

EXHIBIT 2

1 ORDINANCE NO. 2018-

2 AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A
3 SMALL SCALE AMENDMENT TO THE BROWARD COUNTY
4 COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND
5 USE PLAN WITHIN THE CITY OF POMPANO BEACH; AND PROVIDING
6 FOR SEVERABILITY AND AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)

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

10 WHEREAS, the Department of Economic Opportunity has found the Broward
11 County Comprehensive Plan in compliance with the Community Planning Act; and

12 WHEREAS, Broward County now wishes to propose an amendment to the
13 Broward County Land Use Plan within the City of Pompano Beach; and

14 WHEREAS, the Planning Council, as the local planning agency for the Broward
15 County Land Use Plan, held its hearings on March 22, 2018, and April 26, 2018, with due
16 public notice; and

17 WHEREAS, the Board of County Commissioners held an adoption public hearing
18 on May 22, 2018, at 10:00 a.m., having complied with the notice requirements specified
19 in Section 163.3184(11), Florida Statutes, at which public comment was accepted and
20 considered; and

21 WHEREAS, the Board of County Commissioners, after due consideration of all
22 matters, hereby finds that the following amendment to the Broward County
23 Comprehensive Plan is consistent with the State Plan, Regional Plan, and the Broward
24 County Comprehensive Plan; complies with the requirements of the Community Planning

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 Act; and is in the best interests of the health, safety, and welfare of the residents of
2 Broward County; and

3 WHEREAS, the proposed amendment constitutes a Broward County permitted
4 small scale amendment to the Broward County Comprehensive Plan pursuant to Section
5 163.3187(1), Florida Statutes.

6 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
7 BROWARD COUNTY, FLORIDA:

8 Section 1. The Broward County Land Use Plan is hereby amended by
9 amendment PC 18-5 in the City of Pompano Beach, set forth in Exhibit "A," attached
10 hereto and incorporated herein.

11 Section 2. SEVERABILITY.

12 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
13 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
14 affect the validity of the remaining portions of this Ordinance.

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

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

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

2. This Ordinance shall become effective as provided by law.

ENACTED
FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE

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

By /s/ Maite Azcoitia 04/25/18
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
04/25/18
Imanage File #80041
PC 18-5 City of Pompano Beach.SmallScaleOrd.

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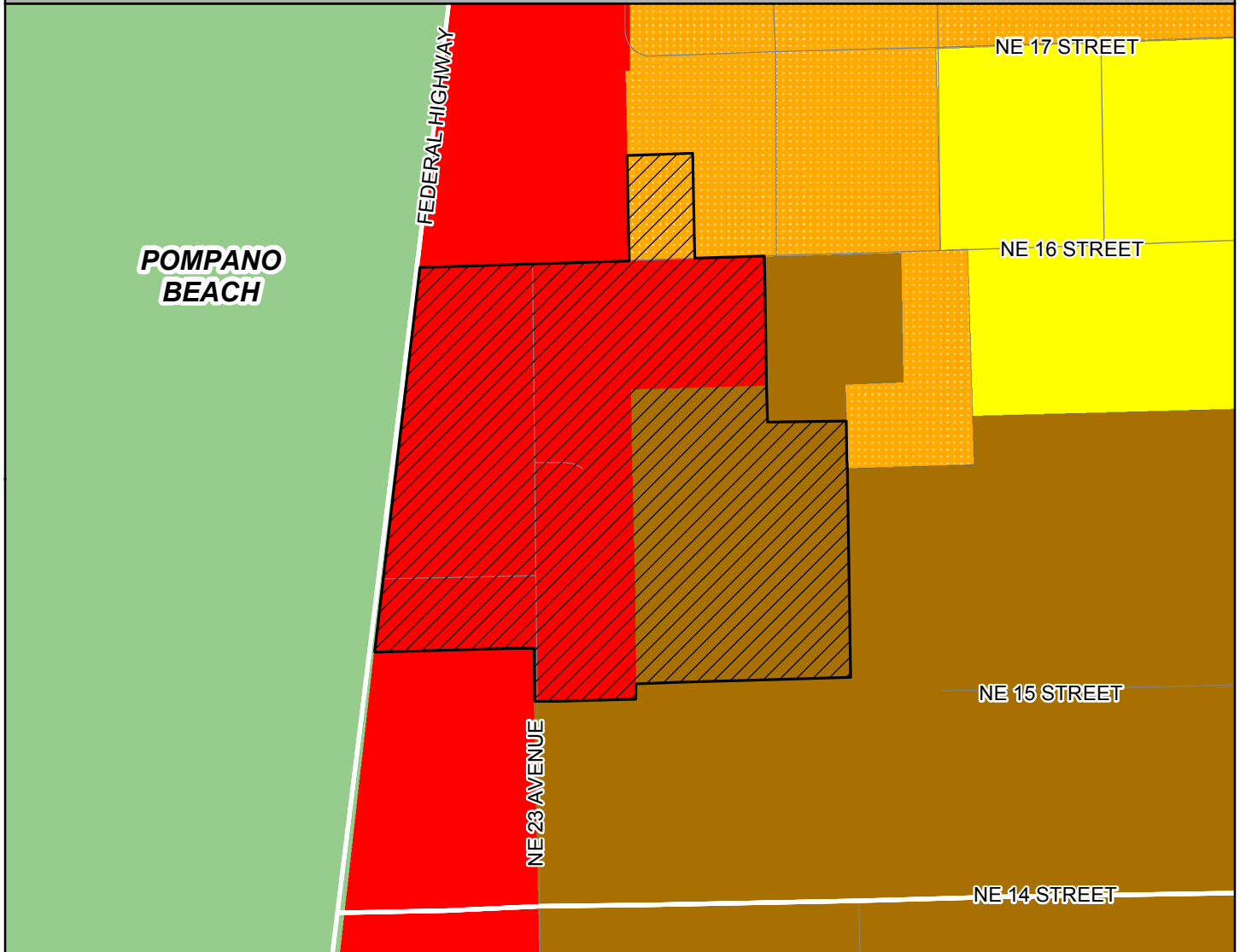
EXHIBIT A







BROWARDNEXT - BROWARD COUNTY LAND USE PLAN FUTURE LAND USE DESIGNATIONS AMENDMENT PC 18-5

Current Land Uses: 6.0 acres of Commerce, 3.2 acres of Medium-High (25) Residential and 0.4 acres of Low-Medium (10) Residential

Proposed Land Use: Activity Center

Gross Acres: Approximately 9.6 acres



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|---|--|
|  Site |  Medium-High (25) Residential |
|  Low (5) Residential |  Commerce |
|  Low-Medium (10) Residential |  Recreation & Open Space |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 18-5
(POMPANO BEACH)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

March 13, 2018

(Please see updated staff recommendation on page I-2)

Due to concerns regarding emergency shelter capacities consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policy 2.12.8 which states that “Broward County shall discourage land use plan amendments which negatively impact hurricane evacuation clearance times and/or emergency shelter capacities,” Planning Council staff is unable to support the amendment as of this writing.

It is noted that it is generally Planning Council staff’s practice to not support amendments that do not demonstrate compliance or consistency with the policies of the BCLUP, regardless of whether the amendment is being presented for the Planning Council’s first or second public hearing. It is noted that the subject amendment is being presented for the Planning Council’s first public hearing as part of a small scale review (less than 10 acres) and the second public hearing is traditionally scheduled for the following month.

Should the Planning Council choose to make a positive recommendation, Planning Council staff would submit that said recommendation be subject to the following:

- Recognizing the applicant’s voluntary commitment to restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips;
- Provision of written notification to potential renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, as well as the commitment to submit an Airspace Study Checklist to the Federal Aviation Administration (FAA);
- Recognizing the applicant’s voluntary commitment to create a hurricane evacuation contingency plan for future residential development; and
- Address consistency with BCLUP Policy 2.12.8, which may or may not include clarification of hurricane contingency plan, prior to the Planning Council’s second public hearing to the satisfaction of Broward County.

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the voluntary commitments regarding the notification of potential renters or buyers of proximity to Pompano Air Park airspace and submittal of an Airspace Study Checklist to

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

March 13, 2018

the FAA, as well as the hurricane evacuation contingency plan, as proffered by the applicant, as an inducement for Broward County to favorably consider its application.

In addition to the recommendations noted above, Planning Council staff recommends that the Planning Council initiate a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation.

II. Planning Council First Public Hearing Recommendation

March 22, 2018

Planning Council recommended approval of the proposed amendment subject to the 1) resolution of the issue of consistency with BCLUP Policy 2.12.8 regarding hurricane evacuation sheltering, prior to the Planning Council's second public hearing, and further subject to the applicant's voluntary commitments to 2) restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips, 3) provide written notification to potential renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, 4) submit an Airspace Study Checklist to the Federal Aviation Administration (FAA) and 5) create a hurricane evacuation contingency plan for future residential development.

In addition, the Planning Council initiated a review of the Commerce and Residential land use designations to evaluate the potential for a category to address redevelopment of multi-use and mixed-use developments on a smaller scale, as opposed to utilizing the Activity Center designation.

(Vote of the board; 15-3; Yes: Blattner, Breslau, Brunson, Castillo, DiGiorgio, Ganz, Gomez, Good, Graham, Moraitis, Rosenof, Rosenzweig, Ryan, Williams and Stermer. No: Blackwelder, Grosso and Udine)

III. Planning Council Staff Second Public Hearing Recommendation

April 17, 2018

Regarding concerns related to emergency shelter capacities consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policy 2.12.8, the City of Pompano Beach has provided correspondence restating its commitment to cooperating with the County and other partners to meet the emergency evacuation shelter needs of the community, as well as a commitment to provide City trained staff in the event a Broward County "Zone B" storm evacuation order is issued. Correspondence from Broward County staff indicates that the City's commitment removes its concern regarding BCLUP Policy 2.12.8 and the potential emergency evacuation shelter impacts resulting from the proposed amendment.

III. Planning Council Staff Second Public Hearing Recommendation (continued) April 17, 2018

Planning Council staff finds that 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, subject to the following:

- Recognizing the applicant’s voluntary commitment to restrict development to a mix of uses that will result in no more than 1,377 total p.m. peak hour trips;
- Provision of written notification to potential renters or buyers of potential noise issues, etc. related to the proximity to Pompano Air Park airspace, as well as the commitment to submit an Airspace Study Checklist to the Federal Aviation Administration (FAA);
- Recognizing the applicant’s voluntary commitment to create a hurricane evacuation contingency plan for future residential development; and
- Recognizing the City of Pompano Beach’s commitment to provide eligible and trained emergency evacuation shelter managers and support staff in the event a Broward County “Zone B” storm evacuation order is issued.

Further, effectiveness of the approval shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the voluntary commitments regarding the notification of potential renters or buyers of proximity to Pompano Air Park airspace and submittal of an Airspace Study Checklist to the FAA, as well as the hurricane evacuation contingency plan, as proffered by the applicant, as an inducement for Broward County to favorably consider its application.

Additionally, 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.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 18-5

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Pompano Beach
- II. County Commission District: District 4
- III. Site Characteristics
- A. Size: Approximately 9.6 acres
- B. Location: In Section 30, Township 48 South, Range 43 East; generally located on the east side of Federal Highway/U.S. 1, between Northeast 14 Street and Northeast 17 Street.
- C. Existing Uses: Marina, retail and vacant
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designations: 6.0 acres of Commerce
3.2 acres of Medium-High (25) Residential
0.4 acres of Low-Medium (10) Residential
- B. Proposed Designation: Activity Center consisting of:
343 multi-family dwelling units
510,000 square feet of commercial use, including but not limited to boat sales, offices, showrooms and related uses
75,000 square feet of marina use, including boat storage, boat repair and a maximum of 15 wet slips
- C. Estimated Net Effect: Addition of 259 dwelling units
(84 dwelling units currently permitted by the Broward County Land Use Plan)
343 total dwelling units
Addition of 39,552 square feet of commercial use
Addition of 75,000 square feet of marina use

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

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

- | | | |
|-------------------|--------|--|
| A. Existing Uses: | North: | Office, retail, multi-family residential and single-family residential |
| | East: | Single-family residential and multi-family residential |
| | South: | Multi-family residential and retail |
| | West: | Golf course and retail |
| B. Planned Uses: | North: | Commerce, Low-Medium (10) Residential and Medium-High (25) Residential |
| | East: | Low-Medium (10) Residential and Medium-High (25) Residential |
| | South: | Medium-High (25) Residential and Commerce |
| | West: | Commerce and Recreation and Open Space |

VI. Applicant/Petitioner

- | | |
|--------------------|----------------------------------|
| A. Applicant: | AMP IV Hidden Harbour, LLC |
| B. Agent: | Bercow Radell Fernandez & Larkin |
| C. Property Owner: | AMP IV Hidden Harbour, 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 June of 2018.