

**RESOLUTION NO. 2019 - \_\_\_\_**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF POMPANO BEACH, FLORIDA ALLOCATING A  
MAXIMUM OF FIFTEEN (15) FLEX UNITS FOR A  
PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON  
NE 33 STREET, EAST OF NORTH DIXIE HWY.; PROVIDING  
AN EFFECTIVE DATE.**

**WHEREAS**, St. Elizabeth Gardens, Inc. requests an allocation of a maximum of fifteen (15) residential flex units in order to construct 155 dwelling units for a residential development on property located east of North Dixie Highway, on the north side of NE 33 Street, legally described in Exhibit “A”; and

**WHEREAS**, the subject property has Low-Medium Residential (LM) Land Use Designations; and

**WHEREAS**, the City of Pompano Beach Planning Code Section 154.61 requires that applications for flex and reserve units must comply with certain requirements to construct affordable housing; and

**WHEREAS**, the applicant intends to comply with the affordable housing requirements of Section 154.61(E), by providing an executed Declaration of Covenants regarding the provision of affordable housing prior to site plan approval; 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 resolution and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

**WHEREAS**, in accordance with Section 154.61(C)(4), of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying residents within 500 feet of the subject property of one public hearing on this proposed Resolution; and

**WHEREAS**, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 15 flex units; now, therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the City Commission of the City of Pompano Beach hereby allocates a maximum of 15 flex units, all of which will come from the unified flex zone for the proposed housing project to be constructed on the property which is legally described in Exhibit “A.”

**SECTION 2.** The number of flex units in the unified flex zone shall be reduced by how ever many units are necessary for the project, not to exceed 15 units.

**SECTION 3.** The parcel with a RM-12 zoning must be rezoned to allow a minimum of 22.1 units per acre.

**SECTION 4.** The proposed project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached hereto and made a part hereof that shows a maximum density on the residentially zoned portion of the subject property to be 22.1 units per acre.

**SECTION 5.** The applicant must comply with the affordable housing requirements of Section 154.61(E) of the Planning Code requiring the affordability of 11 out of the 15 flex units be maintained for 30 years, which will be through the Applicant’s voluntary commitment to Declaration of Covenants for affordable housing to be recorded prior to Site Plan approval.

**SECTION 6.** The applicant must comply with the affordable housing requirements of County Land Use Policy 2.16.3 requiring that 140 units shall have affordability be maintained

for 15 years, which will be through the Applicant's voluntary commitment to Declaration of Restrictive Covenants to be recorded prior to Site Plan approval.

**SECTION 7.** Failure of the applicant to obtain a principal building permit for its renovation project as shown in Exhibit "B" within two years of the date of this resolution shall render the allocation of the flex units null and void.

**SECTION 8.** Failure of the applicant to construct the renovation project substantially in accordance with the conceptual site plan as shown in Exhibit "B" shall render the allocation of the flex units null and void; the units may not be used for or applied to any other project or projects.

**SECTION 9.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
REX HARDIN, MAYOR

ATTEST:

\_\_\_\_\_  
ASCELETA HAMMOND  
CITY CLERK

# Exhibit A

## Exhibit B