

ORDINANCE NO. 2020-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN TEXT REGARDING THE POMPANO BEACH DOWNTOWN ACTIVITY CENTER; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan);

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan text regarding the Pompano Beach Downtown Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on February 27, 2020, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on April 21, 2020, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held adoption public hearings on September 10, 2020, at 10:00 a.m., and on September 22, 2020, at 10:00 a.m. [also complying with the notice requirements specified in Section 163.3184(11), Florida Statutes] at which public comment was accepted and comments of the Department of Economic Opportunity, South Florida Regional Planning Council, South Florida Water Management District, Department of Environmental Protection, Department of State,

Approved BCC 9/22/2020 #52
Submitted By Planning Council
RETURN TO DOCUMENT CONTROL

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1 Department of Transportation, Fish and Wildlife Conservation Commission, Department
2 of Agriculture and Consumer Services, and Department of Education, as applicable, were
3 considered; and

4 WHEREAS, the Board of County Commissioners, after due consideration of all
5 matters, hereby finds that the following amendment to the Plan is consistent with the State
6 Plan, Regional Plan, and the Plan; complies with the requirements of the Community
7 Planning Act; and is in the best interests of the health, safety, and welfare of the residents
8 of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. The Plan is hereby amended by Amendment PCT 20-2, which is an
12 amendment to the Broward County Land Use Plan text regarding the Pompano Beach
13 Downtown Activity Center, as set forth in Exhibit "A," attached hereto and incorporated
14 herein.

15 Section 2. Severability.

16 If any portion of this Ordinance is determined by any court to be invalid, the invalid
17 portion will be stricken, and such striking will not affect the validity of the remainder of this
18 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
19 legally applied to any individual, group, entity, property, or circumstance, such
20 determination will not affect the applicability of this Ordinance to any other individual,
21 group, entity, property, or circumstance.

22 Section 3. Effective Date.

23 (a) The effective date of the plan amendment set forth in this Ordinance will be
24 the latter of:

- (1) Thirty-one (31) days after the Department of Economic Opportunity notifies Broward County that the plan amendment package is complete;
- (2) If the plan amendment is timely challenged, the date a final order is issued by the Administration Commission or the Department of Economic Opportunity finding the amendment to be in compliance;
- (3) If the Department of Economic Opportunity or the Administration Commission finds the amendment to be in noncompliance, pursuant to Section 163.3184(8)(b), Florida Statutes, the date the Board of County Commissioners, nonetheless, elects to make the plan amendment effective notwithstanding potential statutory sanctions; or
- (4) If a Declaration of Restrictive Covenants or agreement is applicable, as per Exhibit "B," the date the Declaration of Restrictive Covenants or agreement is recorded in the Public Records of Broward County.
- (b) This Ordinance is effective as of the date provided by law.

ENACTED September 22, 2020

FILED WITH THE DEPARTMENT OF STATE September 24, 2020

EFFECTIVE September 24, 2020

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Maite Azcoitia 09/11/2020
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
PCT20-2 Pompano Beach Downtown Activity Center Ord
09/11/2020
#80041

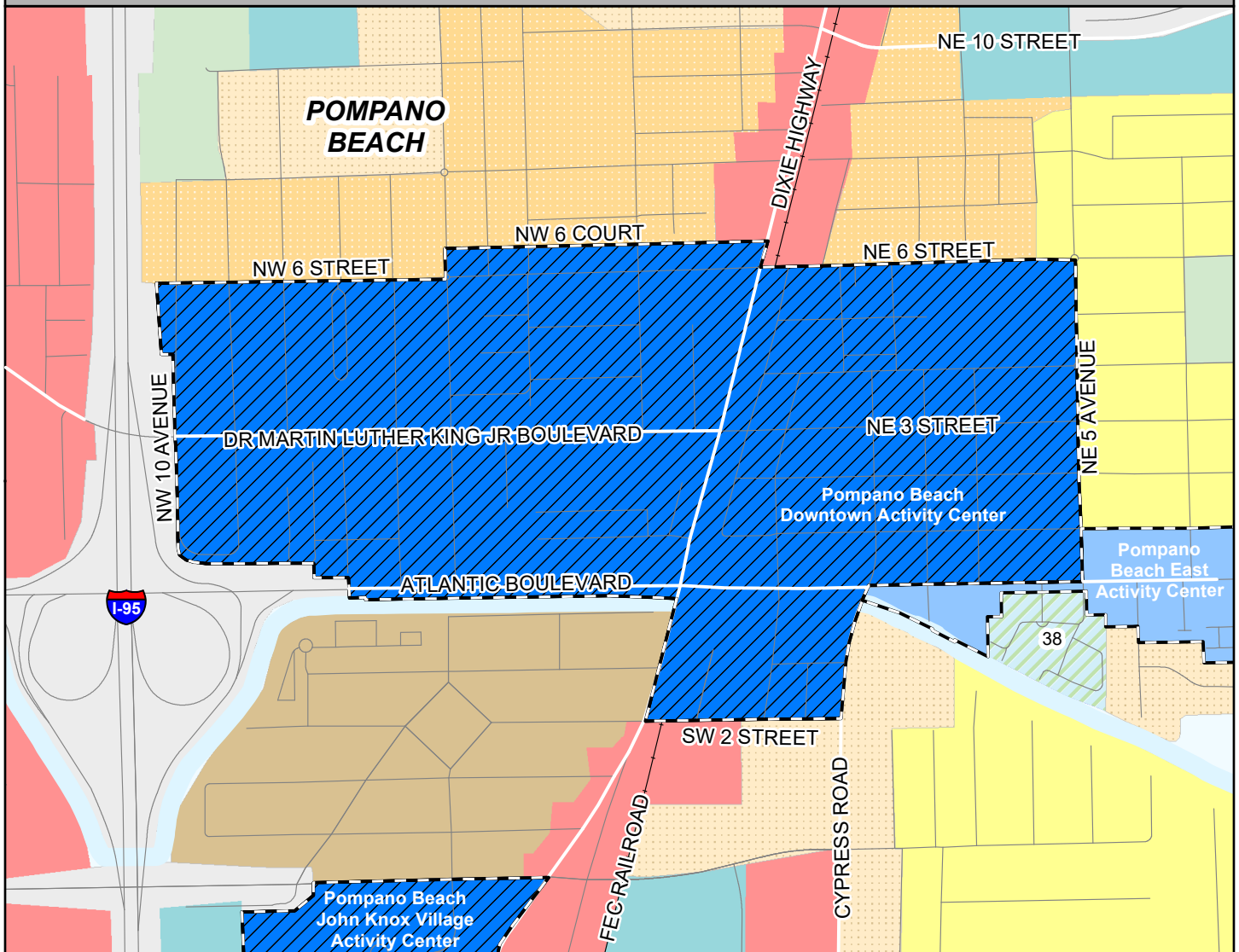
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PCT 20-2

Current Land Use: Activity Center

Proposed Land Use: Activity Center - Addition of 2,000 dwelling units and 120 hotel rooms.
Reduction of 336,000 square feet of commercial uses.

Gross Acres: Approximately 272.8 acres



Low (5) Residential



Low-Medium (10) Residential



Medium (16) Residential



Medium-High (25) Residential



Irregular Residential



Activity Center



Commerce



Recreation and Open Space



Community



Transportation



Water / Primary Drainage



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 20-2
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

February 18, 2020

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved.

As there are no outstanding policy concerns or issues, Planning Council staff does not recommend a second Planning Council public hearing be required consistent with Article 1.2 (A) of the *Administrative Rules Document: BrowardNext*.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

II. Planning Council Transmittal Recommendation

February 27, 2020

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 18-0; Blattner, Breslau, Brunson, Castillo, DiGiorgio, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Parness, Railey, Rich, Rosenof, Ryan, Williams and Stermer)

III. County Commission Transmittal Recommendation

April 21, 2020

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments

May 14, 2020

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

RECOMMENDATIONS/ACTIONS (continued)

DATE

V. County Commission Action

September 10, 2020

The County Commission continued the public hearing to September 22, 2020.

VI. County Commission Final Action

September 22, 2020

Approved per Planning Council public hearing recommendation.

PROPOSED AMENDMENT PCT 20-2

INTRODUCTION AND APPLICANT'S RATIONALE

- | | | |
|------|--|---|
| I. | <u>Municipality:</u> | Pompano Beach |
| II. | <u>County Commission Districts:</u> | Districts 2 and 4 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 272.8 acres |
| B. | Location: | In Sections 1 and 2, Township 49 South, Range 42 East; and Sections 34 and 35, Township 48 South, Range 42 East; generally bound on the north by Northwest 6 Street/Northwest 6 Court, on the south by Atlantic Boulevard/Southwest 2 Street, on the east by Northeast 5 Avenue, and on the west by Northwest 10 Avenue. |
| C. | Existing Uses: | Retail, single-family and multi-family residential, religious institution, utilities, educational facility, parks, municipal complex and vacant |
| IV. | <u>Broward County Land Use Plan (BCLUP) Designations</u> | |
| A. | Current Designation: | Activity Center consisting of:
1,368 dwelling units consisting of:
989 multi-family units
236 townhouse units
143 single-family units
4,387,220 square feet commercial use
2,835,557 square feet of office use
1,459,260 square feet of community facilities use
95,832 square feet of utilities use
300 hotel rooms
2.1 acres minimum of recreation and open space use |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

IV. Broward County Land Use Plan (BCLUP) Designations (continued)

- B. Proposed Designation:** Activity Center consisting of:
3,368 dwelling units consisting of:
2,989 multi-family units
236 townhouse units
143 single-family units
4,051,220 square feet of commercial use
2,835,557 square feet of office use
420 hotel rooms
1,459,260 square feet of community facilities use
95,832 square feet of utilities use
2.1 acres minimum of recreation and open space use
- C. Estimated Net Effect:** **Addition** of 2,000 dwelling units
Addition of 120 hotel rooms
Reduction of 336,000 square feet of commercial use

V. Existing Uses and BCLUP Designations Adjacent to the Amendment Site

- A. Existing Uses:** *North:* Single-family and multi-family residential, retail and vacant
East: Single-family residential and retail
South: Multi-family residential
West: Interstate 95
- B. Planned Uses:** *North:* Low-Medium (10) Residential, Commerce and Low (5) Residential
East: Low (5) Residential, Activity Center and Medium (16) Residential
South: Activity Center, Medium (16) Residential, Commerce, Water, Transportation and Medium-High (25) Residential
West: Medium-High (25) Residential, Transportation and Low-Medium (10) Residential

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

- A. *Applicant:* City of Pompano Beach
- B. *Agent:* City of Pompano Beach
- C. *Property Owners:* There are numerous property owners within the subject area.

VII. Recommendation of
Local Governing Body:

The City of Pompano Beach recommends approval of the proposed amendment.

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 20-2

Pompano Beach Downtown Activity Center

Acreage: Approximately 272.8 acres

General Location: Generally bound on the north by Northwest 6 Street/Northwest 6 Court, on the south by Atlantic Boulevard/Southwest 2 Street, on the east by Northeast 5 Avenue, and on the west by Northwest 10 Avenue.

Density and Intensity of Land Uses:

Residential Land Uses: ~~1,368~~ 3,368 dwelling units*
Commercial Land Uses: ~~4,387,220~~ 4,051,220 square feet
Office Land Uses: 2,835,557 square feet
Community Facilities: 1,459,260 square feet
Utilities: 95,832 square feet
Hotel: ~~300~~ 420 rooms
Recreation and Open Space: 2.1 acres (minimum)**

Remarks:

*Consisting of 143 single-family dwelling units, 236 townhomes and ~~989~~ 2,989 multi-family dwelling units.

**If any existing park acreage in the ~~TOC~~ Activity Center (AC) is replaced, such replacement lands and facilities shall serve the same neighborhoods in an equivalent or improved capacity.

Design principles and procedures will apply to all development and redevelopment within the boundaries of the proposed ~~DP-TOC-AC~~, as follows:

Guiding Design Principles and Procedures:

All Applicants with development proposals in the ~~DP-TOC AC~~ will be required to attend a mandatory pre-design workshop with the CRA and City Urban Designers prior to Site Plan or Master Plan submittal for official review. Ensuring compatibility with adjacent properties in regard to both zoning designation and existing development will be the focus of the preliminary design meeting. In all cases, the best approach to respecting and designing for the existing context and optimizing compatibility with adjacent properties will be identified. Guiding principles will include specific focus on the following:

Land Use Compatibility:

- (1) Compatibility of adjacent uses by incorporating berms, fences, walls or other appropriate edge treatments along with building design elements that respect existing development.

- (2) Building setbacks that increase compatibility between proposed and existing development.
- (3) Service areas that do not impact adjacent residential development.
- (4) All land uses, including institutional and utility uses, must be designed to be compatible with adjacent properties.

Connectivity:

- (5) Pedestrian connectivity which results in sidewalks that connect to an adjacent sidewalk or street crosswalk and do not dead-end at property lines.
- (6) Incorporation of the principles of Complete Streets, subject to the limitations of right-of-way.

Historic Resources:

- (7) Protection of designated historic resources including buildings and historic and specimen trees.

Affordable Housing:

- (8) All new residential construction in the ~~DP-TOC~~ AC will be required to implement the city's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the ~~DP-TOC~~ AC using 15% of the total units proposed in that development as the "base" upon which the affordable housing implementation strategy will be applied.

The City may apply to new housing projects, without limitation, one or a combination of the following affordable housing strategies:

- a. a specific set-aside of all or a portion of the 15% base units as vertically integrated affordable housing;
- b. contribute, through in-lieu-of fees multiplied by the number of base units (15% of total units proposed in the project):
 - to programs that facilitate the purchase or renting of the existing affordable housing stock;
 - to programs which facilitate the maintenance of the existing supply of affordable housing;
 - to programs which facilitate the use of existing public lands, or public land banking, to facilitate an affordable housing supply;
 - to other programs or initiatives designed and implemented by the city to address specific affordable housing market needs and challenges in the ~~DP-TOC~~ AC that may arise including but not limited to, strategies that reduce the cost of housing production; promote affordable housing development; prevent displacement; and promote transit amongst low income populations.

NOTES: Underlined words are proposed additions. ~~Strike-through~~ words are proposed deletions.

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.



Broward County



Transaction #: 10977676

Receipt #: 8507539

**BROWARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

Records, Taxes & Treasury Division
115 South Andrews Avenue Rm 114
Fort Lauderdale, FL 33301
Tel. (954) 831-4000 Fax (954) 357-7267
<http://www.Broward.org/RecordsTaxesTreasury>

Cashier Date: 9/25/2020 8:49:25AM

Print Date: 9/25/2020 8:50:11AM

(1750) DOCUMENT CONTROL
ROOM 336U, GOVERNMENTAL CENTER
FORT LAUDERDALE, FL 33301

Payment Summary

Total Fees	\$0.00
Total Payments	\$0.00
	\$0.00

REF#: APPRBCC 9/22/2020 #52 PLANNING COUNCIL

1 Payment

No Charge

1 Official Record

It is the responsibility of our customers to inspect their recording receipt, to verify the accuracy of the information keyed. Should you find a mistake, please contact us immediately and the correction will be made within 24 business hours after notification. Submit corrections to: records@broward.org

**Gov Orders Ordinances Petitions &
Resolutions**

REF#: APPRBCC 9/22/2020 #52 PLANNING
COUNCIL

Instrument #: 116755121 Date: 9/25/2020 8:49:25AM

From: BROWARD COUNTY

To: BROWARD COUNTY LAND USE PLAN
POMPANO BEACH DOWNTOWN ACTIVITY CENTER
ORDINANCE NO 2020-33

RECEIVED

SEP 30 2020

**BROWARD COUNTY
PLANNING COUNCIL**