

RESOLUTION NO. 2020 - ____

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF POMPANO BEACH, FLORIDA ALLOCATING A
MAXIMUM OF FOURTEEN (14) FLEX UNITS FOR A
PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON
THE EAST SIDE OF NW 31ST AVENUE BETWEEN NW 6TH
STREET AND NW 6TH COURT; PROVIDING AN EFFECTIVE
DATE**

WHEREAS, MBA Development, LLC, Pompano Beach Community Redevelopment Agency and the City of Pompano Beach requests an allocation of a maximum of FOURTEEN (14) residential flex units in order to construct 14 dwelling units for a residential development on property located on the east side of NW 31st Ave between NW 6th Street and NW 6th Court, legally described in Exhibit “A”; and

WHEREAS, the subject property has Commercial 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 14 flex units; now, therefore,

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

SECTION 1. That the City Commission of the City of Pompano Beach hereby allocates a maximum of 14 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 2. The number of flex units in the unified flex zone shall be reduced by how ever many units are necessary for the project, not to exceed 14 units.

SECTION 3. 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 4. 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 5. Prior to site plan approval the Applicant shall provide a signed agreement documenting how the affordability requirements will be met, pursuant to Section 154.61(E) Planning.

SECTION 6. 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 7. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this ____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

**ASCELETA HAMMOND
CITY CLERK**