

**EXHIBIT 2**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

ORDINANCE NO. 2021-

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF POMPANO BEACH; 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 within the City of Pompano Beach;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on August 26, 2021, with due public notice;

WHEREAS, the Board of County Commissioners held an adoption public hearing on October 5, 2021, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, at which public comment was accepted and considered;

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

1 WHEREAS, the proposed amendment constitutes a Broward County permitted  
2 small scale amendment to the Plan pursuant to Section 163.3187(1), Florida Statutes,

3 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
4 BROWARD COUNTY, FLORIDA:

5 Section 1. The Broward County Land Use Plan is hereby amended by  
6 Amendment PC 21-10 in the City of Pompano Beach, set forth in Exhibit "A," attached  
7 hereto and incorporated herein.

8 Section 2. Severability.

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

15 Section 3. Effective Date.

16 1. The effective date of the plan amendment set forth in this Ordinance shall  
17 be the latter of:

18 (a) Thirty-one (31) days after the adoption of this Ordinance;

19 (b) The date a final order is issued by the Department of Economic Opportunity  
20 or the Administration Commission finding the amendment to be in  
21 compliance;

22 (c) If the Department of Economic Opportunity or the Administration  
23 Commission finds the amendment to be in noncompliance, pursuant to  
24 Section 163.3184(8)(b), Florida Statutes, the date the Board of County

1 Commissioners nonetheless, elects to make the plan amendment effective  
2 notwithstanding potential statutory sanctions;

3 (d) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the  
4 date the Declaration of Restrictive Covenants is recorded in the Public  
5 Records of Broward County; or

6 (e) If recertification of the municipal land use plan amendment is required, the  
7 date the municipal amendment is recertified.

8 2. This Ordinance is effective as of the date provided by law.

9  
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13  
14 Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

15  
16 By /s/ Maite Azcoitia 08/23/2021  
17 Maite Azcoitia (date)  
18 Deputy County Attorney

19  
20  
21  
22 MA/gmb  
23 PC21-10 City of Pompano Beach.SmallScaleOrd.  
08/23/21  
24 #80041

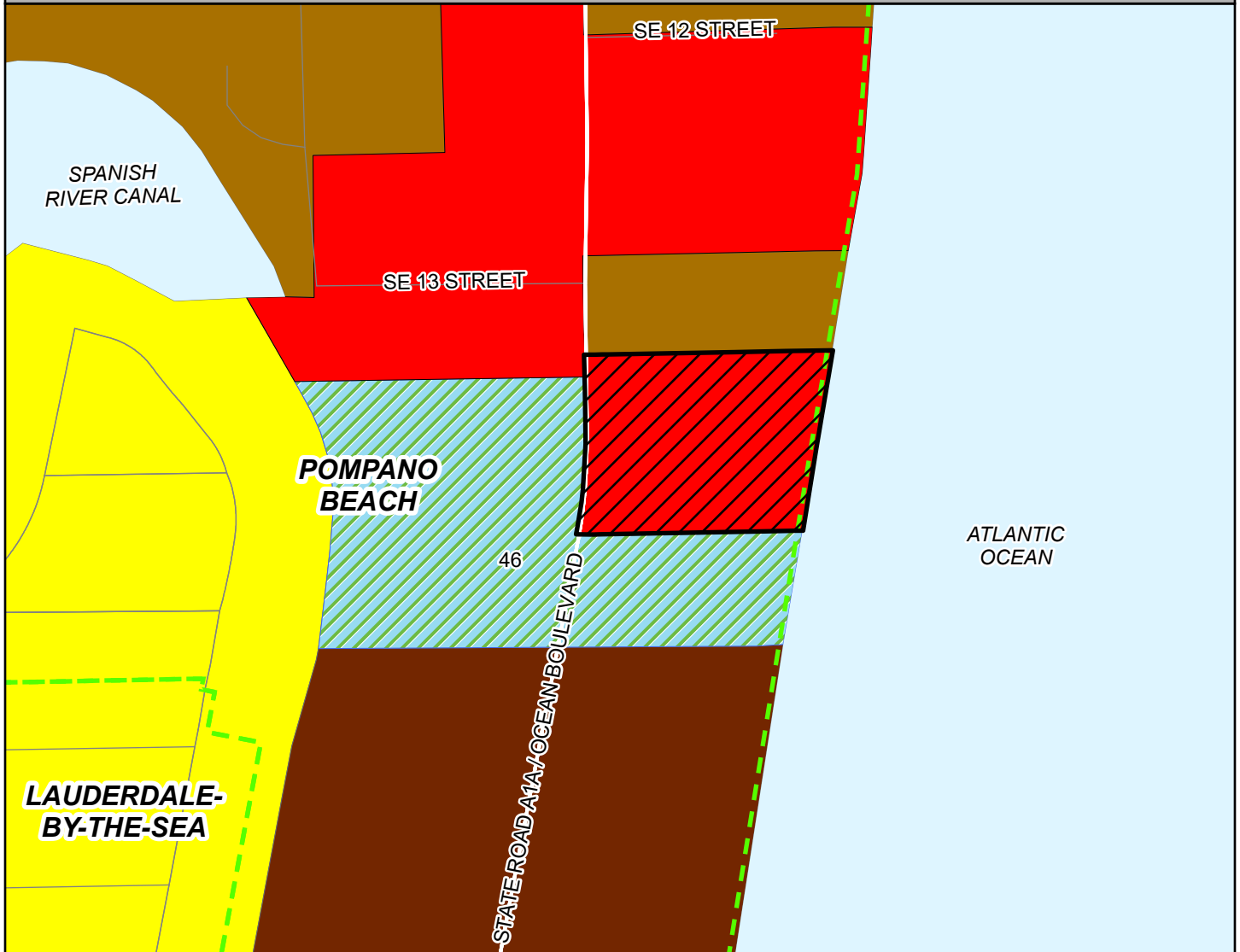
# EXHIBIT A









## BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 21-10

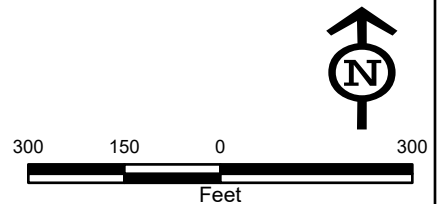
**Current Land Use:** Commerce

**Proposed Land Use:** High (50) Residential  
(This ordinance shall not preclude the reconstruction of the existing 198 dwelling units, subject to the City of Pompano Beach's effective land development code and regulations.)

**Gross Acres:** Approximately 3.2 acres



- |  |  |
|--|--|
|  Site                         |  High (50) Residential    |
|  Municipal Boundary           |  Irregular Residential    |
|  Low (5) Residential          |  Commerce                 |
|  Medium-High (25) Residential |  Water / Primary Drainage |



**SECTION I**  
**AMENDMENT REPORT**  
**BROWARD COUNTY LAND USE PLAN**  
**PROPOSED AMENDMENT PC 21-10**  
**(POMPANO BEACH)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

*I. Planning Council Staff Recommendation*

*August 17, 2021*

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

If adopted, this ordinance shall not preclude the reconstruction of the existing 198 dwelling units, subject to the City of Pompano Beach’s effective land development code and regulations.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

**If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.**

**RECOMMENDATIONS/ACTIONS (continued)**

**DATE**

**I. Planning Council Staff Recommendation (continued)**

**August 17, 2021**

In addition, if the Planning Council does not require a second Planning Council public hearing and 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 BCLUP 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 Public Hearing Recommendation**

**August 26, 2021**

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; 13-3; Yes: Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Hardin, Maxey, Parness, Romaner, Rosenof, Williams and DiGiorgio. No: Blackwelder, Grosso and Rich.)

**SECTION II**  
**AMENDMENT REPORT**  
**PROPOSED AMENDMENT PC 21-10**

**INTRODUCTION AND APPLICANT'S RATIONALE**

- I. Municipality: Pompano Beach
- II. County Commission District: District 4
- III. Site Characteristics
  - A. Size: Approximately 3.2 acres
  - B. Location: In Section 5, Township 49 South, Range 43 East; generally located on the east side of State Road A1A/Ocean Boulevard, south of Southeast 13 Street.
  - C. Existing Use: Multi-family residential
- IV. Broward County Land Use Plan (BCLUP) Designations
  - A. Current Designation: Commerce
  - B. Proposed Designation: High (50) Residential  
**The existing residential development is built at a density of 61.9 dwelling units per acre. If adopted, this ordinance shall not preclude the reconstruction of the existing 198 dwelling units, subject to the City of Pompano Beach's effective land development code and regulations.**
  - C. Estimated Net Effect: Reduction of 3.2 acres of commerce use  
Addition of 3.2 acres of residential use  
**No additional dwelling units proposed to the BCLUP as the proposed amendment is corrective in nature to reflect the existing residential development as constructed prior to the adoption of the 1977 BCLUP. There are currently 198 dwelling units existing. The current Commerce land use designation does not allow residential development.**

**INTRODUCTION AND APPLICANT'S RATIONALE (continued)**

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

- A. Existing Uses:                      North: Multi-family residential  
   East: Atlantic Ocean  
   South: Vacant  
   West: Multi-family residential and hotel
- B. Planned Uses:                        North: Medium-High (25) Residential  
   East: Water (Atlantic Ocean)  
   South: Irregular (46) Residential  
   West: Irregular (46) Residential and Commerce

VI. Applicant/Petitioner

- A. Applicant/Agent:                      City of Pompano Beach
- B. Property Owner:                        There are multiple property owners within the subject area.

VII. Recommendation of Local Governing Body:

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



## **EXHIBIT B**

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