

ORDINANCE NO. 2020-\_\_\_\_\_

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING GENERALLY AT THE SOUTHEAST CORNER OF NORTH FEDERAL HIGHWAY AND NE 16<sup>TH</sup> STREET ADJACENT TO THE EAST SIDE OF NORTH FEDERAL HIGHWAY AND NORTH OF NE 14<sup>TH</sup> STREET FROM B-3/PCD (GENERAL BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) AND M-1/PCD (MARINE BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) TO PD-I (PLANNED DEVELOPMENT-INFILL); 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; and

**WHEREAS**, pursuant to Section 155.2305.C, of the Pompano Beach Code of Ordinances, notice in accordance with said section 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 published notice described above, 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 property described herein 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.

**SECTION 2. - REZONING AND APPROVAL OF PLANNED DEVELOPMENT**

**PLAN:** The property more particularly described in Exhibit "A," attached hereto and made a part hereof ("Property"), which is hereby rezoned from a present zoning classification of a B-3/PCD (General Business/Planned Commercial/Industrial District) and M-1/PCD (Marine Business/Planned Commercial/Industrial District) to PD-I (Planned Development-Infill) as said zoning classification is defined in Section 155.3607., Planned Development-Infill, of the Code of Ordinances of the City of Pompano Beach, Florida.

Pursuant to the requirements of Section 155.3602 and Section 155.3607 of the Code of Ordinances of the City of Pompano Beach, Florida, the Planned Development Plan ("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 Plan, as approved, and Section 155.3607 of the Code of Ordinances of the City of Pompano Beach.

If the improvements in the right-of-way are not resolved per conditions 1 and 2 of Section 3 below, any unapproved elements within the city's right-of-way must be removed and the Master Plan shall be limited to development on the private property.

**SECTION 3. – CONDITION OF IMPLEMENTATION:** This rezoning is subject to the following conditions.

1. "Air Rights and Revocable License" Agreement to provide for the location of certain improvements, i.e. elevated pedestrian bridge, in and above a portion of the right-of-way as depicted in the Plan.

2. Abandonment of a portion of sidewalk right-of-way and recordation a perpetual easement for the public providing unrestricted public access to sidewalk area. Failure to successfully vacate this portion of right-of-way shall prohibit any residential units from being located above this area. Abandonment of two triangular-shaped parcels along Federal Highway shall also be included in the vacation application.
3. Prepare and file a Unity of Control document approved by the City for the entire development.
4.
  - a. The following conditions must addressed prior to site plan approval:
  - b. Work with the City's Urban Forester to provide maximum landscaping for the site;
  - c. Provide overall design of park on NE 16<sup>th</sup> Street;
  - d. Obtain Air Park Obstruction Permit approval from the Planning & Zoning Board;
  - e. Have Traffic Studies performed as indicated below.
    - (1) Conduct a traffic operations analysis at the intersections of NE 14<sup>th</sup> Street/NE 23<sup>rd</sup> Avenue and Federal Highway/NE 14<sup>th</sup> Street including level of service, delays, and queue lengths. The analysis shall include weekday period field reviews and queue measurements and intersection blockages. The methodology and operations analysis shall be submitted to and approved by the City's Traffic Engineering Consultant. If deficiencies are identified the applicant shall construct improvements to address those deficiencies.
    - (2) Conduct a maneuverability analysis subject to review of the City's Traffic Engineering Consultant for the proposed development. The analysis shall utilize the appropriate AASHTO design vehicles for parking areas, loading areas, and garbage truck operations. If conflicts are identified the applicant shall revise plans to provide for efficient and safe traffic circulation.

**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

PD-I, 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 \_\_\_\_\_, 2019.

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

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

/jrm  
10/24/19  
l:ord/2020-30