

**RESOLUTION NO. 2020-\_\_\_\_\_**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, RESCINDING  
RESOLUTION NO. 2020-09 AND ALLOCATING A  
MAXIMUM OF ONE HUNDRED EIGHTY EIGHT (188)  
FLEX UNITS FOR A PROPOSED RESIDENTIAL  
DEVELOPMENT LOCATED ON THE SOUTHWEST  
CORNER OF SOUTH DIXIE HIGHWAY AND WEST  
MCNAB ROAD; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, 1621 S Dixie Hwy, LLC., requests an allocation of a maximum of one hundred eighty eight (188) residential flex units in order to construct 229 dwelling units for a residential development on property located on the southwest corner of South Dixie Highway and West McNab Road, legally described in Exhibit “A”; and

**WHEREAS**, the subject property has both Medium Residential Commercial and 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 188 flex units; now, therefore,

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

**SECTION 1.** That Resolution No. 2020-09 is hereby rescinded in its entirety.

**SECTION 2.** That the City Commission of the City of Pompano Beach hereby allocates a maximum of 188 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 3.** The number of flex units in the unified flex zone shall be reduced by however many units are necessary for the project, not to exceed 188 units.

**SECTION 4.** The proposed project shall be generally consistent in regard to building placement, setbacks and buffering with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached hereto. Minor revisions that are necessary to meet the City’s Code and/or do not affect the density or intensity of the site, such as (but not limited to) building dimensions, stormwater retention and access locations, will be allowed without additional public hearings.

**SECTION 5.** The proposed Development Project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached and made a part of this Resolution. The conceptual and final site plan must be able to meet all code requirements with no variances. If the requested density cannot be accommodated on site based

on all applicable code requirements, any flex units that will not fit on site must be returned to the flex pool.

**SECTION 6.** Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units; or by providing an in lieu of fee in accordance with Section 154.80.

**SECTION 7.** The parcel with a B-4 zoning must be rezoned to B-3.

**SECTION 8.** The site plan and conceptual plan conceptual plan shall illustrate the following two restrictions:

- a) An increased setback of no less than 80 feet from the residential property to the south, except for the one-story recreation building; and
- b) A Type “B” buffer along the southern property line, where the property abuts the residential community.

**SECTION 9.** Failure of the applicant to obtain a principal building permit for its 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 10.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm:jmz  
1/2/20  
l:reso/2020-50