

ORDINANCE NO. 2023-013

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 28 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ZONING;" AMENDING ARTICLE III, ENTITLED "DISTRICT REGULATIONS" BY AMENDING DIVISION 5, ENTITLED "B-1 BUSINESS DISTRICT"; AMENDING SECTION 28-187.01 ENTITLED "SPECIAL EXCEPTION DESIGNATION;" PROVIDING FOR NEW REQUIREMENTS FOR MIXED USE RESIDENTIAL DEVELOPMENTS; AMENDING SECTION 28-194.1, ENTITLED "MIXED USE RESIDENTIAL DEVELOPMENTS;" MODIFYING THE MINIMUM DEVELOPMENT CRITERIA FOR MIXED-USE RESIDENTIAL USES IN THE B-1 BUSINESS DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Pembroke Park ("Town") continues to grow and attract interest from potential residents and business owners alike; and

WHEREAS, the Town is aware of the ever-present and growing need from residents for additional affordable housing development; and

WHEREAS, the Town has received interest from the development community in developing vacant parcels located throughout the Town; and

WHEREAS, The Town Commission finds that it is in the best interest of the City's residents to amend the Town's Code of Ordinance to address the need for affordable housing development, promote urban infill, and to encourage additional commercial uses for the Town's residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 28 of the Town's Code of Ordinances, entitled "Zoning," is amended by specifically amending Section 28-187.01 entitled "Special Exception Designation," under Article III entitled "District Regulations", Division 5 entitled "B-1 Business District" as follows:

Sec. 28-187.01. - Special exception; designation.

The following primary uses shall be designated as special exceptions for the purpose of issuance of building permits and/or granting of a business tax receipt and certificates of use and shall be permitted as a special exception only after public hearing and approval by the Town Commission:

(a) Religious establishments and ancillary uses, including but not limited to, religious education related to the use on site, social services related to the use on site, counseling and office uses.

(b) ~~Mixed Use Residential Development according to Section 28-194.1 Multiple-family residential use up to twenty-five (25) units per net acre of site area (or the density specified in the Future Land Use Element, whichever is less) as a part of a commercial structure provided that a minimum of five thousand (5,000) square feet of commercial use is provided onsite.~~

Section 3. Chapter 28 of the Town's Code of Ordinances, entitled "Zoning," is amended by specifically amending Section 28-194.1 entitled "Mixed-use residential developments," under Article III entitled "District Regulations", Division 5 entitled "B-1 Business District" as follows:

Sec. 28-194.1. - Mixed-use residential developments.

The following is the minimum criteria for mixed-use residential uses in the B-1 Business District:

(a) Applicability. Properties which are ten (10) acres or less in area and have an underlying land use designation of "commercial" on the Pembroke Park Future Land Use Plan Map. Freestanding multi-family residential uses are permitted on a parcel ten (10) acres or less in area. Any mixed-use development, other than the freestanding multi-family residential use, must contain a minimum of 5,000 square feet of commercial use.

(b) Density.. The maximum base density in B-1 Business District is 50 dwelling units per gross acre and an affordable housing density bonus up to a maximum of 100 units per gross acre if affordable housing is provided pursuant to Policies 2.16.3 and 2.16.4 of the Broward County Comprehensive Plan.

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(c) Setbacks.

- (1) Front and street side: Buildings shall be set back a minimum of five (5) feet from adjacent roadways.
- (2) Side: Minimum ten (10) feet.
- (3) Rear: Minimum ten (10) feet.

(d) Maximum building length. Maximum two hundred fifty (250) feet length for residential buildings.

(e) Minimum floor areas.

- (1) Efficiency400 square feet; Efficiencies 500 square feet or less are counted as 0.5 of a dwelling unit for density calculations.
- (2) One (1) bedroom 550 square feet
- (3) Two (2) bedrooms 800 square feet
- (4) Add one hundred fifty (150) square feet for each bedroom greater than two (2).

(f) Pervious area. A minimum of fifteen (15) percent of the total lot area.

(g) Building height. A maximum building height of up to One hundred and fifty ~~(150)~~-feet is permitted.

(h) Active ground level uses. A minimum of 30% of the primary front façade shall be activated with residential uses, accessory residential use (~~lob~~by, leasing office, fitness center, etc.) and/or commercial uses.

(i) Allocation and expiration of flexibility and/or reserve dwelling units.

- (1) The Town may allocate available flexibility and/or reserve dwelling units and affordable housing bonus density to property located in the B-1 Business District upon receipt of an application from the property owner or property owner's authorized agent.
- (2) The allocation of flexibility and/or reserve dwelling units and affordable housing bonus density will be based on review criteria established by Resolution of the Town Commission and consistent with the Town's Adopted Comprehensive Plan. The Town is not mandated to allocate units to an applicant, even when unallocated flexibility and/or reserve dwelling units and affordable housing bonus density are available.
- (3) The Town Commission will conduct a public hearing to consider the application for flexibility and/or reserve dwelling units. The number of flexibility and/or reserve dwelling units allocated to an applicant, if any, will be set forth in a Resolution adopted by the Town Commission.
- (4) Flexibility and/or reserve dwelling units and affordable housing bonus density may only be allocated concurrently with the approval of a site development plan for the property.^{4.7} ~~and said~~ aAllocation of flexibility and/or reserve dwelling units and affordable housing bonus density shall have an expiration date that coincides with the expiration

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date of the site development plan issued concurrently with the flexibility and/or reserve dwelling unit allocation.

- (5) All flexibility and/or reserve dwelling units and affordable housing density bonuses which expire or are not utilized by the expiration date shall revert back to the Town.

Section 4. It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 7. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2023.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2023.

ATTEST:

MAYOR ASHIRA MOHAMMED

MARLEN D. MARTELL

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Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Interim Town Attorney

VOTE

ASHIRA MOHAMMED	_____
GEOFFREY JACOBS	_____
MUSFIKA KASHEM	_____
WILLIAM R. HODGKINS	_____
ERIK MORRISSETTE	_____

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