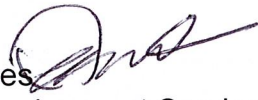




ADMINISTRATIVE MEMORANDUM NO. 19 - 367

DATE: November 20, 2019

TO: City Commission

VIA: David L. Recor, Director of Development Services 
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Jean E. Dolan, AICP, Principal Planner 

RE: Amendments to Chapter 154 and 155 to Create Administrative Approval of Flex Units for Single-Family Homes and Duplex Units and Establish the City Commission as the Appellate Board

P&Z November 18, 2019

There have been two recent amendments to Chapter 155 which require a modification to Chapter 154 to allow flex units for single-family homes and duplex homes to be issued administratively through an official action by the Development Services Director.

The maximum size project that can take advantage of the administrative process is 4 contiguous lots on any block face. Any applicant that does not agree with the Development Services Director's determination may appeal the decision to the City Commission.

This item was heard by the Planning and Zoning Board on November 18, 2019 and was recommended unanimously for approval.

The original P&Z Report is not being uploaded to Granicus because it included another discussion item that is not being brought forward at this time. This memo is replacing the P&Z Report to avoid any potential for confusion.

JED

§ 154.61 REDEVELOPMENT AND FLEXIBILITY UNITS.

(A) In conformance with the Comprehensive Plan, flexibility and redevelopment units as defined in § [154.60](#) of this chapter, may be allocated to authorize ~~multifamily~~ residential projects or mixed use projects on properties with commercial land use designations (limited to 20% of the total lands designated Commerce in the county's 2017 Land Use Plan) or additional units on properties with residential land use designations. Approval of an allocation of flexibility and redevelopment units shall be achieved as outlined below.

. . .

(C) Procedure for Residential and Nonresidential (Per 5% Rule: Residential to Commercial) Flexibility Allocation and procedure for allowing Commercial Uses in Industrial Land Use Category.

(1) Step 1: Application submittal. The applicant shall submit an application to the Development Services Director as follows:

(a) The application is in the form established by the Development Services Director;

(b) The application is accompanied by the application fee as specified in Chapter 155, Appendix C: Fee Schedule; and

(c) The applicant includes information in sufficient detail to evaluate the application in order to determine whether it complies with the review standards listed in subsection (D) below, including a conceptual site plan.

(2) Step 2: Staff review. Applicable to a recommendation by the Development Service Director following DRC review and comment based on the Application Review Standards listed in subsection (D) below.

(3) Step 3: Advisory body review and recommendation. Applicable to a recommendation by the Planning and Zoning Board based on the Application Review Standards listed in subsection (D) below. (Note: For applications requesting Commercial Uses in an Industrial Land Use Category, the P&Z Board will be the decision-making body and Step 3 will be the last step.)

(a) The Planning and Zoning Board hearing shall be noticed as follows:

1. Published notice. Notice of the P&Z public hearing shall be published at least five calendar days before the hearing date.

2. Mailed notice. Notice of the P&Z public hearing shall be mailed at least six business days before the hearing date to the following recipients: Applicant; owner(s) of land subject to the application; owners of real property within 500 feet of the parcel(s) subject to the application; and the local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to the application.

(4) Step 4: Decision-making body review and decision. Applicable to a final decision by the City Commission.

(4) Step 4: Decision-making body review and decision. Applicable to a final decision by the City Commission.

(a) The City Commission hearing shall be noticed as follows:

1. Published notice. Notice of the City Commission public hearing shall be published at least ten calendar days before the hearing date.

2. Mailed notice. Notice of the first City Commission public hearing shall be mailed at least ten calendar days before the hearing date to the following recipients: Applicant; owner(s) of land subject to the application; owners of real property within 500 feet of the parcel(s) subject to the application; and the local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to the application.

(5) The availability of redevelopment and flexibility units will become null and void upon the expiration of the time limits provided in the resolution allocating said flexibility and redevelopment units. Time extensions may be granted for good cause ~~shown~~ if sufficient progress is demonstrated.

(D) Application review standards. An application shall only be approved on a finding that there is competent substantial evidence in the record that all of the following standards are met:

(1) Consistency with applicable goals, objectives and policies of the city's Comprehensive Plan and this chapter.

(2) The use of the redevelopment and flexibility units; the establishment of nonresidential development within a residential land use designation; or the approval of commercial uses in an Industrial Land Use category will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

(3) Applications for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units per subsection (E) below or an in lieu of fee in accordance with § [154.80](#), except that infill properties which are one-acre or less are exempt from this requirement.

(E) Exception: Single Family and Duplex Homes. Single Family and Duplex Homes. Flex units for single-family and duplex homes may be administratively allocated by the Development Services Director, following a review of the corresponding application requesting such allocation. The Development Services Director may approve the Application for flexibility units, approve the Application subject to conditions or deny the Application based on the review standards set forth in Chapter 154, City Code. This subsection shall not apply to single-family and duplex projects having more than four contiguous lots on any block face.

(~~E~~ F) Affordable housing requirements.

(1) Definitions. The following definitions apply to this section.

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SECTION 2. That Section 155.2424, “Appeal,” of Chapter 155, “Zoning Code,” of the

City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 155.2424. APPEAL

...

B. RIGHT TO APPEAL

1. Parties Aggrieved by final decision by the Development Services Director.

A party aggrieved by a final decision by the Development Services Director identified in [Table 155.2424.B](#), Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with the procedures as set forth in Section [155.2424.C](#), Appeal Procedure.

TABLE 155.2424.B: APPELLATE BOARDS FOR APPEALS OF DECISIONS OF DEVELOPMENT SERVICES DIRECTOR	
Application Type	Board Responsible for Reviewing Appeal
Minor Building Design	Architectural Appearance Committee (AAC)
Minor Certificate of Appropriateness	Historic Preservation Committee (HPC)
<u>Single-Family or Duplex Unit Flex Allocation</u>	<u>City Commission</u>
All other application types and waiver requests	Zoning Board of Appeals (ZBA)