

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING ERRORS ON THE FUTURE LAND USE MAP BY MODIFYING THE MAP TO REFLECT THE PROPER LAND USE DESIGNATIONS FOR THE PROPERTIES LOCATED AT 950 SOUTH CYPRESS ROAD AND 540 EAST MCNAB ROAD; 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, Florida; and

WHEREAS, the City is making corrections to the Future Land Use Map; and

WHEREAS, the City has found that the property at 950 South Cypress Road is occupied by a church and has been occupied by a church since prior to 1988; and

WHEREAS, the City has determined that the City Future Land Use Map showed the property at 950 South Cypress occupied by the church as Residential Low 5 land use in 1988; and

WHEREAS, the City has determined that the property's land use category shown on the Future Land Use Map was changed to Community Facility (CF) sometime between 1988 and 1998; and

WHEREAS, the City has found no evidence of a land use plan amendment ordinance being approved between 1988 and 1998 for this property with said change to a CF land use category; and

WHEREAS, the property occupied by the church has a land use designation of Low 5 Residential on the Broward County Land Use Map; and

WHEREAS, the City Zoning Map shows the property occupied by the church with a RS-2 Zoning Designation, which is not a permitted zoning in the CF land use category but is permitted in the Residential Low 5 land use designation; and

WHEREAS, the City has come to the conclusion that the CF land use designation on this property is the result of an error on the Future Land Use Map; and

WHEREAS, the church use is a permitted use in the Residential Low 5 land use designation and will in no way be affected by the correction to the Future Land Use Map designation for the property at 950 South Cypress Road; and in addition

WHEREAS, the City has found that the property at 540 East McNab Road is occupied by a commercial building and has been continuously occupied by the same commercial building since 1981; and

WHEREAS, the City has determined that the property was granted a parking variance in 1978 (#78-53) for a commercial building on this site and the variance states the parcel is zoned Community Business (B-2);

WHEREAS, the City Future Land Use and Zoning Map erroneously showed the property occupied by the commercial building as having a Residential land use and Zoning on the oldest maps on record dating back to 1985 and 1975, respectively; and

WHEREAS, the City has determined that the property's land use category and zoning designation shown on the Future Land Use and Zoning Map was never appropriate for the use built in 1981; and

WHEREAS, the property occupied by the commercial building has a land use designation of Commercial on the Broward County Land Use Map and the City's Land Use map must be in conformance with the County's map; and

WHEREAS, the City has come to the conclusion that the residential land use and zoning designations on this property is the result of an error on the Future Land Use and Zoning maps; and now therefore;

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

SECTION 1. That the City Commission of the City of Pompano Beach finds that the change to the Future Land Use Map from Residential Low 5 to Community Facility (CF) for 950 South Cypress Road sometime between 1988 and 1998 was not accomplished through legal means with an ordinance processed in accordance with Chapter 163.3184, Florida Statutes.

SECTION 2. The Future Land Use Map for 950 South Cypress Road will be corrected back to the Residential Low 5 designation as shown in 1988 and as continuously shown on the Broward County Land Use Plan.

SECTION 3. Upon approval of this Ordinance, the Development Services Director will direct staff to correct the Future Land Use Map for 950 South Cypress Road back to Residential Low 5, which will bring the current RS-2 zoning designation into compliance with the Future Land Use designation and will bring the Future Land Use designation into compliance with the Broward County Land Use Plan and will not affect the permitted use status of the church use.

SECTION 4. That the City Commission of the City of Pompano Beach finds that the Future Land Use and Zoning Maps adopted after construction of the commercial use at 540 East McNab Road should have shown this property as Commercial land use and zoning.

SECTION 5. The Future Land Use and Zoning Maps will be corrected for 540 East McNab Road to show Commercial land use and Community Business (B-2) Zoning, to be consistent with the Commercial (Commerce) land use continuously shown on the Broward County Land Use Plan and the variance issued for the commercial building in 1978.

SECTION 6. Upon approval of this Ordinance, the Development Services Director will direct staff to correct the Future Land Use and Zoning Map for 540 East McNab Road to reflect the Commercial Future Land Use designation and Community Business (B-2) Zoning thus rendering the long-standing commercial use of this property as a legally conforming use.

SECTION 7. 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