

REQUESTED COMMISSION ACTION:

Consent      X      Ordinance      Resolution      Consideration/  
 Discussion      Presentation

SHORT TITLE

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO INCREASE MINIMUM REQUIRED UNIT SIZE FOR MULTI-FAMILY DWELLINGS; TO REVISE RESIDENTIAL AND NONRESIDENTIAL USE AREAS FOR PROPERTIES ABUTTING FLAGLER AVENUE AND DR. MARTIN LUTHER KING, JR. BLVD.; AND TO REQUIRE OFF-STREET PARKING IN ENCLOSED STRUCTURES FOR CERTAIN RESIDENTIAL PROJECTS LOCATED EAST OF DIXIE HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

Staff is recommending text amendments to the Downtown Pompano Beach Overlay District as follows: §155.3708.G.4 is amended to require a slightly larger minimum unit size for multi-family dwelling units. This change is proposed to encourage properties with more amenities and increase a mix of dwelling unit sizes. Table 155.3708.H.1.A is revised to require pedestrian level activity (i.e. nonresidential uses) for properties abutting Flagler Avenue and Dr. Martin Luther King Jr Blvd. As with the next revision, this change reflects the intent of the overlay district to develop a walkable, pedestrian friendly streetscape. Finally, §155.3708.K.1 is revised to require multi-family residential projects (both stand alone and mixed use) located east of Dixie Highway to provide all parking in parking garages. The purpose of this revision is to reduce the amount of surface parking, and therefore increase active uses especially in the area adjacent to the proposed train station. At their December 17, 2014 meeting, the Planning and Zoning Board reviewed the proposed text amendments to DPOD.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	11/24/2014	Approval	Memo #14-545
City Attorney	01/13/2015	Approval	Memo #2015-449 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #14-083 (12/26/2014)
X City Manager	<i>[Signature]</i>	<i>[Signature]</i>	

Ordinance Workshop	Resolution	Consideration
1 <sup>st</sup> Reading <u>3/10/15</u>	1 <sup>st</sup> Reading _____	Results: _____
2 <sup>nd</sup> Reading <u>3/24/15</u>	_____	Results: _____
_____	_____	_____
_____	_____	_____



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

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO INCREASE MINIMUM REQUIRED UNIT SIZE FOR MULTI-FAMILY DWELLINGS; TO REVISE RESIDENTIAL AND NONRESIDENTIAL USE AREAS FOR PROPERTIES ABUTTING FLAGLER AVENUE AND DR. MARTIN LUTHER KING, JR. BLVD.; AND TO REQUIRE OFF-STREET PARKING IN ENCLOSED STRUCTURES FOR CERTAIN RESIDENTIAL PROJECTS LOCATED EAST OF DIXIE HIGHWAY; 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 155.3708, "Downtown Pompano Beach (DP) Overlay District," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.3708. DOWNTOWN POMPANO BEACH OVERLAY DISTRICT**

...

**G. BUILDING PLACEMENT REGULATING DIAGRAMS AND MODIFIED DIMENSIONAL STANDARDS.**

**1. Building Typology**

...

**4. Minimum Unit Sizes for Residential Development**

Floor area per dwelling unit, minimum (sq ft)	SF	950		
	2F	750		
	MF	Efficiency units: 500 Other units: 650 + 100 per BR>1		
	MF	<u>Efficiency Units</u>	<u>600</u>	
		<u>1 Bedroom</u>	<u>800</u>	
		<u>2 Bedroom</u>	<u>1,000</u>	
		<u>3 Bedroom</u>	<u>1,200</u>	
	<u>Additional Bedroom</u>	<u>100</u>		

**H. USE REGULATING PLAN AND MODIFIED USE STANDARDS.**

**1. Use Regulating Plan**

- a. All new and existing development shall comply with the standards found within the Use Regulating Plan and the Principal Uses Regulating Table. The Use Regulating Plan separates the DPOD into use areas. Table 155.3708.H.1.a lists the Use Areas with the requirements of Residential and Nonresidential Uses.

TABLE 155.3708.H.1.A: USE AREAS WITH REQUIREMENTS ON RESIDENTIAL AND NONRESIDENTIAL USES		
USE AREA	RESIDENTIAL	NONRESIDENTIAL
MM-1: Mixed Use Main Street 1	For properties abutting Dr. Martin Luther King, (MLK) Jr. Blvd., Not Permitted on the portion of the 1st Floor fronting MLK	For properties abutting Dr. Martin Luther King, (MLK) Jr. Blvd. Required on the portion of the 1st Floor fronting MLK
	For all properties, Optional on 2nd Floor	For all properties, Optional on 2nd Floor
	For all properties, Required on 3rd Floor and above	For all properties, Not Permitted on 3rd Floor and above

...	...	...
MUR: Mixed Use Residential	<u>For properties abutting Flagler Avenue, Not Permitted on 1st Floor</u>	<u>For properties abutting Flagler Avenue, Required on 1st Floor</u>
	<u>For properties not abutting Flagler Avenue, Optional on 1st Floor</u>	<u>For properties not abutting Flagler Avenue, Optional on 1st Floor</u>
	<u>For all properties, Optional on 1st and 2nd Floor</u>	<u>For all properties, Optional on 1st and 2nd Floor</u>
	<u>For all properties, Required on 3rd Floor and above</u>	<u>For all properties, Not Permitted on 3rd Floor and above</u>
MO: Mixed Use Optional	<u>For properties abutting Flagler Avenue, Not Permitted on 1st Floor</u>	<u>For properties abutting Flagler Avenue, Required on 1st Floor</u>
	<u>For properties not abutting Flagler Avenue, Optional on 1st Floor</u>	<u>For properties not abutting Flagler Avenue, Optional on 1st Floor</u>
	<u>For all properties, Optional on all other Floors</u>	<u>For all properties, Optional on all other Floors</u>
...	...	...

- b. The Use Regulating Plan also depicts the location of the Historic Core and Historic Transition ~~Area-s~~ Areas, which have modified use standards listed in Table 155.3708.H.2.

...

**K. ADDITIONAL DPOD STANDARDS**

In addition to the Regulating Plans, the following standards apply to properties within the DPOD.

**1. Reduced and Modified Off-street Parking Standards**

- a.** Properties developed in full compliance with the Use Regulating Plan and the Density Regulating Plan are eligible for reduced parking. However in no case shall a property be permitted to utilize one of the following parking reductions and a parking reduction per Section 155.5102.K (Reduced Parking Requirements for Parking Demand Reduction Strategies) or per Table 155.5803.A: Sustainability Bonuses.

- a i. All developments, except single family detached dwellings and eating and drinking establishments, shall provide at least 80 percent of the minimum number of off-street parking spaces required per Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces.

b ii. Eating and drinking establishments shall provide a minimum of six spaces per 1,000 sq ft of customer service area.

e iii. Off-street parking is not required for non-residential uses with a maximum 10,000 sf gfa and whose primary pedestrian entrance is located within 800 feet of the BCT North East Transit Center.

d iv. When directly abutting MLK Boulevard, or located within the Historic Core and Historic Transition Areas, locally designated historic buildings and existing commercial buildings located, shall not be required to provide parking in addition to that which exists.

e v. Senior Housing

i (A) Developments where all of the dwelling units are Senior Housing approved and/or funded by US HUD, the required off-street parking may be reduced to a minimum of one parking space per every dwelling unit.

ii (B) Developments where a portion of the dwelling units are Senior Housing approved and/or funded by US HUD, the required off-street parking may be reduced to a minimum of one parking space per every "Senior Housing" dwelling unit. The dwelling units that are not designated "Senior Housing" shall provide parking at the standard parking rate.

iii (C) The applicant shall submit plans which demonstrate how the remaining parking will be accommodated in the event that the Senior Housing dwelling units are converted to non-Senior Housing.

b. Excluding townhouse and zero lot lines building typologies, all multi-family developments which are located east of Dixie Highway and all mixed use developments which include a residential component which are located east of Dixie Highway shall provide all off-street parking spaces in enclosed parking garage structures. No surface level parking lots are permitted for these properties.

...

**SECTION 2.** 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 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

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

GBL/jrm  
1/14/15  
L:ord/ch155/2015-163



**City Attorney's Communication #2015-449**

January 13, 2015

**TO:** Karen Friedman, AICP, Planner

**FROM:** Gordon B. Linn, City Attorney

**RE:** Ordinance Amending Section 155.3708, "Downtown Pompano (DP) Overlay District"

As requested in your memorandum of December 22, 2014, Department of Development Services Memorandum No. 14-584, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO INCREASE MINIMUM REQUIRED UNIT SIZE FOR MULTI-FAMILY DWELLINGS; TO REVISE RESIDENTIAL AND NONRESIDENTIAL USE AREAS FOR PROPERTIES ABUTTING FLAGLER AVENUE AND DR. MARTIN LUTHER KING, JR. BLVD.; AND TO REQUIRE OFF-STREET PARKING IN ENCLOSED STRUCTURES FOR CERTAIN RESIDENTIAL PROJECTS LOCATED EAST OF DIXIE HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please carefully review the ordinance to ensure that it meets with your request.



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GORDON B. LINN

/jrm  
l:cor/dev-srv/2014-112

Attachment

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #14-083**

**DATE:** December 26, 2014  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to Zoning Code, Downtown Pompano Beach Overlay District

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on December 17, 2014, the Board considered proposed text amendments to the Zoning Code regarding revisions to standards in the Downtown Pompano Beach Overlay District as set forth in the Department of Development Services Administrative Report 14-545.

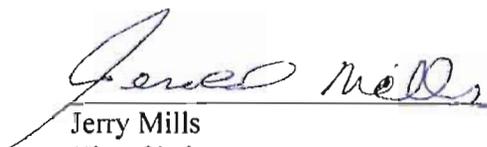
Specifically, staff prepared text amendments to the following subsections of §155.3708, Downtown Pompano Beach Overlay District:

§155.3708.G.4 - Minimum Unit Sizes for Residential Development

Table 155.3708.H.1.A: Use Areas with Requirements on Residential and Nonresidential Uses

§155.3708.K.1 - Reduced and Modified Off-street Parking Standards

With a four to one vote for the approval of the amendment, Richard Klosiewicz casting the dissenting vote, it is the recommendation of the Board that the text amendments be approved.

  
\_\_\_\_\_  
Jerry Mills  
Vice-Chairman  
Planning and Zoning Board/ Local Planning Agency

**ADMINISTRATIVE MEMORANDUM NO. 14-545**

DATE: November 24, 2014  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Director of Development Services *RB*  
FROM: Karen Friedman, AICP, Planner *KBF*  
RE: Text Amendments to Downtown Pompano Beach Overlay District

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Staff prepared text amendments to the following subsections of §155.3708, Downtown Pompano Beach Overlay District:

**§155.3708.G.4 - Minimum Unit Sizes for Residential Development.**

In an effort to encourage properties with more amenities and better quality dwelling units, the revision includes a slight increase for the minimum unit size for multi-family dwelling units. Further, in order to clarify the minimum unit size required, the revision also specifies the minimum size for each bedroom type.

**Table 155.3708.H.1.A: Use Areas with Requirements on Residential and Nonresidential Uses**

This table has been revised to require pedestrian level activity (i.e. nonresidential uses) for properties abutting Flagler Avenue and Dr. Martin Luther King Jr Blvd. A copy of the Use Regulating Plan with the impacted properties outlined in red is attached for your reference.

**§155.3708.K.1 - Reduced and Modified Off-street Parking Standards**

Due to the adjacency to the proposed train station and the intent to develop a transit oriented district, this revision would prohibit multi-family residential projects (both stand alone and mixed use) that are east of Dixie Highway from developing surface level parking. Rather all parking would need to be provided for in parking garages.

Staff is requesting the Board approve these recommended changes to the City Commission for adoption.



# LEGEND

## USE REGULATING PLAN

MM1 	MIXED-USE MAIN STREET-1.
MM2 	MIXED-USE MAIN STREET-2.
MUR 	MIXED-USE RESIDENTIAL.
MO 	MIXED-USE OPTIONAL.
RM	MULTI FAMILY RESIDENTIAL .
RS 	SINGLE FAMILY RESIDENTIAL .
MUCP 	MIXED-USE COMMERCE PARK.
CC1 	CIVIC CAMPUS-1 .
CC2 	CIVIC CAMPUS-2.
RO 	RECREATION / OPEN SPACE
CF 	COMMUNITY FACILITIES
PU 	PUBLIC UTILITIES
TR 	TRANSIT FACILITIES.
	HISTORIC CORE
	HISTORIC TRANSITION

# Article 3: Zoning Districts

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## Part 7: Overlay Zoning Districts

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### 155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

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#### G. Building Placement Regulating Diagrams and Modified Dimensional Standards.

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#### 4. Minimum Unit Sizes for Residential Development

Floor area per dwelling unit, minimum (sq ft)	SF	950		
	2F	750		
	MF	Efficiency units: 500- Other units: 650 + 100 per BR>1		
	MF	<u>Efficiency Units</u>	<u>600</u>	
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**H. Use Regulating Plan and Modified Use Standards.**

**1. Use Regulating Plan**

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TABLE 155.3708.H.1.A: Use Areas with Requirements on Residential and Nonresidential Uses		
Use Area	Residential	Nonresidential
MM-1: Mixed Use Main Street 1	<p>For properties abutting Martin Luther King Jr Blvd, Not Permitted on the portion of the 1st Floor fronting Martin Luther King Jr Blvd</p> <p>For all properties, Optional on 2nd Floor</p> <p>For all properties, Required on 3rd Floor and above</p>	<p>For properties abutting Martin Luther King Jr Blvd, Required on the portion of the 1st Floor fronting Martin Luther King Jr Blvd</p> <p>For all properties, Optional on 2nd Floor</p> <p>For all properties, Not Permitted on 3rd Floor and above</p>
***	***	***
MUR: Mixed Use Residential	<p>For properties abutting Flagler Avenue, Not Permitted on 1st Floor</p> <p>For properties not abutting Flagler Avenue, Optional on 1st Floor</p> <p>For all properties, Optional on 1st and 2nd Floor</p> <p>For all properties, Required on 3rd Floor and above</p>	<p>For properties abutting Flagler Avenue, Required on 1st Floor</p> <p>For properties not abutting Flagler Avenue, Optional on 1st Floor</p> <p>For all properties, Optional on 1st and 2nd Floor</p> <p>For all properties, Not Permitted on 3rd Floor and above</p>
MO: Mixed Use Optional	<p>For properties abutting Flagler Avenue, Not Permitted on 1st Floor</p> <p>For properties not abutting Flagler Avenue, Optional on 1st Floor</p> <p>For all properties, Optional on all other Floors</p>	<p>For properties abutting Flagler Avenue, Required on 1st Floor</p> <p>For properties not abutting Flagler Avenue, Optional on 1st Floor</p> <p>For all properties, Optional on all other Floors</p>
***	***	***

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**K. Additional DPOD Standards**

In addition to the Regulating Plans, the following standards apply to properties within the DPOD.

**1. Reduced and Modified Off-street Parking Standards**

- a. Properties developed in full compliance with the Use Regulating Plan and the Density Regulating Plan are eligible for reduced parking. However in no case shall a property be permitted to utilize one of the following parking reductions and a parking reduction per Section 155.5102.K (Reduced Parking Requirements for Parking Demand Reduction Strategies) or per Table 155.5803.A: Sustainability Bonuses.
- a j. All developments, except single family detached dwellings and eating and

drinking establishments, shall provide at least 80 percent of the minimum number of off-street parking spaces required per Table 155.5102.D.1, Minimum Number of Off-Street Parking Spaces.

- b ii. Eating and drinking establishments shall provide a minimum of six spaces per 1,000 sq ft of customer service area.
- e iii. Off-street parking is not required for non-residential uses with a maximum 10,000 sf gfa and whose primary pedestrian entrance is located within 800 feet of the BCT North East Transit Center.
- d iv. When directly abutting MLK Boulevard, or located within the Historic Core and Historic Transition Areas, locally designated historic buildings and existing commercial buildings located, shall not be required to provide parking in addition to that which exists.
- e v. **Senior Housing**
  - i A. Developments where all of the dwelling units are Senior Housing approved and/or funded by US HUD, the required off-street parking may be reduced to a minimum of one parking space per every dwelling unit .
  - ii B. Developments where a portion of the dwelling units are Senior Housing approved and/or funded by US HUD, the required off-street parking may be reduced to a minimum of one parking space per every "Senior Housing" dwelling unit . The dwelling units that are not designated "Senior Housing" shall provide parking at the standard parking rate.
  - iii C. The applicant shall submit plans which demonstrate how the remaining parking will be accommodated in the event that the Senior Housing dwelling units are converted to non-Senior Housing.

b. Excluding townhouse and zero lot lines building typologies, all multi-family developments which are located east of Dixie Highway and all mixed use developments which include a residential component which are located east of Dixie Highway shall provide all off-street parking spaces in enclosed parking garage structures. No surface level parking lots are permitted for these properties.

