

ORDINANCE NO. 2017-_____

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

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE REZONING OF THE PROPERTY LYING SOUTH OF ATLANTIC BOULEVARD (S.R. 814) AND BOTH EAST AND WEST OF THE SOUTH TERMINUS OF NE 5TH AVENUE FROM RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO A MODIFIED RPUD; PROVIDING FOR CONFORMANCE TO AN APPROVED MASTER PLAN; PROVIDING FOR SEVERABILITY; 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, a public hearing before the City Commission was held pursuant to the aforesaid 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: Based upon the application materials, proposed documents to be recorded in the public records, and information provided at the public hearing, and all other information available, the City Commission finds as follows: that the amendment of the rezoning of the property described herein included as Exhibit "B", is consistent with the Comprehensive Plan; that the rezoning and reinstatement complies with all requirements of the Zoning Code; and that the rezoning is reasonably related to the public, health, safety and welfare.

(A) The property subject to this ordinance is generally south of Atlantic Boulevard (S.R. 814) and both east and west of the south terminus of NE 5th Avenue, and is

more particularly described in composite Exhibit "A" attached hereto and made a part hereof ("Property");

(B) The Property consists of approximately 8.8 acres in area, and is well suited to the flexibility and diversity envisioned by Section 155.3603 of the Code of Ordinances of the City of Pompano Beach, Florida; and

SECTION 2. – AMENDMENT OF REZONING AND APPROVAL OF MASTER PLAN: The Property more particularly described in composite Exhibit "A" is hereby rezoned from RPUD to a modified RPUD with all conditions and limitations as provided in Section 155.3603 of the Code of Ordinances of the City of Pompano Beach.

Pursuant to the requirements of Section 155.3603 of the Code of Ordinances of the City of Pompano Beach, Florida, the Master Plan submitted for the Property, attached hereto and made a part hereof as Exhibit "B," is hereby adopted. All development of the Property shall proceed in accordance with the Master Plan, as originally approved and hereby amended.

SECTION 3. - DEVELOPMENT STANDARDS AND REQUIREMENTS: Pursuant to the provisions of Section 155.3603 of the Code of Ordinances of the City of Pompano Beach, Florida, development of the property shall proceed in accordance with:

- (i) The requirements of such section;
- (ii) The Master Plan and the amendments contained herein;
- (iii) RPUD rezoning plans and documents, as included in Exhibit "B;" and
- (iv) Any deviations from the PD Plan that would have a material effect on the character of the approved development shall require amendment of the Planned Development in accordance with Section 155.2308.C. of the Zoning Code.

SECTION 4. - EFFECTIVE PERIOD OF APPROVAL: 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 modified RPUD, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

SECTION 5. - SEVERABILITY: If any provision of this Ordinance or the application thereof 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 6. - EFFECTIVE DATE: This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

CLS/jrm
9/22/16
l:ord/2016-313