

**RESOLUTION NO. 2021- \_\_\_\_\_**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2008-189 WHICH GRANTED THE ALLOCATION OF SIX FLEXIBILITY UNITS FOR A PROPOSED TOWNHOUSE DEVELOPMENT ON THE HIGHLAND OAKS PLAT PB 179 PAGE 135B LOCATED AT 921 NW 3<sup>RD</sup> AVENUE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission approved Resolution No. 2008-139, which allocated to Pompano Beach Living, LLC an allocation of six flexibility units in order to construct a 138 Townhouse project known as Highland Oaks at 921 NW 3<sup>rd</sup> Avenue, legally described in Exhibit "A"; and

**WHEREAS**, Pompano Beach Living, LLC was granted extensions of the deadline to construct the Townhouse project through legislative action until May 29, 2024; and

**WHEREAS**, the six flexibility units were originally granted based on the adopted regulations in effect in 2008 which required at least 3 of the units to be deed restricted to be affordable based on the definition of workforce housing; and

**WHEREAS**, the City Commission of the City of Pompano Beach has amended the flexibility unit related affordable housing requirements to allow the payment of an in-lieu-of fee instead of actual construction of affordable units; and

**WHEREAS**, Pompano Beach Living, LLC, now wishes to avail itself of the aforementioned amended Code provision and pay an in-lieu fee instead of constructing the initially required affordable housing units and seeks amendment of Section 5 of Resolution

2008-189 to authorize said action; now therefore

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

**SECTION 5 of Resolution 2008-189 is hereby amended as follows:** The Applicant must comply with the affordable housing requirements of Ordinance 2007-48, as amended, by constructing a minimum of three workforce housing units on site or by paying an in-lieu-of fee in the amount of \$2,333 for all six flexibility units granted. If the payment is not made by the May 29, 2024, extended expiration date and any legislative extension or reaffirmation of these flex units is granted beyond that date, the amount of the in-lieu-of fee will be the fee in effect at the time of the extension. This amendment to be effective upon the date of passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

**ATTEST:**

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

MEB/jmz  
5/25/21  
l:reso/2021-66