

8. CHAPTER 154 PLANNING CODE TEXT AMENDMENTS, FLEXIBILITY REGULATIONS AND UPDATE TO CHAPTER 155, APPENDIX C: FLEXIBILITY APPLICATION FEES

Consideration of a text amendment requested by **CITY OF POMPANO BEACH** to update Chapter 154 Planning Code to address changes in the BrowardNext adopted 2017 County Land Use Plan. Updates include changes to Section 154.60 (Definitions), 154.61 (Economic Development and Flexibility Units), Section 154.62 (Nonresidential Flexibility), 154.80 (Affordable Housing Contributions) and Chapter 155: Appendix C: Fee Schedule Zoning Code.

Ms. Jean Dolan, Principal Planner, presented herself to the Board. She stated that this text amendment is a companion to the map amendment. She explained that there is a change to definitions, as in the past there were “flexibility units” and “reserve units” whereas now there are just “flexibility units”. There is also a new category called “redevelopment units”, in which once a municipality has only 250 flex units remaining they may apply to the County for a pool of these redevelopment units, 500 units at a time. While the City is not yet ready to apply for these units, staff wishes to add the language to the code in order to be able to obtain these redevelopment units in the future. A new map would need to be created at that point in time that would show where redevelopment units would be located. Currently, the City has 1,420 flex units remaining.

Ms. Dolan explained that 5 percent of residential land use categories can be used for local commercial uses and 10 percent of industrial land uses may be used for commercial uses without a Land Use Plan Amendment. She noted two recent examples of flex unit allocations in a Wawa project and the L.A. Fitness project. She explained that the County has now combined, however, commercial and industrial land use categories into one “commerce” category. She stated that the City has no intention of using “commerce” in their land use plan because there is too much distinction between commercial and industrial zoning districts. Another text change proposed is to allow for an option to buy out of the affordable housing requirement. She explained that the requirement has been that anyone using residential flex units to incorporate affordable housing. This amendment would match other City ordinances that give the option of either building or buying out affordable units. Lastly, modifications to the fee schedule has been made to accommodate these changes.

Ms. Eaton asked for clarification on the Wawa example.

Ms. Dolan noted that the land use designation and zoning designation are separate aspects. She stated that commercial uses can be built in an industrial land use as long as it doesn’t exceed 10 percent, and that this was required for the Wawa project because the industrial land use designation of the property does not permit retail sales.

Ms. Eaton asked if a theoretical sandwich shop could be permitted within a commerce park.

Ms. Dolan responded that it would, but that speaks more to zoning than to flex allocation. The zoning allows for a small percentage of industrial use to have supporting commercial uses. A free-standing restaurant would be different, however.

Ms. Eaton asked if a use permitted in a B-4 zoning district would also be allowed in an industrial zoning district.

Ms. Dolan responded that it is possible, and in fact the example of the Wawa is a case in point.

Mr. Stacer asked how these changes would impact the East Transit Oriented Corridor.

Ms. Dolan responded that the ETOC area would have a special ETOC land use category and so would not be impacted since it will by nature allowed for mixed use. She noted that the redevelopment flex units could at some point be used, however.

Mr. Hill stated that in his research he has not found that other cities allow for a buyout of affordable housing.

Ms. Dolan explained that Pompano decided, probably during the 2000s housing bubble, that a certain percentage of flex units had to be affordable. The projects that have come through, however, are not mixed income housing. As a consequence, only developers of solely affordable housing are utilizing the available flex units. This buy-out option would be an economic development tool and provide for a cash infusion to the affordable housing trust fund.

Mr. Hill asked how the buyout amount of \$2,333 was calculated.

Ms. Dolan responded that the figure is from the recent Lambert housing study. She noted that it can be re-visited every three years, and that Pompano Beach's buyout amount is the highest in the County.

Mr. Stacer opened the hearing to the public. Seeing that there is no one in the audience who wished to speak, the hearing was closed.

MOTION was made by Rhonda Eaton and seconded by Tony Hill to recommend approval of the proposed text amendments. All voted in favor of the motion; therefore, the motion passed.