentivize developers to build additional parking, albeit in smaller increments, bringing parking to the downtown area more quickly and more cost effectively than developing publicly-owned parking garages. The City must amend the Zoning Code to implement this alternative method of delivering public parking which involves allowing developers to add public parking within their building and receiving additional building height for the project. In the long run, leasing rather than financing large garages may be more economically feasible for the City. The City would continue to charge for public parking within a project’s structured parking and share in the cost of maintenance of the garage through the lease. The City’s parking consultants have identified at least 4 sites of potential multifamily or mixed-use development in the downtown area that could take advantage of the new Zoning amendment, resulting in an increase of approximately 500 parking spaces (between 100 to 150 spaces in each) incorporated into the parking garages of private development.

Each individual public parking lease would have to be approved by the City along with each project. This Code change doesn’t automatically commit the City to a particular location or building, but it would pave the way to encourage developers to consider this in their plans and to have the discussions with the City prior to obtaining Site Plan approval.

The Downtown Pompano Overlay District Zoning Code is intended to create an environment that encourages transit use by accommodating compact, mixed-use, and pedestrian-oriented development within a convenient walking distance of residential development, employment, shopping and services, and transit services.

Centralized public parking supports this intent by allowing residents, employees, and visitors to arrive in our Downtown as a destination and move around the district by means other than a private automobile.

The Code Section (155.3708.E) of the Downtown Pompano Overlay District currently permits a single building height bonus per project. These bonuses permit height above what is allowed by the Building Heights Regulating Plan (attached). The bonuses are permitted based on Sub-Areas as shown on the Sub-Areas Regulating Plan (attached). The height bonuses currently permitted include the following options, summarized:

Sub-Area	Height Bonus	Requirement
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.
Core and Center	12 ft.	Development which achieves at least 28 points per Table 155.5802, Sustainable Development Options and Points.
All	12 ft.	Buildings at the end of a street vista.
All	12 ft.	Properties that provide a minimum of 10% of the parking spaces are reserved for public parking.
All	12 ft.	Properties that provide public art equal to a minimum of 1% of the project construction value.

While a height bonus exists for the provision of public parking spaces, a single story of additional height results in developers capping what they are willing to provide at not more than what can fit on a single garage floorplate, or more often, limit what is provided to only 10% of required parking spaces, as the bonus permits. The City is looking for opportunities to incentivize more public parking spaces than our Code currently provides.

The proposal is to amend Code Section 155.3708.E.1 to allow for projects to utilize a new public parking bonus alone or in addition to any of the existing bonuses (except the lesser public parking bonus summarized in the table above). The new bonus would permit an additional 24 feet, consistent with the desire for more than one floor of public parking, where feasible. To gain access to the additional 24 feet of height, the project must provide a minimum of 100 spaces. The minimum number of parking spaces required of the development are still to be provided in addition to the public parking spaces. Those public parking spaces shall be reserved for and accessible to the general public, and a lease agreement with the City, at a rate established by the City, shall be recorded for a term of no less than 50 years.

The proposed amendments are supported by our Comprehensive Plan, do not create any conflicts with our Code of Ordinances, and are consistent with the Zoning Code. Provided in the attachments is a memo regarding the parking needs in the Downtown Area from the City Manager’s Office, as well as a recommendation for approval from the Economic Development Council.

Staff Recommends Approval.

PROPOSED AMENDMENT:

[155.3708. DOWNTOWN POMPANO BEACH \(DP\) OVERLAY DISTRICT](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34762)
 [<https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34762>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34762)

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, in which case up to two bonuses may be permitted; however, Height Bonus Option #2 is not permitted in combination with Height Bonus Option #3.

TABLE 155.3708.E.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	Core and Center	24 ft.	<p>Properties 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 (may include Off-Street Parking Alternatives)</u> b. <u>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.</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.</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>
#23	All	12 ft.	<p>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.</p> <p><u>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:</u></p> <ul style="list-style-type: none"> a. <u>The minimum number of spaces required for off-street parking spaces are provided (may include Off-street Parking Alternatives);</u> b. <u>A minimum of 10% of the parking spaces are reserved for public parking. The 10% of parking spaces shall be calculated 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.</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.</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>
#34	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 in accordance with the following:</p> <ul style="list-style-type: none"> a. The minimum number of spaces required for off-street parking are provided using one or more of the Off-street Parking Alternatives; b. 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. e. A lease agreement with the City, at a rate established by the City, shall be recorded for a term not less than 50 years. <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.</u></p>
#45	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> <ul style="list-style-type: none"> 1. A fee equal to 1 percent of the project’s construction; 2. A piece of artwork valued at 1 percent of the project’s construction costs. <ul 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. b. Public art proposed for public areas shall be required to receive a recommendation from the Public Art Committee and approval from the City Commission.
#56	Core and Center	12 ft.	Development which achieves at least 28 points per Table 155.5802, Sustainable Development Options and Points.