

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHWEST CORNER OF N. OCEAN BLVD. AND NE 7TH COURT COMMONLY KNOWN AS 723 N. OCEAN BLVD. FROM RM-20 (MULTIPLE-FAMILY RESIDENCE 20) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, RPUD's are required to have a minimum of five acres; however, this requirement may be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas or promote a community goal when more conventional development would result in more difficult or undesirable development; and

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, Florida; and

WHEREAS, pursuant to Section 155.2305.C of the Pompano Beach Code of Ordinances, notice has been mailed notifying owners of real property within 500 feet of the subject parcel of the first City Commission public hearing on this proposed Ordinance; and

WHEREAS, a public hearing before the City Commission was held pursuant to such notice, 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 the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds that the Applicant has provided, as part of the record of the public hearing, competent, substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans and, further, complies with City Code Section 155.3602, General Standards for All Planned Development Districts, as well as all other requirements of the Zoning Code.

SECTION 2. REZONING AND APPROVAL OF PLANNED DEVELOPMENT PLAN:
The property more particularly described in Exhibit "A," attached and made a part of this Ordinance ("PBR Parcel"), is rezoned from a present zoning classification of RM-20 (Multiple-Family Residence 20) to RPUD (Residential Planned Unit Development) as that zoning classification is defined by Chapter 155 of the City of Pompano Beach Code of Ordinances.

Pursuant to the requirements of Sections 155.3602 and 155.3603 of the City of Pompano Beach Code of Ordinances, the Planned Development Plan ("Plan") submitted for the PBR Parcel, attached and made a part of this Ordinance as Exhibit "B," is adopted. All development of the PBR Parcel shall be limited to the uses, intensity and density, configuration and all other elements and conditions set forth in the Plan, as approved, and Section 155.3603 of the City of Pompano Beach Code of Ordinances.

SECTION 3. CONDITION OF IMPLEMENTATION: This Ordinance is subject to conditions as set forth in Exhibit "C," attached and made a part of this Ordinance.

SECTION 4. EFFECTIVE PERIOD OF APPROVAL: Pursuant to City Code Section 155.2405.I, Expiration, approval of this rezoning shall automatically expire if an application for a Site Plan (Major or Minor) for any part of the development shown on the approved Plan is not

submitted within two years after approval of the RPUD, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

SECTION 5. That the Development Services Director is directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 6. Pursuant to Section 155.3603(C) of the City of Pompano Beach Code of Ordinances, the City Commission waives the minimum five acre requirement for RPUD zoning, and the City Commission finds that creative site planning is necessary to address a physical development constraint; specifically, as the developer was required to dedicate additional right-of-way for the project resulting in loss of property.

SECTION 7. SEVERABILITY: If any provision of this Ordinance or its application 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 8. RECORDATION: This Ordinance shall be recorded in the public records of Broward County in accordance with Section 155.2405.F., Recordation.

SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 2021.

PASSED SECOND READING this ____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
6/7/21
L:ord/2021-213