



Staff Report

File #: LN-388

PLANNING AND ZONING BOARD

Meeting Date: JANUARY 25, 2023

TEXT AMENDMENT - MIXED INCOME HOUSING CODE

| | |
|------------------------------|---|
| Request: | Text Amendment - Mixed Income Housing Code |
| P&Z# | N/A |
| Owner: | N/A |
| Project Location: | N/A |
| Folio Number: | N/A |
| Land Use Designation: | N/A |
| Zoning District: | N/A |
| Commission District: | N/A |
| Agent: | N/A |
| Project Planner: | Jean Dolan (954-786-4045 / jean.dolan@copbfl.com) |

Introduction

The City’s mixed income housing ordinance was adopted on March 22, 2022. Since that time, several factors have resulted in staff determining that some amendments to this new regulation are desirable. These factors include:

- (1) Experience using this ordinance for three residential projects (1700 Blount Road; Gateway Luxury Apartments and 2050 Dr. Martin Luther King, Jr. Blvd);
- (2) Changes to the County’s 2.16.3 policy language limiting the city’s ability to adopt an expedited review process for projects using this policy;
- (3) The need to allow an exemption for affordable homeownership projects anywhere in the City.

Summary of Changes

The attached amendments include the following changes:

- (1) Allows for the 50% zoning density bonus for residential-only projects in Commercial land use using Policy 2.16.3. This provides an incentive for developer’s to use policy 2.16.3 (which does not require mixed use) given the fact that the intended incentive (expedited review process which allowed P&Z to approve units rather than City Commission) was eliminated by the County’s amended language to require a public hearing before the “governing body”.
- (2) Clarifies that Policy 2.16.3 can be used to generate residential entitlements on properties less than 10-acres with a Commercial land use designation (this was not clear by the previous language which only referenced Policy 2.16.4 in the B-1 through B-3 zoning code).
- (3) Removes reference to the County’s “Commerce” land use category which is not applicable in Pompano

Beach (the City continues to separate Commercial and Industrial land use designations and the clear separation of appropriate uses in each).

(4) Modifies the additional development standards to:

- clarify setback and building placement requirements associated with minor roadways;
- allows residential-only projects to receive the 50% zoning density bonus in Commercial land use;
- adds an exemption for affordable homeownership projects;
- clarifies parking standards particularly for family-oriented, larger residential units.

The most recent adopted language for County Policy 2.16.4 and the currently proposed language for County Policy 2.16.3 (adoption expected in February 2023) are provided below and the County's "Eligible Arterials" map associated with these policies is attached. The most recent half-mile buffer map showing the areas where new rental housing projects are required to include non-income restricted units to avoid a further concentration of poverty is also attached.

Recommendation

Staff recommends approval of the amendments to the mixed income housing ordinance.

Broward County Land Use Policies 2.16.3 (as proposed for adoption February, 2023) and 2.16.4 (as adopted December, 2022)

POLICY 2.16.3

(1) Bonus residential density may be allocated to facilitate the development of affordable housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- Moderate-income persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.*
- Low-income persons having a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for households within the county.*
- Very-Low income persons having a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county.*

*While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.

(2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) "moderate-income" unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) "low-income" unit (including areas east of the

Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).

- (3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner occupied housing.
- (4) The total number of ~~bonus~~ affordable and bonus units on lands designated as “Residential” may not exceed 50 dwelling units per acre with the exception of sites fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof as approved by the County Commission. 50% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. However, for “very-low or low- income” units, the total number of bonus affordable and bonus market rate units may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map. For parcels designated “Commerce” or similar designation on the local land use plan map, these ~~percentages~~ maximum densities shall not be applicable. **Units of The governing body of the local government shall address make a finding of compatibility with existing and future land uses and through its local land development regulations at a publicly noticed meeting.**
- (5) At the time of allocation of bonus density, the applicable local government must make a finding that adequate public facilities and services are in place or will be in place with completion of project construction, to accommodate all bonus and affordable units.
- (6) Units of local government may utilize the Bonus Density provisions regardless of whether such provisions are incorporated within their certified local land use elements. **This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the governing body of the local government at a publicly noticed meeting.**
- (7) Units of local government may utilize the Bonus Density provisions regardless of whether such provisions are incorporated within their certified local land use elements.
- (8) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing tables reflecting bonus density units allocated.
- (9) ~~Bonus~~ “Affordable” unit and bonus unit construction is subject to the following, as enforced by the applicable local government:
 - a. One hundred percent (100%) of ~~bonus~~ “affordable” units must receive certificates of occupancy before the final fifty percent (50%) of bonus units receive their certificate of occupancy; or
 - b. The local government must require that ~~bonus~~ “affordable” units are available before or concurrently with bonus units.

(10) This Policy is incentive-based and Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

POLICY 2.16.4 Within parcels located west of and including US 1*, and designated “Commerce” on the Broward County Land Use Plan and fronting with direct access to a roadway classified as a State road, County arterial, per the Broward Highway Functional Classification map, or other road or portion thereof, as approved by the Board of County Commissioners, herein after referred to as a “Qualified Road,” or within a parcel designated “Activity Center,” multi-family residential use is permitted in addition to that permitted otherwise in those designations by this Plan, subject to the following:

(1) One or more of the affordable housing categories, as defined by this Plan, must be a component of the residential development based on the following “bonus” units to “affordable” unit formula(s) described below:

- (a) Moderate income: six (6) bonus units for every (1) one moderate income unit.
- (b) Low income: nine (9) bonus units for every (1) one low income unit.
- (c) Very-low income: nineteen (19) bonus units for every (1) one very-low income unit.

(2) (a) Each required affordable housing unit must be no smaller than ten percent (10%) less than the average gross floor area of each bonus unit corresponding type (i.e., one-bedroom, two-bedroom, three-bedroom, etc.) in the development project; or

(b) The number of bedrooms/bathrooms provided in the affordable units must be proportional to the number provided in the bonus unit type (i.e., one-bedroom, two bedroom, three-bedroom, etc.).

(3) Single-family dwelling units are not permitted. Residential units shall not be permitted on the ground floor portion of any building that fronts a Qualified Road. As per Policy 2.2.5 of the Broward County Land Use Plan, studio or efficiency housing units, no greater than 500 square feet in size, may be counted by the local government as 0.5 dwelling units for residential density purposes.

(4) These additional permitted residential density provisions are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, at a minimum through the use of restrictive covenants, that the affordable unit(s) will be maintained as affordable to the applicable designated income group(s) for a minimum period of thirty (30) years.

(5) Within a development containing residential units, the following shall apply:

(a) Office and commercial use may either be vertically or horizontally integrated providing the following:

- 1. At least fifty percent (50%) of the ground floor of any portion of a building or development, excluding ingress and egress, facing a Qualified Road shall provide office and/or commercial uses;
- 2. Portions of a development not facing a Qualified Road within an Activity Center is not required, but encouraged, to provide for office and/or commercial uses.

(b) On parcels greater than five (5) acres, a minimum of ten percent (10%) of the gross floor area, excluding parking garages, must be reserved, or utilized for office and/or commercial uses not ancillary to the residential units.

(6) “Affordable unit” requirements may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund** equal to \$10,000 per unit for the total number of units within the development which sum shall increase by 3% annually.

(7) Units of local government may utilize the additional permitted residential density provisions described in this Policy, at their option, regardless of whether such provisions or conflicting provisions are incorporated within their certified local land use plan elements and utilization of these provisions does not require an amendment to the Broward County Land Use Plan map or local land use plan map.

(8) Local government utilization of the additional permitted residential density provisions described in this Policy is subject to the following, as enforced by the applicable local government:

(a) One hundred percent (100%) of the “affordable” units shall be available for occupancy before the final twenty-five percent (25%) of bonus units are available for occupancy.

(9) In addition to the provisions of this Policy, parcels designated “Commerce” and meeting the location, frontage, and access requirements of this Policy or within an Activity Center, where the residential development will be located within ¼ mile of a State road, County arterial, or other road or portion thereof, as approved by Board of County Commissioners (“Board”), the Board shall consider the following in the review of funding applications submitted by local governments for future public infrastructure and economic development projects:

(a) Local government adoption of this Policy into the municipal Comprehensive Plan;

(b) Local government adoption of specific regulations, in the municipal zoning and/or land development code, to allow allocation of additional residential density units as a permitted use, by right, within specific zoning district(s);

(c) Local government adoption of specific regulations to implement the provisions and criteria of this Policy, including:

1. Establishment of a minimum net residential density of twenty-five (25) dwelling units per acre;

2. Where a building is located within 100 feet of any parcel which prohibits, through the applicable zoning regulations, residential development of ten (10) dwelling units per gross acre or more, the local government may establish a maximum building height limit of not less than five (5) stories; and

3. The zoning regulations that establish reduced on-site parking to accommodate the mixed uses.

4. The Urban Planning Division in consultation with the Office of the County Attorney, must certify that all the foregoing requirements of this Section (9) have been satisfied.

(10) Units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced Policy.

* includes all parcels that front and have direct access to US 1 and, at the option of the applicable municipality as a permitted or special exception use, on parcels east of US 1 and west of the Intracoastal Waterway, provided the municipality makes a finding that the additional dwelling units on said parcels will not negatively impact hurricane evacuation clearance times and/or emergency shelter capacities. A local government is not required to apply this Policy to properties east of US 1 in order to be eligible for funding consideration by the

Board of County Commissioners pursuant to Section (9) herein.

**Fifty percent (50%) of in-lieu fees may be paid into an Affordable Housing Trust Fund of the applicable municipality, provided the municipality requires said monies to be used for the construction of new affordable units. All in lieu payments shall be made at the time of issuance of building permit.

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," SECTION 154.61; AND AMENDING CHAPTER 155.3302 LIMITED BUSINESS (B-1); CHAPTER 155.3303 COMMUNITY BUSINESS (B-2); 155.3304 (B-3) AND 155.4202 HOUSEHOLD LIVING USES; TO CLARIFY AND CREATE ADDITIONAL STANDARDS FOR MIXED INCOME RESIDENTIAL DEVELOPMENT USING BROWARD COUNTY LAND USE PLAN POLICIES 2.16.3 AND 2.16.4; 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; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, 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 154.61, "Redevelopment and Flexibility Units," of Chapter 154, "Planning," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 154.61 REDEVELOPMENT AND FLEXIBILITY UNITS.

...

- (F) Deconcentration of poverty requirements.

...

(3) To be eligible for the allocation of flexibility or redevelopment units the following provisions shall be applicable:

...

(c) Comply with additional residential and mixed-use standards of section 155.4202.A.1

~~(d) Projects that use the 50% zoning density incentive shall be required to provide a mix of commercial and residential uses, per section 155.4202.A.1.a.vii.(A).~~

(e) Those projects that are required to provide Non-Income Restricted Units are not required to pay into the Local Affordable Housing Trust Fund.

(f) All other areas: All projects must include a minimum of 15% Affordable Housing or pay into the Local Affordable Housing Trust Fund for every unit that is not classified as affordable.

(g) The City Commission must reevaluate and make a new determination on any flex allocation if there are changes to any information, terms or conditions contained in the resolution granting the flex units.

...

SECTION 2. That Section 155.3302., “Limited Business (B-1),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3302. LIMITED BUSINESS (B-1)

...

| C. Intensity and Dimensional Standards ¹ | | Typical Lot Pattern |
|---|--------------------|---------------------|
| Lot area, minimum (sq ft) | 7,000 ² | |
| Lot width, minimum (ft) | 70 ² | |
| Density, maximum (du/ac) | 20 ^{2,3} | |
| Lot coverage, maximum (% of lot area) | 35 ² | |
| Pervious area, minimum (% of lot area) | 20 ² | |
| Height, maximum (ft) | 50 | |
| Front yard setback, minimum (ft) | 0 | |
| Street side yard setback, minimum (ft) | 0 | |

| | | |
|---|---|--|
| Setback from a waterway or canal, minimum (ft) | 15 | |
| Interior side yard setback, minimum (ft) | 0 ² | |
| Rear yard setback, minimum (ft) | 30 | |
| Dimensional Standards for Accessory Structures | See Accessory Use -Specific standards in Article 4: Part 3. | |
| NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] | | |
| 1. See measurement rules and allowed exceptions/variations in Article 9:Part 4. | | |
| 2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft. | | |
| 3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154 , Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.3 (if less than 10-acres) or Policy 2.16.4 and Article 3. Use Standards. | | |

...

SECTION 3. That Section 155.3303., “Community Business (B-2),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3303. COMMUNITY BUSINESS (B-2)

...

| C. Intensity and Dimensional Standards ¹ | | Typical Lot Pattern |
|--|---|---------------------|
| Lot area, minimum (sq ft) | 10,000 ² | |
| Lot width, minimum (ft) | 100 ² | |
| Density, maximum (du/ac) | 30 ^{2,3} | |
| Lot coverage, maximum (% of lot area) | 45 | |
| Pervious area, minimum (% of lot area) | 20 | |
| Height, maximum (ft) | 105 ⁴ | |
| Front yard setback, minimum (ft) | 0 | |
| Street side yard setback, minimum (ft) | 0 ⁵ | |
| Setback from a waterway or canal, minimum (ft) | 15 | |
| Setback from the historic dune vegetation line, minimum (ft) | 25 | |
| Interior side yard setback, minimum (ft) | 0 ^{2,5} | |
| Rear yard setback, minimum (ft) | 30 ⁵ | |
| Dimensional Standards for Accessory Structures | See Accessory Use -Specific standards in Article 4: Part 3. | |
| NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre] | | |

1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.
2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.
3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154 , Planning or the allocation of residential units in accordance with County Affordable Housing Policy [2.16.3 \(if less than 10-acres\)](#) or [Policy 2.16.4](#) and Article 3. Use Standards.
4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.
5. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.

...

SECTION 4. That Section 155.3304., “General Business (B-3),” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.3304. GENERAL BUSINESS (B-3)

...

| C. Intensity and Dimensional Standards ¹ | | Typical Lot Pattern |
|--|---|---------------------|
| Lot area, minimum (sq ft) | 10,000 ² | |
| Lot width, minimum (ft) | 100 ² | |
| Density, maximum (du/ac) | 46 ^{2,3} | |
| Lot coverage, maximum (% of lot area) | 60 | |
| Pervious area, minimum (% of lot area) | 20 | |
| Height, maximum (ft) | 105 ⁴ | |
| Front yard setback, minimum (ft) | 0 | |
| Street side yard setback, minimum (ft) | 0 ^{2,5} | |
| Setback from a waterway or canal, minimum (ft) | 15 | |
| Setback from the historic dune vegetation line, minimum (ft) | 25 | |
| Interior side yard setback, minimum (ft) | 0 ^{2,5} | |
| Rear yard setback, minimum (ft) | 30 ⁵ | |
| Dimensional Standards for Accessory Structures | See Accessory Use -Specific standards in Article 4: Part 3. | |

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.
2. For townhouse development , applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.
3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154 , Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.3 (if less than 10-acres) or Policy 2.16.4 and Article 3. Use Standards.
4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.
5. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.

...

SECTION 5. That Section 155.4202., “Residential: Household Living Uses,” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

A. Standards Applicable to Household Living Uses

1. Additional Standards for Implementation of Broward County Policy 2.16.3 and 2.16.4 and Section 154.61 Redevelopment And Flexibility Units

The following shall apply to any development that implements Broward County Policy 2.16.3 (additional density in Residential Land Use or Commercial Land Use if less than 10-acres) or 2.16.4 (residential density in Commerce/Activity Center-Commercial, Regional Activity Center, Local Activity Center, Transit-Oriented Corridor and Mixed-Use Residential Land Use) and Section 154.61 (Redevelopment and Flexibility Units). The standards are intended to encourage economic revitalization through redevelopment along the city’s commercial corridors that is mixed use/mixed income, and transit/pedestrian oriented; while maintaining compatibility with adjacent uses; ~~The district standards are intended to stimulate economic revitalization, create a pedestrian friendly environment, and~~ encourage corridor beautification. ~~and promote mixed use residential development.~~

a. Additional and Modified Development Standards

i. Height

All developments greater than 35’ in height must result in an effective transition of heights from abutting low-density residential (20 units per acre or less) development to the tallest portion of the development. The effective transition of heights is intended to demonstrate compatibility of heights with abutting low-density residential development and to demonstrate that the tallest portions of the development are

appropriately located including a gradual and incremental increase in height that is proportionally tiered and reasonably distributed.

ii. Density

Development parcels with two or more density area designations shall unify for development purposes and may cluster units within the most intense density area of the development parcel.

iii. Floor Area Per Dwelling Unit

| Table 155.4202.A.1.a.iii: Floor area per dwelling unit, minimum (square feet) | | |
|---|--------------------|-----|
| MF | Efficiency Units | 450 |
| | 1 Bedroom | 575 |
| | 2 Bedroom | 750 |
| | 3 Bedroom | 850 |
| | Additional Bedroom | 100 |

iv. Maximum Lot Coverage

Multi-Family and Mixed-use development that incorporates residential may increase lot coverage by up to 20%.

v. Minimum Pervious Area

Multi-Family and Mixed-use development that incorporates residential may reduce the pervious area requirement to 10% of the total lot area. Landscaping and stormwater retention requirements still apply.

vi. Setbacks and Building Placement

| Table 155.4202.A.1.a.vi: Setbacks and Building Placement | | | |
|--|---------|--|------------------------------------|
| | | Along <u>Policy 2.16.4</u> Eligible Corridors | Along any other Roadway |
| Front / Street Side Setback | Minimum | 0 feet | 5 feet |
| | Maximum | 20 feet | 15 feet |
| Build-to Zone (minimum) | | 60% | 0% |

| | | | |
|---|--|---------|--------------------|
| Interior Side Setback (minimum) | | 0 feet | 5 feet |
| Rear (minimum) | | 20 feet | 20 feet |
| <p>Note:</p> <p>Build-to Zone is the area on a lot located between the minimum and maximum setback that must contain a principal structure. A Courtyard, Plaza, or Forecourt may occupy the otherwise required build-to-zone, if the space is publicly accessible, providing building access and a pedestrian connection to the existing city street grid. Fenestration requirements for abutting facades still apply.</p> <p>Rear Setback may be reduced to 5 ft where the rear yard abuts an improved and dedicated public alley at least 20 ft wide.</p> <p><u>Refer to the underlying zoning district for requirements on streets unrelated to 2.16.4 corridors.</u></p> | | | |

vii. Standards for Commercial/Residential Mixed-Use Developments

(A) Mixed-Use / Mixed-Income Standards

The incorporation of high-activity nonresidential uses such as retail shops and restaurants at street level is encouraged along those building facades abutting or most visible from a transit corridor, other major arterial street, major pedestrian walkway, or public space.

(1) All new development projects with a residential component within One-half Mile Radius of an Income Restricted Housing Development must include a minimum of 50% Non-Income Restricted Units. See incentives and implementation requirements within Section 155.4202.A.1.b.

(2) All new residential and mixed use development projects with a residential component along Dixie Highway (between city limits) and North Powerline Road (between Atlantic Boulevard and NW 15th Street) must include a minimum of 80% Non-Income Restricted Units. See incentives and implementation requirements set forth in Section 155.4202.A.1.b.

(3) When using County Policy 2.16.4, commercial and residential mixed-use shall be required and uses shall be mixed within the same building or horizontally on the same parcel.

~~(4) When using Flex and the 50% zoning density incentive, per Section 155.4202.A.1.b, commercial and residential mixed use~~

~~shall be required and uses shall be mixed within the same building or horizontally on the same parcel.~~

~~(5) When using Flex and/or Policy 2.16.3 without the zoning density incentive, use mixing is not required.~~

~~(6)~~ (4) Exemption: The income mixing requirements are not applicable to the following:

(a) Any residential and/or mixed-use residential developments with approved Development Orders signed and dated prior to the passage of this ordinance, and/or active projects that have been reviewed by the Development Review Committee (DRC).

(b) Any property owned, at least in part, as of the date of the passage of this ordinance, by an entity that is required by the Florida Statutes to construct affordable housing (examples include but are not limited to the Housing Authority of Pompano Beach).

(c) Affordable housing projects permanently restricted to home-ownership.

(B) Vertically integrated commercial uses shall be limited to floors below those used for residential uses, with exception for a top floor/rooftop eating or drinking establishment.

(C) Commercial principal uses shall be limited to:

(1) Eating or drinking establishments (including accessory outdoor seating areas);

(2) Professional/Medical office; and

(3) Retail sales and service uses.

viii. Access and Circulation

(A) Access priority shall be in the following order as feasible: cross access, alley, side street, street front,

(B) Access is limited to one point per street frontage unless off an alley, as feasible.

~~(C)~~ ~~The width of the points of access should not exceed 24 feet.~~

~~(D)~~ ~~(C)~~ No vehicular use area or parking shall be permitted in front of the primary façade and the street.

~~(E)~~ ~~(D)~~ A primary entrance providing pedestrian access shall be provided on the primary façade.

~~(F)~~ ~~(E)~~ Off-Street Parking reductions

(1) Multifamily dwellings with 2 bedrooms or less shall provide a minimum of one off-street parking space per 1,000 square feet of gross floor area, with a minimum of one off-street parking space per unit. Multifamily dwelling units with 3 or more bedrooms will provide the parking required in Table 155.5102.D.1.

(2) On-street parking, along the corresponding frontage lines touching the adjacent sidewalk to the property, may be used to satisfy a portion of the off-street parking requirements for all uses.

b. Incentives and Reporting Requirements:

i. Incentives:

(A) All ~~such~~ development projects in a commercial land use category that are required to include a minimum number of Non-Income Restricted Units that utilize Broward County Policy 2.16.3 or 2.16.4 shall receive up to a 50% zoning density bonus. They may also apply for minor variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria as detailed in Section 155.2421. ADMINISTRATIVE ADJUSTMENT.

(B) Any developments fronting on Dixie Hwy between SW 3rd Street and SW 6th Street shall be permitted to include Multi-Family Residential as part of a Mixed-Use project as a principal use, regardless of underlying zoning district regulation.

ii. Reporting:

(A) Owners of development projects that are subject to this section must provide an annual report in a form acceptable to the City verifying compliance with the income commitments.

...

SECTION 14. 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 15. 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

Income Restricted Housing, Land Use, and Corridors Analysis Map

Map Updated: January 05, 2023

Legend

-  Income Restricted Housing Buffer
-  Subsidized Housing Development
-  BC Policy 02.16.04 Eligible Corridors
-  Commercial Land Use
-  Activity Center Land Use

