

EXHIBIT 1

ORDINANCE NO. 2020-

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 POMPANO PARK SOUTH 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 Pompano Park South Activity Center;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its meeting on September 26, 2019, with due public notice;

WHEREAS, the Board of County Commissioners held its transmittal public hearing on November 5, 2019, having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes;

WHEREAS, the Board of County Commissioners held an adoption public hearing on January 28, 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, Department of Transportation, Fish and

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

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

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

10 Section 1. The Plan is hereby amended by Amendment PCT 19-8, which is an
11 amendment to the Broward County Land Use Plan regarding Pompano Park South
12 Activity Center, as set forth in Exhibit "A," attached hereto and incorporated herein.

13 Section 2. Severability.

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

20 Section 3. Effective Date.

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

23 (1) Thirty-one (31) days after the Department of Economic Opportunity
24 notifies Broward County that the plan amendment package is complete;

1 (2) If the plan amendment is timely challenged, the date a final order is issued
2 by the Administration Commission or the Department of Economic
3 Opportunity finding the amendment to be in compliance; or

4 (3) If the Department of Economic Opportunity or the Administration
5 Commission finds the amendment to be in noncompliance, pursuant to
6 Section 163.3184(8)(b), Florida Statutes, the date the Board of County
7 Commissioners, nonetheless, elects to make the plan amendment
8 effective notwithstanding potential statutory sanctions.

9 (b) This Ordinance is effective as of the date provided by law.

10
11 ENACTED

12 FILED WITH THE DEPARTMENT OF STATE

13 EFFECTIVE

14
15 Approved as to form and legal sufficiency:
16 Andrew J. Meyers, County Attorney

17 By /s/ Maite Azcoitia 12/02/19
18 Maite Azcoitia (date)
19 Deputy County Attorney

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21
22
23 MA/gmb
12/02/19
24 PCT19-8 Pompano Park South Activity Center Ord.doc
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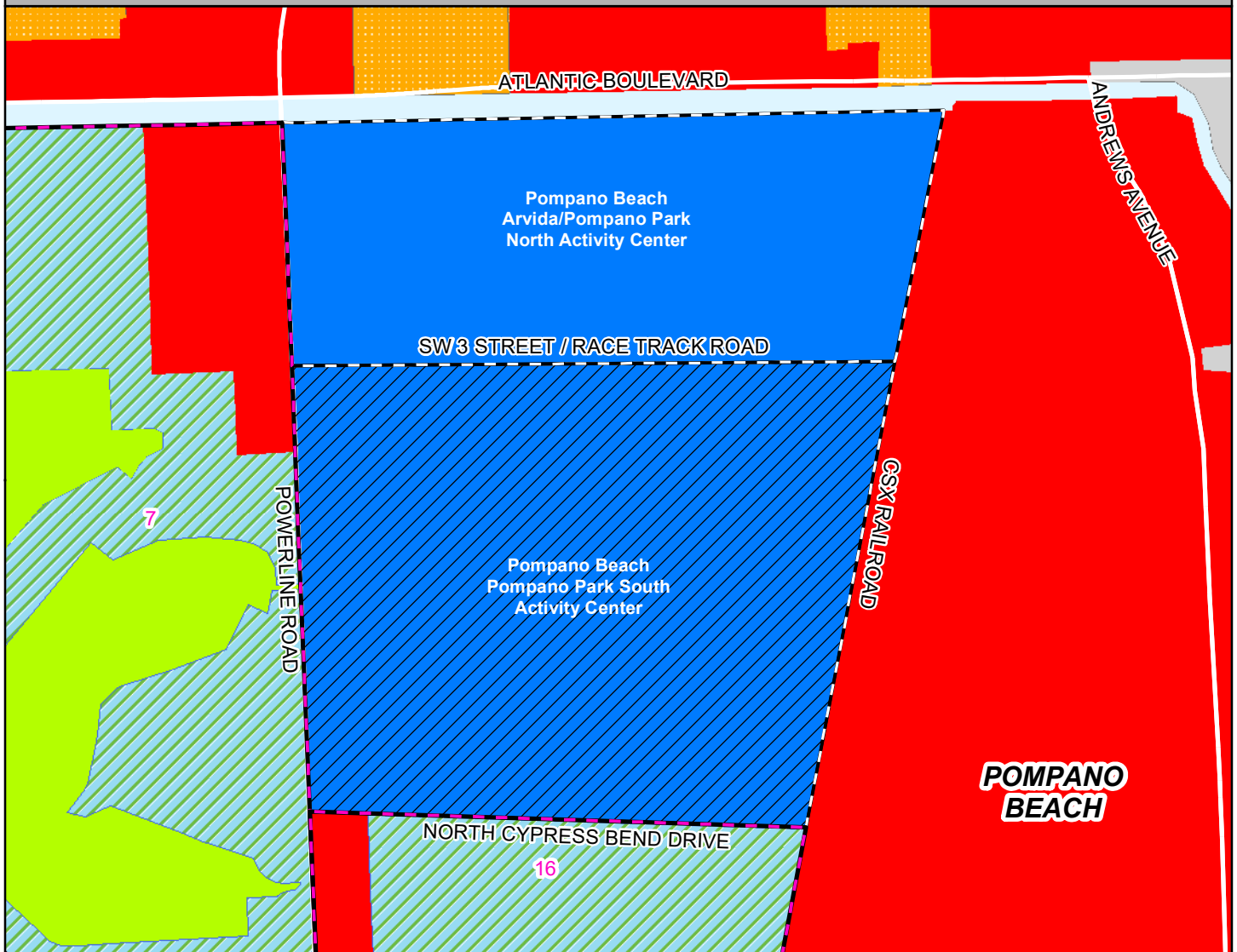
EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PCT 19-8

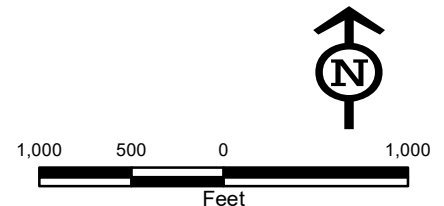
Current Land Use: Activity Center

Proposed Land Use: Activity Center - Addition of 2,800 dwelling units and 1,048,650 square feet of office use. Reduction of 822,986 square feet of commercial recreation uses and 464,478 square feet of commercial uses.

Gross Acres: Approximately 230 acres



- | | |
|---|--|
|  Site |  Commerce |
|  0.0 Dashed-Line Area |  Commercial Recreation |
|  Low-Medium (10) Residential |  Transportation |
|  Irregular Residential |  Water / Primary Drainage |
|  Activity Center | |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 19-8
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation September 17, 2019

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 September 26, 2019

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous: 15-0; Blackwelder, Blattner, Breslau, Brunson, Castillo, Gomez, Graham, Hardin, Parness, Railey, Rich, Rosenof, Ryan, Williams and DiGiorgio)

III. County Commission Transmittal Recommendation November 5, 2019

Approval per Planning Council transmittal recommendation.

IV. Summary of State of Florida Review Agency Comments December 6, 2019

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

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCT 19-8

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Pompano Beach
- II. County Commission District: District 4
- III. Site Characteristics
- A. Size: Approximately 230.0 acres
- B. Location: In Section 3, Township 49 South, Range 42 East; generally located on the east side of Powerline Road, between Southwest 3 Street/Race Track Road and North Cypress Bend Drive
- C. Existing Uses: Racetrack, casino, stables and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Activity Center consisting of:
43.0 acres of residential consisting of 1,050 mid-rise apartments and 250 garden apartments
135.0 acres of commercial recreation use
27.0 acres of commercial use
26.0 acres of office uses
- B. Proposed Designation: Activity Center consisting of:
4,100 multi-family dwelling units
300,000 square feet of commercial uses
1,000,000 square feet commercial recreation use
2,000,000 square feet of office uses
- C. Estimated Net Effect: **Addition** of 2,800 dwelling units
Addition of 1,048,650 square feet of office use
Reduction of 822,986 square feet of commercial recreation uses
Reduction of 464,478 square feet of commercial uses

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- A. Existing Uses: North: Retail and warehouses
East: Warehouses
South: Multi-family residential and retail
West: Multi-family residential and golf course
- B. Planned Uses: North: Activity Center
East: Commerce
South: Irregular (16) Residential and Commerce within a Dashed-Line Area
West: Irregular (7) Residential and Commerce within a Dashed-Line Area

VI. Applicant/Petitioner

- A. Applicant: PPI, Inc. and Pompano Park Holdings, LLC
- B. Agent: Debbie Orshefsky, Esq., Holland & Knight
- C. Property Owners: PPI, Inc. and Pompano Park Holdings, LLC

VII. Recommendation of Local Governing Body:

The City of Pompano Beach recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in March of 2020.

ATTACHMENT 1

BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT PCT 19-8

Pompano Beach Pompano Park South Activity Center

Acreage: Approximately 230.0 acres

General Location: Located on the east side of Powerline Road, between Southwest 3 Street and North Cypress Bend Drive.

The Pompano Park South ~~Regional~~ Activity Center consisting of the Pompano Park racetrack, casino, and adjacent property. The RAC is located south of Race Track Road, between Powerline Road and the CSX Railroad, and comprises approximately 230 gross acres. The area encompassed by the RAC must be zoned in a mixed-use zoning district that limits the density and intensity of the land uses to the following:

Density and Intensity of Land Uses:*

Residential Land Uses: ~~43 acres consisting of 1,050 mid-rise apartment units, 250 garden apartment units~~ 4,100 multi-family dwelling units**

Commercial Recreation Land Uses: ~~135 acres~~ 1,000,000 square feet

Commercial Land Uses: ~~27 acres~~ 300,000 square feet

Office Land Uses: ~~26 acres~~ 2,000,000 square feet

Remarks:

*The Residential uses will consist of stand-alone residential as well as residential units as part of a mixed-use Commercial and Office development within the Commercial and Office designations. ~~Residential unit types may be re-allocated subject to a voluntary mitigation agreement with the Broward County School Board in the event of inadequate student capacity, and provided that the total number of residential units shall remain at 1,300.~~

~~Acreage for non residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage square footages shall be assigned according to the proportion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage square footage of the development parcel will be assigned to A).~~

**At least 615 (15%) of the multi-family dwelling units will be affordable at the "moderate-income" (i.e. up to 120% of the median income) level.

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.