

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 Text is hereby amended by
9 amendment PCT 18-3 in the City of Pompano Beach regarding the Pompano Beach
10 Activity Center, set forth in Exhibit "A," attached 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

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

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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
PCT 18-3 City of Pompano Beach Activity Center Text.SmallScaleOrd.

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EXHIBIT A

SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCT 18-3
(CORRESPONDING TO PROPOSED MAP 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, along with corresponding map amendment PC 18-5, 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 prospective 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.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

March 13, 2018

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 prospective 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.

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.

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

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.

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 prospective 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.

ATTACHMENT 1

Pompano Beach Hidden Harbour Activity Center

Acreage: Approximately 9.6 acres

General Location: East side of Federal Highway/U.S. 1, between Northeast 14 Street and Northeast 17 Street.

Density and Intensity of Land Uses:

Development growth within the Pompano Park Hidden Harbour Activity is restricted to the equivalent of no more than 1,377 peak hour traffic trips. Peak hour trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, Ninth Edition.

List of Permitted Uses:

Multi-Family Residential: 343 units maximum

Commercial Development (including, but not limited to, boat sales, offices, showrooms, and related uses): 510,000 square feet maximum

Marina Use (including boat storage, boat repair, and slips): 75,000 square feet and 15 wet slips maximum

NOTES: Underlined words are proposed additions.
Bold and Double-underlined words are proposed additions by the applicant to mitigate anticipated adverse impacts to BrowardNext - Broward County Land Use Plan Policy 2.14.9 regarding the regional transportation network.