

ORDINANCE NO. 2019-\_\_\_\_\_

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING EAST OF NORTH OCEAN BOULEVARD AND SOUTH OF NE 12<sup>TH</sup> STREET AND COMMONLY KNOWN AS 1116 N. OCEAN BOULEVARD FROM RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) BY MODIFYING THE CURRENT APPROVED PLANNED DEVELOPMENT (PD) PLAN; PROVIDING FOR APPROVAL AND CONFORMANCE TO THE PD PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on November 22, 2011, the City Commission approved Ordinance 2012-21 rezoning the Subject Property RPUD (Residential Planned Unit Development) with an approved Plan; and

**WHEREAS**, the Applicant now wishes to rezone from RPUD to another RPUD by modifying the current Planned Development (PD) Plan to reduce the number of approved towers from 2 to 1 and the number of approved units from 130 to 105, to reduce the podium height from three stories to two stories, and to increase the maximum building height from one hundred seventy (170) feet to two hundred thirty (230) feet at the parapet in a 20-story residential building; 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 the 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. - FINDINGS:** The City Commission finds as follows: that the rezoning of the subject property is consistent with the Comprehensive Plan; that the rezoning complies with Section 155.3602., General Standards for All Planned Development Districts, as well as all other requirements of the Zoning Code; that the rezoning does not have a potentially injurious effect on land adjacent to the rezoned parcel; and that rezoning is reasonably related to the public health, safety and welfare. Further, that it is specifically found that the petitioner has met the requirements of Section 155.3603(C) as to the minimum tract size in that based upon the unusual conditions of the land and the unique design of the building, and the amenities, the minimum of 5 acres is waived and 2.91 acres is deemed sufficient for this project, this rezoning, and this master site plan.

**SECTION 2. REZONING APPROVAL AND CONFORMANCE OF PLANNED DEVELOPMENT PLAN:** That the Property more particularly described in Exhibit "A," attached and incorporated in this Ordinance is rezoned from the present zoning classification of RPUD to another RPUD District by and through modification of the current approved Master PD Plan, as such zoning classification is defined in Section 155.3603., Residential Planned Unit Development, of the Code of Ordinances of the City of Pompano Beach, Florida, subject to providing public

beach access along the south property line which shall be recorded in the Public Records of Broward County.

**SECTION 3.** Pursuant to the requirements of Sections 155.3601, .3602 and .3603 of the Code of Ordinances of the City of Pompano Beach, Florida, the PD Plan submitted for the Property, attached and made a part of this Ordinance as Exhibit "B," is adopted. All development of the Property shall proceed in accordance with the PD Plan, as approved, and the general use, intensity and dimensional and development standards outlined in Sections 155.3601 - .3603 of the Code of Ordinances of the City of Pompano Beach.

**SECTION 4.** 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 5.** RECORDATION. This Ordinance shall be recorded in the public records of Broward County, Florida, in accordance with Section 155.2405.F., Recordation.

**SECTION 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

JES:jrm

9/9/19  
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