

**ORDINANCE NO. 2021-\_\_\_\_\_**

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF THE POMPANO INDUSTRIAL PARK (PIP) DEVELOPMENT OF REGIONAL IMPACT AND ITS ASSOCIATED DEVELOPMENT ORDER; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ABANDONMENT; AUTHORIZING STAFF TO RECORD AND TRANSMIT THE ORDINANCE OF ABANDONMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Property Owner of a portion of the DRI (the Applicant), pursuant to Section 380.06(11)(b), Florida Statutes, has filed for Abandonment of a Development of Regional Impact identified as the Pompano Industrial Park (PIP) DRI, located within the City of Pompano Beach, Florida (“City”), consisting of approximately 142 acres of land ("Site"), more particularly described in Exhibit A and illustrated in Exhibit B; and

**WHEREAS**, the latest approved Development Order (Ordinance No. 2003-50) for the PIP established the buildout date for the DRI as December 29, 2005, and has thus been expired for 15 years; and

**WHEREAS**, any further development, as identified and permitted within the Development Order for the DRI, will not be pursued and all protection of vested rights, as per Section 163.3167(5), Florida Statutes, are relinquished with this abandonment; and

**WHEREAS**, as acknowledged by the Applicant, conditions and mitigation have been satisfactorily completed as per the DRI Development Order; and

**WHEREAS**, the statutory provisions of Chapter 380, Florida Statutes, relating to developments of regional impact were amended transitioning the review process of existing developments of regional impact from the statutory process to the local government review process; and

**WHEREAS**, Section 380.06(11)(b), Florida Statutes, requires local governments to abandon a development of regional impact development and its associated development order if requested by the owner, developer, or local government upon proof that all required mitigation related to development has been completed; and

**WHEREAS**, the City Commission held a duly noticed public hearing, as the governing body of the City of Pompano Beach, and after having received input from interested members of the public and staff evidenced an intent to approve the abandonment of the DRI, as required by law; now, therefore,

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

**SECTION 1.** The foregoing **WHEREAS** clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**SECTION 2.** The City makes the following findings of fact:

- On March 9, 1981, the Broward County Board of County Commissioners adopted Ordinance No. 81-35(2), approving a Development Order for Pompano Industrial Park, which Development Order was amended by Broward County by the adoption of Ordinance No. 82-55, effective October 13, 1982; and
- By special act of the Florida Legislature, effective September 1, 1983, the Pompano Industrial Park was annexed into the City of Pompano Beach and by adoption of Ordinance No. 85-9 on December 4, 1984, the City of Pompano Beach, Florida, through its City Commission ("City"), approved a new Development Order; and

- On January 6, 1988, the City adopted Ordinance No. 88-29, amending the Development Order with conditions for the Pompano Industrial Park DRI; and
- On March 7, 1989, the City adopted Ordinance No. 89-48, amending the Development Order for the Pompano Industrial Park DRI; and
- On June 28, 1994, the City adopted Ordinance No. 94-47, amending the existing Development Order for the Pompano Industrial Park DRI and establishing the build-out date for Phase II of the DRI as December 31, 1998; and
- On December 20, 1994, the City adopted Ordinance No. 95-25, amending the existing Development Order for the Pompano Industrial Park DRI, which Amendment established the build-out date for Phase I as December 30, 1998; and
- On June 8, 1999, the City adopted Ordinance No. 99-50, amending the existing Development Order to extend the build-out date to December 31, 2001; and
- On May 27, 2003, the City adopted Ord. 2003-50 extending the build-out date to December 29, 2005 and
- Per the Property Owner (Applicant) all mitigation requirements in the Development Order have been satisfied; and
- The Property Owner of several parcels within the DRI boundaries has requested the abandonment of the expired Pompano Industrial Park Development of Regional Impact.

**SECTION 3.** In accordance with Section 380.06, Florida Statutes, the City hereby abandons the Pompano Industrial Park Development of Regional Impact and its associated Development Order adopted by the City Commission via Ordinance No. 2003-50 affecting the Site described in Exhibit A and illustrated in Exhibit B. Furthermore, all development following abandonment must be fully consistent with the City's comprehensive plan and applicable zoning regulations.

**SECTION 4.** The City shall record this Ordinance of abandonment in the Public Records of Broward County, Florida at the applicant's expense. The Development Services Director is authorized to transmit this Ordinance of Abandonment to the Florida Department of Economic Opportunity.

**SECTION 5.** All ordinances or parts of ordinances, and City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 6.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 7.** This Ordinance shall be effective upon adoption. The abandonment approved by this Ordinance will be deemed to have occurred upon the recording of the notice of the abandonment pursuant to Section 28.222, Florida Statutes.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**REX HARDIN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB:jrm  
9/23/2020  
L:ord/2020-325