

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

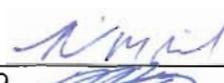
Consent	<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Consideration/ Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
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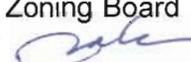
SHORT TITLE AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The Applicant is proposing a change in the land use designation of the 9.8 gross-acre property located on the west side of N. Federal Highway, at 4411 N. Federal Highway. Currently the property has a Residential High Land Use designation. The Applicant is requesting a change in land use to a dashed-line area that will allow a maximum of 243 residential units. This small scale land use plan amendment request satisfies the conditions of the Declaration of Restrictive Covenants (Exhibit A of attached Application) entered into by the Property Owner (Jag-Star Pompano, LLC) and the City of Pompano Beach in October of 2013 for the project known as the Jefferson. The purpose of this amendment is to create 247 additional flex units for use by the City within the flex receiving area. The Planning & Zoning Board unanimously recommended approval of this amendment.

- (1) Origin of request for this action: City of Pompano Beach
- (2) Primary staff contact: Robin M. Bird/ Maggie Barszewski Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	7/1/15	Approval	Memo# 15-355 
City Attorney	8/27/15		CAC# 2015-1439 

Planning and Zoning Board
 City Manager  Memo #15-049 (7/29/2015)

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
1 st Reading	1 st Reading	Results: Results:
2 nd Reading		



City Attorney's Communication #2015-1439

August 27, 2015

TO: Maggie Barszewski, AICP, Planner

FROM: Mark E. Berman, City Attorney

RE: Ordinance Amending the Future Land Use Designation for Property Located on the West Side of Federal Highway, South of NE 43rd Court

As requested in your memorandum of August 20, 2015, Department of Development Services Memorandum #15-439, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

MEB/jrm
l:cor/dev-srv/2015-1439

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A SMALL SCALE COMPREHENSIVE PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT 4411 N. FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3184 F.S., the Planning and Zoning Board/Local Planning Agency held a duly noticed public hearing on July 22, 2015 on the proposed amendments to the Future Land Use Map of the adopted City of Pompano Beach Comprehensive Plan, and subsequently recommended approval to the City Commission; and

WHEREAS, said amendment proposes to change a Land Use Plan map designation of 9.8 gross acres in the High Residential 46 (HR46) to a dashed-line area which will allow a maximum of 243 dwelling units, for the property legally described in Exhibit A; and

WHEREAS, at the public hearings, the parties having an interest and all other citizens so desiring had an opportunity to be and were in fact heard; and

WHEREAS, pursuant to Section 154.08(2) of the City's Code of Ordinances, notice of the time and place of the hearing to certain property owners as required has been mailed at least ten (10) days prior to the hearing; and

WHEREAS, pursuant to Ch. 163.3187, Florida Statutes, the City Commission held at least one duly noticed public hearing on the proposed amendment to the Future Land Use Map of the adopted City of Pompano Beach Comprehensive Plan; and

WHEREAS, all staff reports, minutes of meetings, findings of fact and support documents are hereby incorporated by reference; and

WHEREAS, the City Commission has considered the application in its entirety, staff reports, minutes of meetings, findings of fact and support documents and determines the request is in the best interests of the City; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the foregoing application recitals, findings of fact, minutes of meetings and all staff reports and documents are true and correct, and are hereby incorporated by reference and transmitted.

SECTION 2. That duly noticed public hearing was held on July 22, 2015, by the Local Planning Agency in compliance with Section 163, Florida Statutes, to consider the referenced Future Land Use Map Amendment.

SECTION 3. That the City Commission hereby adopts the amendment to the City of Pompano Beach Future Land Use Map to change the land use designation from High Residential 46 (HR46) to a dashed-line designation with 243 units on 9.8 gross acres located at 4411 N. Federal Highway, as legally described in Exhibit A, attached hereto and made a part hereof, which satisfies the requirement in the Declaration of Restrictive Covenants previously executed between the City and the Property Owner and recorded in the Broward County Public Record in Official Records Book 50311, Page 1016-1022.

SECTION 4. That the City Clerk is directed to transmit a certified copy of this Ordinance to the Department of Economic Opportunity and required State Agencies for review under the Small Scale amendment process allowed by Ch. 163.

SECTION 5. The City Clerk is directed to transmit a certified copy of this Ordinance to the Broward County Planning Council with the City's amended Future Land Use Map for the Planning Council to recertify the City Future Land Use Map.

SECTION 6. That in the event any provision or application of this Ordinance shall be held invalid, it is the legislative intent that the other provisions and applications thereof shall not be thereby affected.

SECTION 7. That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

SECTION 8. That this Ordinance shall take effect immediately upon its passage and adoption, but the amendments shall not become effective until the Broward County Planning Council recertifies the City's Future Land Use Map as consistent with the County Land Use Plan.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
9/15/15
L:ord/2015-467

Exhibit A - Legal Description

**PARCEL "A" POMPANO CREEK, AS RECORDED IN PB 181, PAGE 3 OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-049**

DATE: July 29, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Local Land Use Plan Amendment – Jag-Star Pompano LLC
P & Z #15-9200003 Project: The Jefferson

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on July 22, 2015, the Board considered the request by **Jag-Star Pompano LLC** requesting a LOCAL LAND USE PLAN AMENDMENT of the property located at 4411 N Federal Highway from High (H) to “Dashed-Line” Residential Limited to 243 Dwelling Units.

It is the unanimous recommendation of the Board that the LOCAL LAND USE PLAN AMENDMENT request be approved.



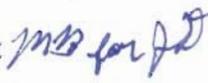
Jerry Mills
Vice Chairman
Planning and Zoning Board/ Local Planning Agency

ADMINISTRATIVE MEMORANDUM NO. 15-355

DATE: July 1, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director 

FROM: Jean E. Dolan, AICP, Planning Consultant 

RE: Jefferson Property Small Scale Local Land Use Plan Amendment
4411 N. Federal Highway

P&Z # 15-92000003

Request

The property owner of 4411 N. Federal Highway (Jag-Star Pompano, LLC) and the City of Pompano Beach entered into an agreement dated October 24, 2013, which is recorded in Broward County OR Book 50311, Page 990, to allow for this local land use plan amendment. Currently, the land use designation of the 9.8 acre subject property on both the City of Pompano Beach Future Land Use Map and the County's Land Use Plan is High Density Residential which allows up to 46 du/acre per the City Plan and 50 du/acre (490 units) per the County Plan, however, the Owner only built 25 units per acre (243 units). The City is requesting a change in the future land use designation to a "dashed-line area" for the property that reduces the maximum residential entitlement to the requested 243 units. By leaving the High Density designation on the County's Plan, the City will increase the pool of flexibility units for use in the City's Flex Receiving Area by 247 units.

Proposed Development

The Jefferson project is under construction and is nearly completed. The proposed land use designation will limit the density of the site to the 243 units shown on the approved site plan for the Jefferson project. The 247 flex units created by the local plan amendment, upon recertification by Broward County, can be used anywhere within the City's flex receiving area.

A. Existing Land Use Designations - Density/Intensities

The existing Residential High land use designation on the County's Plan allows for 50 du/acre or a total of 490 units. By leaving the Residential High designation on the County's Plan and reducing the density on the City's plan to 243 units, the City creates an additional 247 flexibility units.

B. Proposed Land Use Designation - Density/Intensities

The maximum allowable development under the proposed dashed-line land use designation is 243 units.

C. Rationale for the Proposed Amendment

The amendment will result in the City's Future Land Use Map reflecting what is actually built on-site and will allow the City to use the unbuilt density as flexibility units elsewhere in the City.

LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

Gross Residential Density

Residential

E Estate

L Low

LM Low- Medium

M Medium

MH Medium-High

H High

C Commercial

CR Commercial Recreation

I Industrial

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

W Water

RAC Regional Activity Center

Boundaries

City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

* Existing
> Proposed

FOR ZONING MAP

Symbol District

RS-1 One-Family Residence

RS-2 One-Family Residence

RS-3 One-Family Residence

RS-4 One-Family Residence

RD-1 Two- Family Residence

RM-12 Multi-Family Residence

RM-20 Multi-Family Residence

RM-30 Multi-Family Residence

* RM-45 Multi-Family Residence

RM-45/HR Overlay

RPUD Residential Planned Unit Dev.

AOD Atlantic Boulevard Overlay District

MH-12 Mobile Home Park

B-1 Limited Business

B-2 Neighborhood Business

B-3 General Business

B-4 Heavy Business

RO Residence Office

M-1 Marina Business

M-2 Marina Industrial

I-1 General Industrial

I-1X Special Industrial

O-IP Office Industrial Park

BP Business Parking

BSC Planned Shopping Center

PCI Planned Commercial /
Industrial Overlay

PR Parks & Recreation

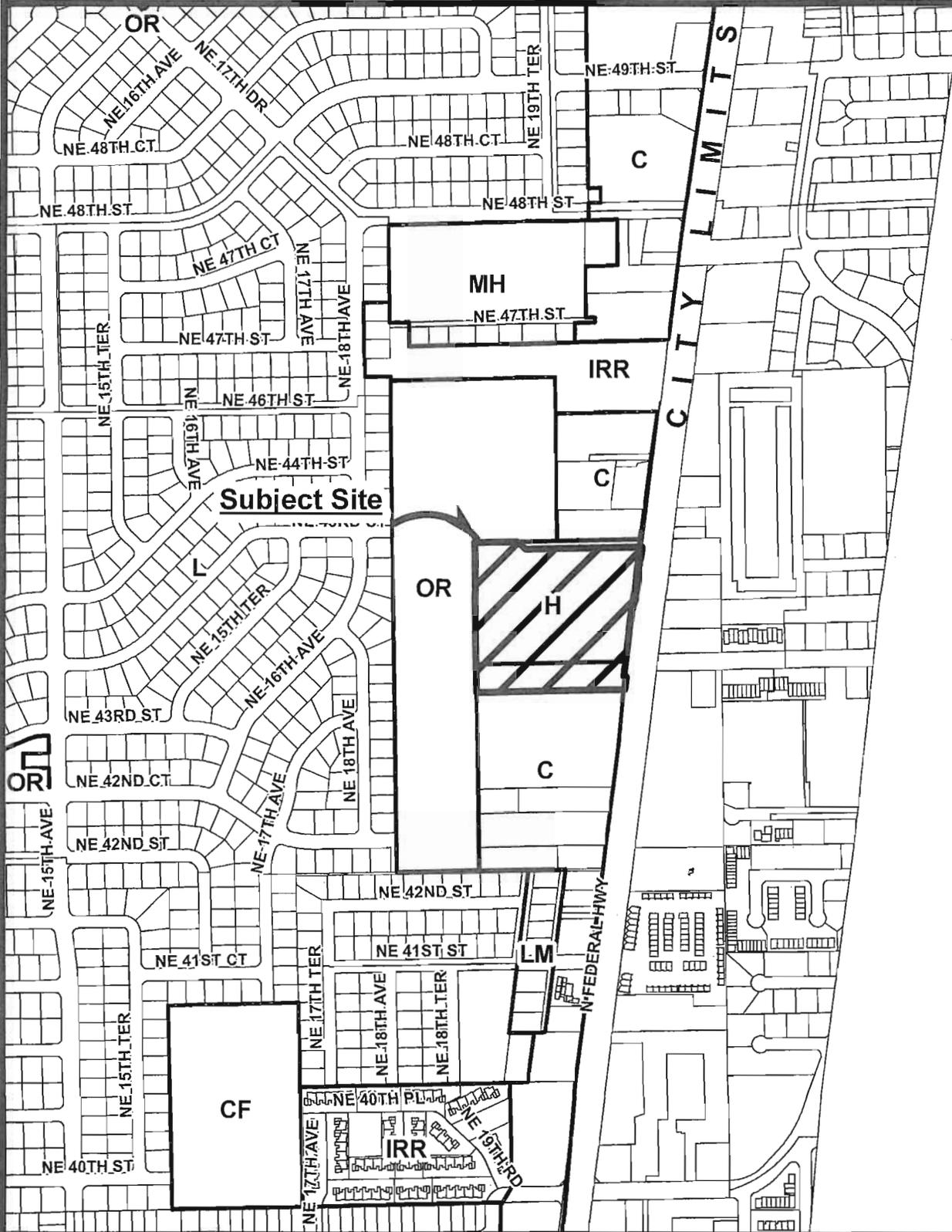
CR Commerical Recreation

CF Community Facilities

T Transportation

PU Public Utility

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

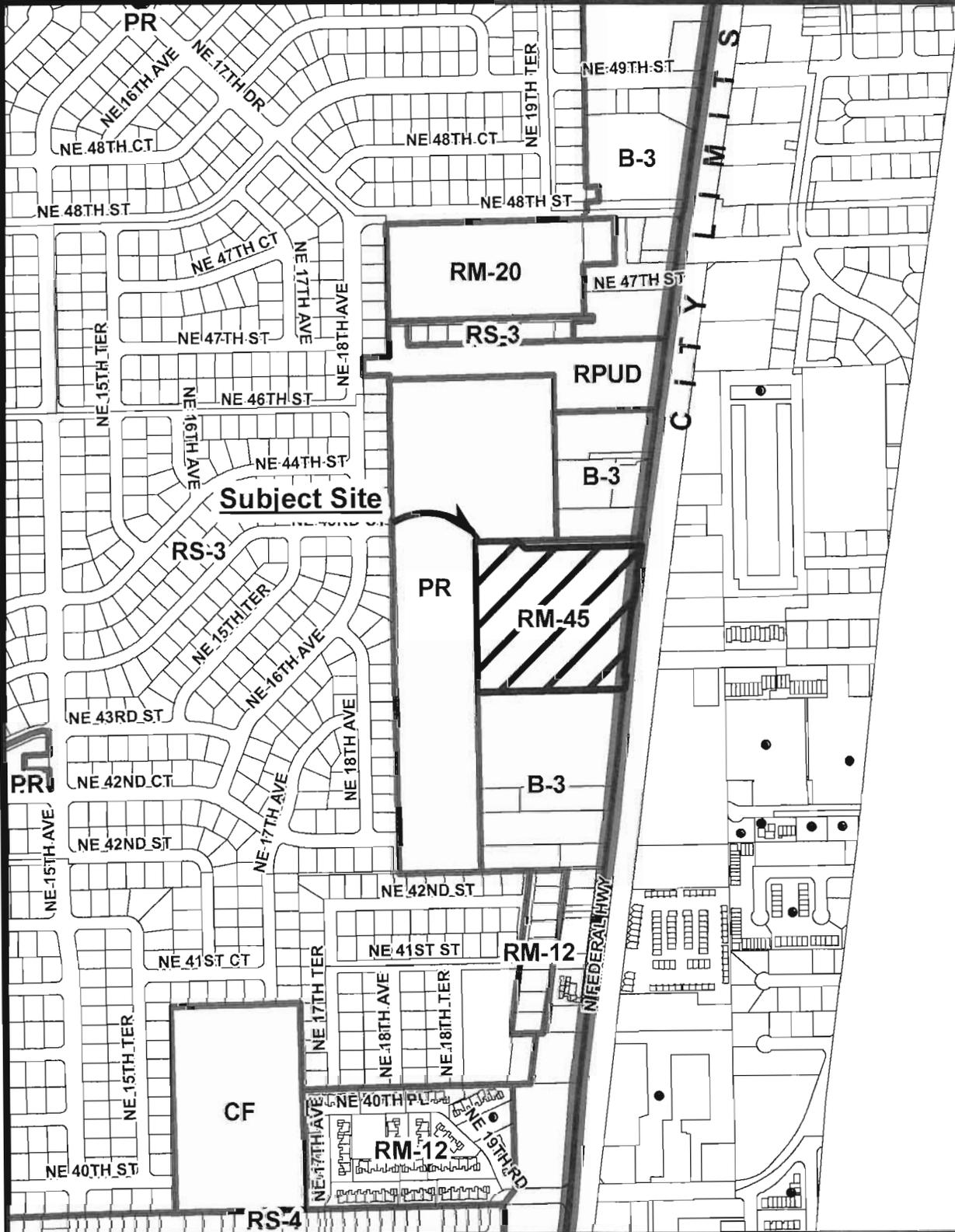


1 in = 600 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 600 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP

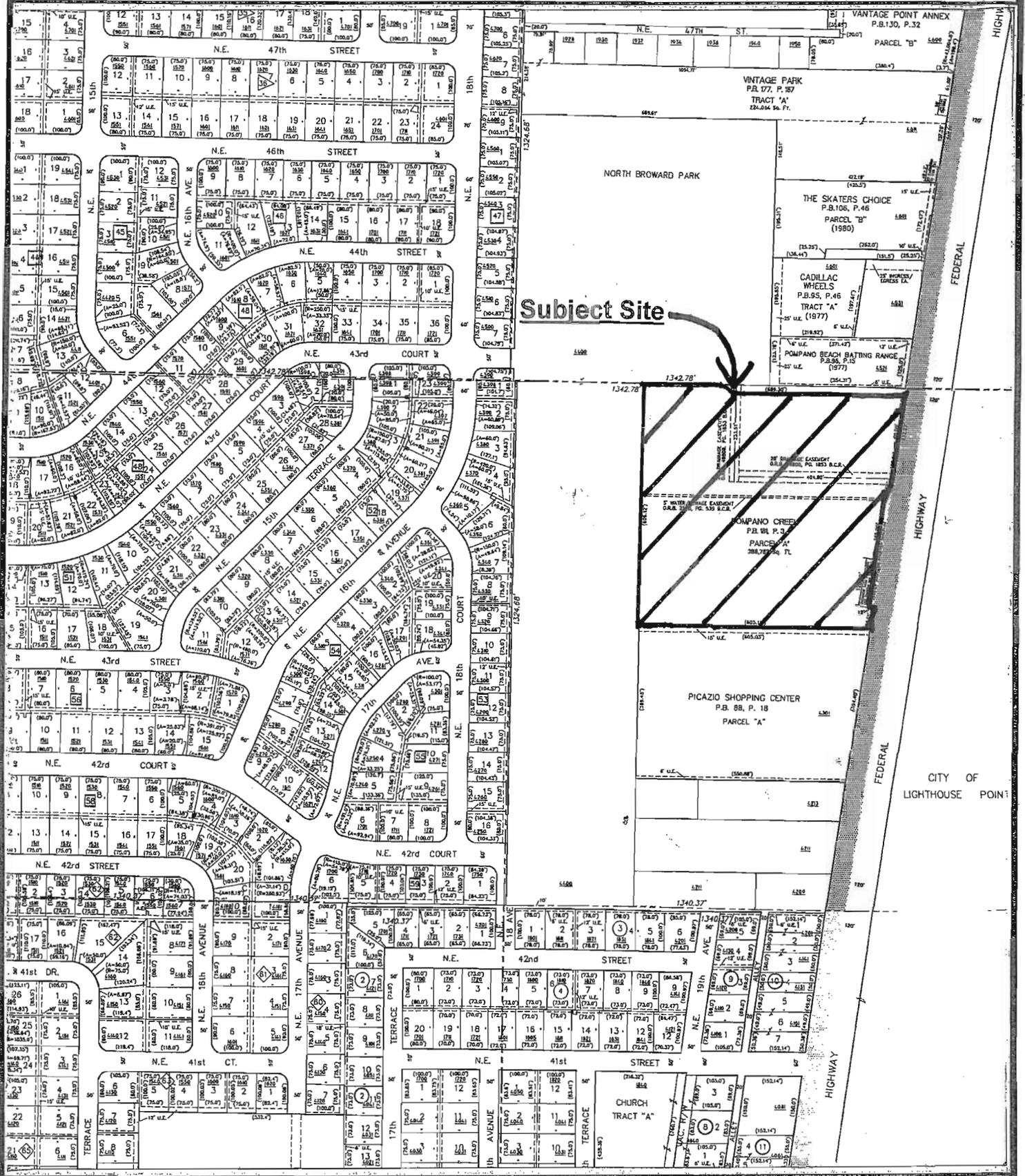


1 in = 600 ft

5

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



Subject Site

SCALE: NTS

NORTH

D. Surrounding Land Uses – The subject property is surrounded by the following land use designations:

Location	City Land Use Designation	County Land Use Designation
North	Commercial (C) and Open Space Recreation (OR)	Commercial (C) and Parks and Recreation (PR)
South	Commercial (C)	Commercial (C)
East	Federal Highway/City of Lighthouse Point designated Commercial (C)	Commercial (C)
West	Open Space Recreation (OR)	Parks and Recreation (PR)

E. Proposed City Land Use Designation - The proposed land use designation is a dashed-line area with 243 units.

F. Impact Analysis

The proposed intensity of the amendment area is a decrease over what is currently allowed under the city’s adopted plan; the reduction in intensity is due to the change from the Residential High land use designation to a dashed-line designation limited to 243 units. By leaving the County’s Plan at Residential High, 247 flexibility units will be added to the City’s flex pool. These 247 units can be allocated anywhere within the City’s flex receiving area. The net change in total impacts from these units, therefore, will be zero for all concurrency-related utilities including Sanitary Sewer, Potable Water, Drainage, Solid Waste, Recreation and Open Space, Traffic Circulation, Mass Transit and Public Education. Any localized impacts on these facilities caused by the allocation of flex units will be evaluated at the time those units are awarded.

Natural and Historic Resources

The site does not contain any natural or historic resources.

Affordable Housing

The requirements for affordable housing units per the Broward County Land Use Plan Policy 1.07.07 do not apply for this request because this is (1) a local plan amendment only and (2) the proposed amendment is reducing the entitlements on the site.

Land Use Compatibility

The proposed dashed-line area reflects what has been built on the site and is thus compatible with the adjacent land uses.

Hurricane Evacuation Analysis

The subject property is not within a hurricane evacuation area.

Redevelopment Analysis

The property is not within a Community Redevelopment Area.

Intergovernmental Coordination

The subject property is not adjacent to any other local governments.

Consistency with Goals, Objectives and Policies of the City's Land Use Plan

The proposed intent of the amendment, which is to create additional flex units, is consistent with the following goals, objectives and policies of the Land Use Element of the Comprehensive Plan:

Objective Major Corridor Land Use

1.4.1 Support and promote the intermix of residential and commercial uses along major traffic corridors.

Policies

1.4.2 The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments.

Objective New Land Use Regulations

1.7.1 Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations.

Policies

1.7.22 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

Objective Hurricane Preparedness

1.9.1 Make preparations to protect residences and businesses from hurricanes.

Policies

1.9.2 Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.

Objective Urban Infill Criteria

1.12.1 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

Policies

1.12.04 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.

1.12.05 The City shall utilize flexibility units and reserve units to increase residential densities within the flex and reserve receiving areas when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive

Lands and County or regional parks in accordance with Policy 13.01.10 of the Broward County Land Use Plan.

G. Recommendation of Approval

Staff recommends approval of the Land Use Plan Map Amendment from the current “Residential High” Future Land Use designation to a dashed-line are with 243 units for the property legally described in Exhibit A.

ALTERNATIVE MOTIONS:

1) Motion to recommend approval of the Land Use Plan Map Amendment from the current “Residential High” Future Land Use designation to “Dashed-Line 243 Units” for the property legally described in Exhibit A.

The approval is based upon the finding that the amendment is compatible with the goals, objectives and policies in the Comprehensive Plan, specifically:

Goal

01.00.01 The attainment of a living environment which provides the maximum physical, economic and social well being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policies

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

01.03.05 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

01.06.01 Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties.

01.06.12 Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient potable water resources available and that they pose no noxious impacts to the Biscayne Aquifer.

01.07.21 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

01.07.22 The city's land development code shall include provisions to encourage or enable a variety of housing opportunities in varying price ranges, including housing for low and moderate income families in large scale residential developments.

- 2) **Motion to table** the requested Comprehensive Plan amendment to provide time for any issues raised by the Board, Staff, Applicant or the general public.
- 3) **Motion to recommend denial** as the Board finds the proposed land use change incompatible with the goals, objectives and policies in the Comprehensive Plan.

Exhibit A
Legal Description

**PARCEL "A" POMPANO CREEK, AS RECORDED IN PB 181, PAGE 3 OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA**

#25

City of Pompano Beach, Florida

The Jefferson Property

4411 North Federal Highway

Application to Amend the City of Pompano Beach Future Land Use Map



May 2015

**Prepared by Jean Dolan, Inc. for
The City of Pompano Beach
Department of Development Services**





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EXHIBITS

- Exhibit A Declaration of Restrictive Covenants
- Exhibit B Sketch and Legal Description
- Exhibit C Proposed City Future Land Use Map of Amendment Area
- Exhibit D Adopted City Land Use Map of Amendment Area
- Exhibit E Adopted County Land Use Map of Amendment Area
- Exhibit F City of Pompano Beach Goals, Objectives and Policies
- Exhibit G Broward County Goals, Objectives and Policies

1. TRANSMITTAL INFORMATION

A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan. Please attach a copy of the referenced motion, resolution or ordinance. The local government’s action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.

Response: To be provided.

B. Date local governing body held transmittal public hearing.

Response: To be provided.

C. Whether the amendment area is within an Area of Critical State Concern or proposed for adoption under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

Response: The amendment area is *not* within an Area of Critical State Concern or proposed for adoption under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

D. Whether the amendment is one of the following:

- *Development of Regional Impact
- *Small scale development activity (Per Florida Statutes)
- *Emergency (please describe on separate page)
- *Other amendments which may be submitted without regard to Florida statutory limits regarding amendment submittals (Brownfield amendments, etc.)

Response: The property is less than 10-acres and thus qualifies as a small scale amendment under Florida Statutes.

2. LOCAL GOVERNMENT INFORMATION

A. Local land use plan amendment or case numbers.

Response: The Local Land Use Plan amendment number is 15-92000001. This is a local amendment only so no County LUPA number has been assigned to the project.

B. Proposed month of adoption of local land use plan amendment.

Response:

The proposed month of adoption by the City of Pompano Beach is September **2015**.
The estimated month of recertification by the Broward County Planning Council is November **2015**.

C. Name, title, address, telephone, facsimile number and e-mail of the local government contact.

Robin M. Bird, AICP
Development Services Director
robin.bird@copbfl.com
City of Pompano Beach
Development Services Department
100 W. Atlantic Blvd.
Pompano Beach, Florida 33060
Phone (954)786-4634
Fax (954) 786-4666

D. Summary minutes from the local planning agency and local government public hearing of the transmittal of the Broward County Land Use Plan amendment.

Response: To be provided.

E. Description of public notification procedures followed for the amendment by the local government.

Response: Small scale amendment public notification procedures will be followed.

3. APPLICANT INFORMATION

A. Name, title, address, telephone, facsimile number and e-mail of the applicant.

Robin M. Bird
Development Services Director
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

robin.bird@copbfl.com
Phone (954)786-4634
Fax (954) 786-4666

B. Name, title, address, telephone, facsimile number and e-mail of the agent.

Jean E. Dolan, AICP
Planner
jdolan10@comcast.net
617 NW 30th Street
Wilton Manors, FL 33311
Phone: (954) 786-5554
Fax: (954)5656876

C. Name, title, address, telephone, facsimile number and e-mail of the property owner.

Jag-Star Pompano, LLC
1420 Spring Hill Road, Suite 420
McLean, Virginia 22102

D. Planning Council fee for processing the amendment in accordance with the “Fee Schedule for Amendments to the Broward County Land Use Plan and Local Land Use Elements.”

Response: This is a local land use plan amendment only. The County’s plan will remain at the higher density. The change in the local plan is being done to increase the available flexibility units for use within the City’s flex receiving area.

E. Applicant’s rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs). Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.

Response: The property owner (Jag-Star Pompano, LLC) and the City of Pompano Beach entered into an agreement dated October 24, 2013, which is recorded in Broward County OR Book 50311, Page 990, to allow for this local land use plan amendment. A copy of the Agreement is provided in Exhibit “A”. Currently, the land use designation of the 9.8 acre subject property on both the City of Pompano Beach Future Land Use Map and the County’s Land Use Plan is High Density Residential which allows up to 46 du/acre per the City Plan and 50 du/acre (490 units) per the County Plan, however, the Owner only built 25 units per acre (243 units). The City is requesting a change in the future land use designation to a “dashed-line area” for the property that reduces the maximum residential entitlement to the requested 243 units. By leaving the High Density designation on the County’s Plan, the City will increase the pool of flexibility units for use in the City’s Flex Receiving Area by 247 units.

4. AMENDMENT SITE DESCRIPTION

A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.

Response: The gross acreage of the area subject to this amendment is 9.8 gross acres. The site is bounded by N. Federal Highway on the east and North Pompano Park on the west. The site is north of Sample Road in Pompano Beach. It is the former Bali Hi Mobile Home Park site.

B. Sealed survey, including legal description of the area proposed to be amended.

Response: The legal description is provided as *Exhibit B*.

C. Map at a scale of 1"=300' clearly indicating the amendment’s location, boundaries and proposed land uses. (Other scales may be accepted at the discretion of the Planning

Council Executive Director. Please contact the Planning Council office in this regard, prior to the submittal of the application).

Response: The City’s Future Land Use Map at a scale of 1"=300' clearly indicating the amendment’s location, boundaries and proposed land use designation is provided as *Exhibit C*.

5. EXISTING AND PROPOSED USES

A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation.

Response: The City of Pompano Beach and Broward County Adopted Future Land Use designations for the property is Residential High (50 du/ac). The City and County Land Use Maps are provided in *Exhibits D and E*.

The proposed land use designation for the City’s plan is a dashed line area with a maximum of 243 units. The County’s plan will remain at Residential High, thus creating additional flex units for use within the city’s flex receiving area.

B. Current land use designations for the adjacent properties.

Response: The current adopted City and County land use designations of the surrounding properties are:

Location	City Land Use Designation	County Land Use Designation
North	Commercial (C) and Open Space Recreation (OR)	Commercial (C) and Parks and Recreation (PR)
South	Commercial (C)	Commercial (C)
East	Federal Highway/City of Lighthouse Point designated Commercial (C)	Commercial (C)
West	Open Space Recreation (OR)	Parks and Recreation (PR)

C. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for adjacent areas.

Response: The City has not utilized the flexibility provisions for adjacent areas.

D. Existing use of amendment site and adjacent areas.

Response: The amendment site was previously the site of the Bali Hi Mobile Home Park site. A City and County LUPA was previously approved to increase the land use classification to Residential High as part of the approval process for Pompano Creek, a 490 unit Adult Congregate Living Facility. The project was lost to the economic downturn. The new owners, Jag-Star Pompano, LLC, have chosen to build a 243 unit apartment complex on the site. The project was approved in 2013 and is nearing 100% completion.

North Pompano Park is adjacent to the site on the west and north. This park was previously called North Broward Park and was annexed by the City in 2004 along with the Cresthaven and Highlands neighborhoods. The City is planning to improve North Pompano Park in the future as a water park with a lazy river and other water recreational features. To facilitate access to the improved park, the owners of the Jefferson property dedicated a driveway connection from US 1 to North Pompano Park as part of the Development Agreement provided as Exhibit "A" herein. Previously, the only access to the park was through the Highlands residential neighborhood.

The commercial properties to the north and south are developed as an auto dealership and a retail plaza. The commercial properties to the east in Lighthouse Point are being occupied by restaurant and office uses.

- E. Proposed use of the amendment site including proposed square footage* for each non-residential use and/or dwelling unit count. For RAC, LAC, TOC, TOD and MUR amendments, please provide each existing non-residential use square footage and existing dwelling units for amendment area.

Response: The site is approved for 243 residential units and this local land use plan amendment will establish a dashed-line area that will limit the site to that dwelling unit count. By leaving the potential 490 units on the County's Land Use Plan, the city will be creating 247 flexibility units to be used elsewhere in the city's flex receiving area.

- F. Maximum allowable development per local government land use plans under existing designation for the site, including square footage* for each non-residential use and/or dwelling unit count.

Response: The City's Residential High land use category currently on the site will allow up to 46 units per acre or 450 units. The County's land use designation will allow 50 du/acre and will allow up to 490 units for the site.

- G. Indicate if the amendment is part of a larger development project that is intended to be developed as a unit such as a site plan, plat or Development of Regional Impact. If so, indicate the name of the development; provide the site plan or plat number; provide a location map; and, identify the proposed uses.

Response: Not applicable.

6. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

A. Sanitary Sewer Analysis

1. Identify whether the amendment site or a portion is currently and/or proposed to be serviced by septic tanks.

Response: The subject property is served by City of Pompano water and sewer services and there is no intention to utilize septic tanks.

2. Identify the sanitary sewer facilities serving the amendment site including the current plant capacity, current plus committed demand on plant capacity, and planned plant capacity.

Response: The City of Pompano Beach provides for sanitary sewer collection only. All wastewater collected is pumped to the Broward County North District Regional Wastewater Treatment Plant, which is located within the City. The County Plant receives wastewater from Pompano, as well as other County municipalities.

The City has a Large User Agreement with Broward County to accommodate 17 million gallons per day of sanitary sewer flow. This is less than 19% of the Plant's capacity.

An average daily demand of 15.95 MGD is projected in the City's Comprehensive Plan for the year 2015, based on the projected 2015 population of 120,161 persons. At the current growth rate, the projected 2015 population projection, per the City's Comprehensive Plan, won't be realized until 2030.

The Sewer System is under capacity and funded from user fees, the City, therefore, will be able to maintain its sanitary sewer LOS standards.

3. Identify the net impact on sanitary sewer demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

Response: The proposed amendment will have no effect on sanitary sewer demand. The subject property is being restricted to 243 units through the proposed dashed-line land use designation. The 247 units of flex created by reducing the local plan entitlements and maintaining the 490 units allowed by the County's Plan will eventually be developed elsewhere in the City. The total sanitary sewer demand, therefore, will remain constant in the long run assuming all of the flex units are eventually allocated and built.

4. Identify the projected plant capacity and demand for the short and long range planning horizons as identified within the local government's adopted comprehensive plan. Provide demand projections and information regarding planned plant capacity expansions including year, identified funding sources and other relevant information.

Response: Because this amendment will have no impact on the City's sanitary sewer collection and treatment system, it is assumed that this information is not necessary.

5. Correspondence from sanitary sewer provider verifying the information submitted as part of the application on items 1-4 above. Correspondence must contain name, position and contact information of party providing verification.

Response: Because this amendment will have no impact on the City's sanitary sewer collection and treatment system, it is assumed that the service provider letters are not necessary.

B. Potable Water Analysis

1. Data and analysis demonstrating that a sufficient supply of potable water and related infrastructure will be available to serve the proposed amendment site through the long-term planning horizon, including the nature, timing and size of the proposed water supply and related infrastructure improvements.

Response: Because this amendment will have no impact on potable water demand, it is assumed that this information is not necessary.

2. Identify the facilities serving the service area in which the amendment is located including the current plant capacity, current and committed demand on the plant and South Florida Water Management District (SFWMD) permitted withdrawal, including the expiration date of the SFWMD permit.

Response: Because this amendment will have no impact on potable water demand, it is assumed that this information is not necessary.

3. Identify the wellfield serving the service area in which the amendment is located including the permitted capacity, committed capacity, remaining capacity and expiration date of the permit.

Response: Because this amendment will have no impact on potable water demand, it is assumed that this information is not necessary.

4. Identify the net impact on potable water demand, based on adopted level of service resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

Response: The proposed amendment will have no net impact on potable water demand. The subject property is being restricted to 243 units through the proposed dashed-line land use designation. The 247 units of flex, created by reducing the local plan entitlements and maintaining the 490 units allowed by the County's Plan, will eventually be developed elsewhere in the City. The total potable water demand, therefore, will remain constant in the long run assuming all of the flex units are eventually allocated and built.

5. Identify the projected capacity and demand for the short and long range planning horizons as identified within the adopted comprehensive plan. Provide demand projections and information regarding planned wellfield and planned plant capacity expansions including year, funding sources and other relevant information. If additional wellfields are planned, provide status including the status of any permit applications.

Response: Because this amendment will have no impact on potable water demand, it is assumed that this information is not necessary.

6. Correspondence from potable water provider verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

Response: Because this amendment will have no impact on potable water demand, it is assumed that the service provider letter is not necessary.

C. Drainage Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located.

Response: Broward County Environmental Protection and Growth Management Department reviews and approves all stormwater plans within the City to ensure that the level of service requirements are met. The City has adopted the following level of service standards for stormwater per the South Florida Water Management District requirements:

- Building Structures – The flood level shall not exceed the finish floor elevation of all building structures within the study area during the 100-year, 3-day storm event.
- Roadways and Parking Lots – Stormwater ponding shall not encroach onto any roadway centerlines during the 10-year, 1-day storm event. Stormwater ponding shall not encroach onto any roadway edge of pavement during the 5-year, 1-day storm event.
- Outfall Discharges – The outfall discharge shall not exceed the allowable peak discharge during a 25-year, 3-day rainfall event as defined by the existing permit requirements. If the existing outfalls do not have a maximum discharge assigned by existing permits, the regulatory agencies will require “pre-development” versus “post-development” discharge analysis to ensure the stormwater discharge into adjacent surface waters does not increase after the proposed construction.

These regulatory requirements are applied to all new and redevelopment projects, thereby maintaining consistency with the level of service standards for stormwater.

2. Identify the drainage district and drainage systems serving the amendment area.

Response: The amendment area is located within the jurisdiction of the South Florida Water Management District. The primary drainage system that serves the City is comprised of drainage canals, water control facilities, and surface lakes. The primary drainage system is maintained and operated by the South Florida Water Management District. The primary drainage system discharges excess storm water from storm events into the Atlantic Ocean via the Intracoastal Waterway. The primary drainage system also provides recharge of the Biscayne Aquifer, the primary raw water source. The secondary drainage system that serves the City is comprised of drainage pipe, catch basin inlets, manholes, control structures, exfiltration trench, and retention areas. The secondary drainage system is maintained and operated by the City of Pompano Beach.

The secondary drainage system discharges excess storm water from storm events into the primary drainage system.

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

Response: The City of Pompano Beach has recently completed a Citywide Stormwater Master Plan, which includes a list of recommended stormwater capital improvement projects throughout the City. The City is in the process of developing an implementation schedule for the proposed stormwater capital improvement projects.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site.

Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

Response: The amendment site is nearing 100% completion of construction. No additional permits are necessary. The local plan amendment for this property is not related to the development of the property. Its purpose is to free-up the unbuilt entitlements that were previously reserved for the property and allow them to be added to the city's pool of flex units to be built, as needed, elsewhere within the city's flex receiving area.

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrates how the site will be drained and the impact on the surrounding properties. The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage of proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Response: Not applicable.

6. Correspondence from local drainage district verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

Response: Because this amendment will have no impact on stormwater management, it is assumed that the service provider letter is not necessary.

D. Solid Waste Analysis

1. Provide the adopted level of service standard for the municipality in which the amendment is located.

Response:

Residential	8.9 lbs. per unit per day
Industrial/Commercial	
Factory/Warehouse	2 lbs per 100 sq.ft. per day
Office Building	1 lbs per 100 sq.ft. per day
Department Store	4 lbs per 100 sq.ft. per day
Supermarket	9 lbs per 100 sq.ft. per day
Restaurant	2 lbs per meal per day
Drug store	5 lbs per 100 sq.ft. per day
Hotel	8.9 lbs per day
Institution	
Grade School	10 lbs per room per day plus 1/4 lb. per student per day
Middle/High School	8 lbs per room per day plus 1/4 lb. per student per day
Hospital	8 lbs per bed per day
Nursing Home	3 lbs. per person per day

Source: City of Pompano Beach Comprehensive Plan 2010 (Solid Waste Element) and Broward County Solid Waste Element.

2. Identify the solid waste facilities serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on the landfill/plant capacity and planned landfill/plant capacity.

Response: Because this amendment will have no net impact on solid waste generation, it is assumed that this information is not necessary.

3. Identify the net impact on solid waste demand resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

Response: The proposed amendment will have no net impact on solid waste.

4. Correspondence from the solid waste provider verifying the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Response: Because this amendment will have no impact on solid waste, it is assumed that the service provider letter is not necessary.

E. Recreation and Open Space Analysis

1. Provide the adopted level of service standard for the service area in which the amendment is located and the current level of service.

Response: The County requires every city to maintain a minimum level of service of 3 acres of parks per 1,000 residents. The current park and recreation levels of service for the City of

Pompano Beach based on a build-out population estimate of 142,626 and the current park acreage (as calculated by the City) of 511.85 acres is 3.59 acres per 1,000 residents. The proposed amendment will have no net impact on park level of service standards.

2. Identify the parks serving the service area in which the amendment is located including acreage and facility type, e.g. neighborhood, community or regional park.

Response: Because the amendment will have no net impact on park demand, it is assumed that this information is not necessary.

3. Identify the net impact on demand for park acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.

Response: The amendment will have no net impact on park demand.

4. Identify the projected park needs for the short and long range planning horizons as identified within the adopted comprehensive plan – provide need projections and information regarding planned expansions including year, identified funding sources, and other relevant information.

Response: The amendment will have no net impact on park demand.

5. For amendments that will result in increased demand for “community parks” acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted, including documentation, consistent with the requirements of the Land Use Plan, demonstrating adequate public access and conspicuous signage for all additional acreage/sites used to meet the requirements of three (3) acre per 1,000 existing residents.

Response: The amendment will have no net impact on park demand.

F. Traffic Circulation Analysis

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

Response: There will be less traffic from the subject property as a result of this amendment, however, the units being removed from this site’s entitlements may be built anywhere within the city’s flex receiving zone so it is unknown which roads, in addition to Federal Highway, will be impacted by this amendment. When the flex units are requested for use on a particular property, any significant traffic impact will be addressed as part of the flex unit allocation process.

2. Identify the projected level of service for the roadways impacted by the proposed amendment for the short (five year) and long range planning horizons. Please utilize average daily and p.m. peak hour traffic volumes per Broward County Metropolitan Planning Organization plans and projections.

Response: The amendment will have no significant impact on levels of services.

3. Planning Council staff will analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for this amendment – calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the short (5 year) and long range planning horizons.

Response: The proposed amendment will have no significant impact on total traffic within the city. Traffic on Federal Highway at the driveway intersections will be reduced as the density is being reduced from 450 units (City Plan) and 490 units (County Plan) to 243 units on the city's plan for the subject property (4411 N. Federal Highway). The 247 units left on the County Plan will be converted to Flexibility units and distributed for mixed use projects and residential projects along commercial corridors. Any significant traffic impacts from distribution of the flex units will be determined as part of the flex unit allocation process.

4. Provide any transportation studies relating to this amendment, as desired.

Response: No transportation studies will be prepared due to the net reduction of potential density and thus trips from the amendment site. The transportation impacts of the flexibility units created by this local amendment will be evaluated at the time they are allocated for development within the city's flex receiving area.

G. Mass Transit Analysis

1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.

Response:

Existing Broward County Bus Transit Service Route 10 serves the subject property. The City of Pompano plans to include the "yellow line" which will serve the Highlands neighborhood and, therefore, the subject property, in the future.

2. Quantify the change in mass transit demand resulting from this amendment.

Response: The location of the transit demand will change, however, the total transit demand will remain the same once the flex units being created by this amendment are distributed within the city's flex receiving area.

3. Correspondence from transit provider verifying the information submitted as part of the application on items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.

Response: It is assumed this letter is not required since there will be no impact on transit services.

4. Describe how the proposed amendment furthers or supports mass transit use.

Response: The purpose of this amendment is to increase the number of units in the city's pool of flex units. The main purpose of flex units is to allow for mixed use development in a commercial area without the need for a land use plan amendment. The addition of residential units in a commercial area creates an opportunity for walking to daily needs instead of depending entirely on an individual car for all daily trips. People who can live without a car or families that can live with only one car, because they live in close proximity to their daily needs, will both reduce traffic and are more likely to use mass transit for longer trips.

H. Provision of Open Space

As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Objective 5.04.00 and Policies 5.04.01, 5.04.02, 5.04.03 and 5.04.04 (a. through e.).

Response: The proposed amendment will have no impact on the provision of Open Space. It should be noted, however, that the project that is almost completed on the subject property has dedicated a driveway creating the only connection from Federal Highway to North Pompano Park (formerly North Broward Park). This driveway improves public access to the park and will reduce park-related traffic in the Highlands residential community. The property, therefore, has made a positive contribution to park access that will benefit the neighborhood and the city.

7. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on natural and historic resources.

A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

Response: No historic resources will be impacted by this amendment.

B. Archaeological sites listed on the Florida Master Site File.

Response: No archaeological sites will be impacted by this amendment.

C. Wetlands.

Response: No wetlands are located within the amendment site.

D. Local Areas of Particular Concern as identified within the Broward County Land Use Plan.

Response: The subject property is *not* within an area designated as a Local Area of Particular Concern by the Broward County Land Use Plan.

E. Priority Planning Area Map and Broward County Land Use Plan Policy A.03.05 regarding sea level rise.

Response: The subject property is not within a Priority Planning Area. The site is being reduced in intensity so the sea level rise restriction on additional density/intensity does not apply.

F. “Endangered” or “threatened species” or “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

Response: No endangered, threatened or species of special concern are utilizing the amendment site.

G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

Response: No plant species listed on the index are located on the amendment site.

H. Wellfields – indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the affected zone and any provisions which will be made to protect the wellfield.

Response: The amendment site *is not* located within a Wellfield Protection Zone.

I. Soils – describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

Response: As a result of the entire site being previously developed, no significant alteration of sub-surface soil conditions or topography is necessary. All site alterations have been completed in accordance with previously issued permits.

J. Beach Access – Indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

Response: The amendment site is not adjacent to the Ocean and will not impact any public beaches.

8. AFFORDABLE HOUSING

Describe how the local government is addressing Broward County Land Use Plan Policy 1.07.07.

Response: Policy 1.07.07 only applies if the amendment creates 100 or more additional residential units. This amendment is for a reduction in units for the subject property. With the conversion of the reduced entitlements on the subject site to flex units, the total number of units will remain unchanged as a result of this amendment and thus Policy 1.07.07 does not apply.

9. LAND USE COMPATIBILITY

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

Response: The reduction in proposed density on the subject property will not create any issues of compatibility between the commercial properties in the City of Lighthouse Point to the east or on any of the adjacent commercial properties to the north and south. The reduction in entitlements will also create no compatibility issues for North Pompano Park which is adjacent on the north and west.

10. HURRICANE EVACUATION ANALYSIS

(Required for those land use plan amendments located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division).

Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential dwelling units (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Division.

Response: The reduction in dwelling units for the amendment site will reduce any potential impact on hurricane evacuation. The hurricane evacuation issue, if applicable, will be addressed for the flex units being created at the time they are awarded.

11. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified redevelopment (i.e., Community Redevelopment Agency, Community Development Block Grant) area. If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment plans.

Response: This amendment is not within a CRA or special redevelopment area, however, it will help facilitate redevelopment by creating additional flex units for the City to use to encourage mixed use and residential development within the city's flex receiving area.

12. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

Response: The amendment area is adjacent to the City of Lighthouse Point. The LHP was provided with notice of the public hearings for the proposed amendment.

13. CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF THE CITY AND BROWARD COUNTY LAND USE PLAN

List the goals, objectives and policies of the City and Broward County Land Use Plan which are furthered by the proposed amendment.

Response: The list of goals, objectives and policies in the City's Future Land Use Element related to Residential Flex Units is provided in Exhibit F and the County's Land Use Plan policies related to Residential Flex Units is provided in Exhibit G.

14. POPULATION PROJECTIONS

A. Population projections for the 20 year planning horizon (indicate year).

Response: The City's Comprehensive Plan provides the following population projections for the year 2015, 2020 and 2025:

Yr 2015	120,161
Yr 2020	120,161
Yr 2025	120,161

B. Population projections resulting from proposed land use (if applicable).

Response: Assuming all of the flex units created by this local land use plan amendment are allocated by the 2025 time-frame, the amendment will have no effect on the population projections.

C. Using population projections for the 20 year planning horizon, demonstrate the effect of the proposed amendment on the land needed to accommodate the projected population.

Response: The land within the City is sufficient to accommodate the development of all of the flex units being created by this amendment. It is anticipated that most will be used to build residential units on lands previously designated for commercial land uses.

15. ADDITIONAL SUPPORT DOCUMENTS

A. Other support documents or summary of support documents on which the proposed amendment is based.

Response: Not applicable.

B. Any proposed voluntary mitigation or draft agreements.

Response: Not applicable.

16. PLAN AMENDMENT COPIES

A. 15 copies for the BCPC (Please include additional copies, if amendment site is adjacent to other municipalities and/or county jurisdictions). Additional copies may be requested by the Planning Council Executive Director after the initial application submittal.

B. 10 copies of the corresponding local land use plan amendment application, if transmitting concurrent to DCA, including transmittal letter from municipality to DCA.

Response: This amendment is to the Pompano Future Land Use Map (FLUM) only. The BCPC will be provided copies of this amendment application as Data and Analysis to support the recertification of the City's amended plan and the creation of the 247 flex units.

17. PUBLIC EDUCATION ANALYSIS

Please be advised that the Planning Council staff will request from The School Board of Broward County, as per Policy 8.07.01 of the BCLUP, an analysis of the impacts of the amendment on public education facilities as indicated below. Please note that as per The School Board of Broward County, Florida, Policy 1161, amended and adopted January 15, 2008, the applicant will be subject to a fee for the review of the application. The applicant is encouraged to contact the School Board staff to discuss this review as soon as possible.

1. Identify the existing public elementary and secondary education facilities serving the area in which the amendment is located.

Response: The decrease in the number of units allocated to the subject property will decrease impacts on the public schools serving the site. When the flex units being created are being allocated to properties in the future, the impact on the schools serving those sites will be evaluated.

2. Identify the existing school enrollment and permanent design capacity of the public elementary and secondary education facilities serving the area.

Response: The decrease in the number of units allocated to the subject property will decrease impacts on the public schools serving the site. When the flex units being created are being allocated to properties in the future, the impact on the schools serving those sites will be evaluated.

3. Identify the additional student demand resulting from this amendment – calculations must be based on applicable student generation rates specified in the Broward County Land Development Code.

Response: The decrease in the number of units allocated to the subject property will decrease impacts on the public schools serving the site. When the flex units being created are being allocated to properties in the future, the impact on the schools serving those sites will be evaluated.

4. Identify the planned and/or funded improvements to serve the area in which the amendment is located as included within the School Board's five year capital plan – provide student demand projections and information regarding planned permanent design capacities and other relevant information.

Response: The decrease in the number of units allocated to the subject property will decrease impacts on the public schools serving the site. When the flex units being created are being allocated to properties in the future, the impact on the schools serving those sites will be evaluated.

5. Identify other public elementary and secondary school sites or alternatives (such as site improvements, nominal fee lease options, shared use of public space for school purposes etc.), not identified in Item #4 above, to serve the area in which the amendment is located.

Response: The decrease in the number of units allocated to the subject property will decrease impacts on the public schools serving the site. When the flex units being created are being allocated to properties in the future, the impact on the schools serving those sites will be evaluated.

EXHIBITS

EXHIBIT A
DEVELOPMENT AGREEMENT BETWEEN JAG-STAR POMPANO, LLC AND THE
CITY OF POMPANO BEACH

Return to:

This Instrument Prepared by:

Gary S. Dunay, Esq.
Dunay, Miskel, Backman & Blattner, LLP
5355 Town Center Road, Suite 801
Boca Raton, Florida 33486
Folio: 4843 1844 0010

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

AGREEMENT

THIS AGREEMENT is made as of this 24 day of October, 2013, by and between JAG-STAR POMPANO, L.L.C., a Delaware limited liability company, with a mailing address of 1420 Spring Hill Road, Suite 420, McLean, Virginia 22102 ("Developer"), and CITY OF POMPANO BEACH, a Florida municipal corporation, with a mailing address of 100 West Atlantic Boulevard, Pompano Beach, Florida 33060 ("City").

BACKGROUND

The Developer is the owner of that certain parcel of land containing approximately nine (9) acres located in the City of Pompano Beach, Broward County, Florida, more particularly described on Exhibit "A" attached hereto ("Land"). The Land has been approved by the City for the development of a two hundred forty three (243) unit multi-family apartment complex with related amenities ("Project"). The Land has entitlements that exceed the 243 approved units ("Excess Density").

The City owns a tract of land immediately west of the Land that is used for an approved recreational park known as the North Pompano Park ("Park"). The City has requested that the Developer convey a thirty two (32') foot strip of the Land as more particularly described on Exhibit "B" and shown on Exhibit "C" ("Access Parcel") to the City so that the City can construct, at its sole cost and expense, a roadway and a bridge crossing over the lake area west of a portion of property on the west side of U.S. Highway 1 (Federal Highway) to the Park in order to provide direct ingress and egress from the Park to Federal Highway. The Developer and the City have agreed to this conveyance upon the terms and conditions set forth below.

AGREEMENT

In consideration of conditions, covenants and conveyances hereinafter set forth, the Developer and City agree as follows:

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1. **Recitals.** All of the foregoing recitals are true and correct and are incorporated herein by reference.

2. **Conveyance and Grant of Easement.** Contemporaneously with the execution hereof, Developer shall execute a Quitclaim Deed in favor of City in the form attached hereto as Exhibit "D" ("Deed") conveying to the City the Access Parcel. Since the Deed conveys to the City not only land but also a portion of a lake running through the Land, the Deed shall reserve to the Developer (a) all drainage, storage, retention, flowage or stormwater runoff rights relating to the portion of the Access Parcel that includes the lake; and (b) a twenty foot (20') utility easement for the construction, maintenance, restoration and replacement of both public and private utilities within the area more particularly described on Exhibit "E" and shown on Exhibit "F" hereto ("Reserved Utility Easement").

The Deed shall be delivered to the City prior to the issuance of the first building permit for the development of the Project upon the Land. City shall hold the Deed and not record until Developer has provided City with evidence that the pending plat amendment application has been approved and the plat and/or plat note amendment agreement has been recorded. Upon receipt of the Deed, the City shall provide the Developer with a credit and setoff against the Contribution in Aid of Development as set forth in Paragraph 2 of the Declaration of Restrictive Covenants dated January 11, 2008, filed of record on February 14, 2008, in Official Records Book 45096, Page 506, as amended by Amendment to Declaration of Restrictive Covenants dated April 9, 2013, filed of record September 18, 2013, in Official Records Book 50181, Page 1474, all of the Public Records of Broward County, Florida ("Declaration") requiring the payment of Three Hundred Forty Thousand Two Hundred and 00/100 (\$340,200.00) ("Declaration Amount"). The setoff against the Declaration Amount shall be established in accordance with the schedule attached as Exhibit "G" ("Credit Amount").

The Reserved Utility Easement shall reserve not only the initial right to construct, install, lay and maintain underground utilities and necessary for the Project, but also the right to access the underground utilities for maintenance, restoration and replacement purposes provided however that Developer shall indemnify and hold harmless the City from and against any loss, cost, damage or claim that the City may sustain arising out of Developer's access to Reserved Utility Easement.

Additionally, the City has required the Project to have a secondary means of egress for fire rescue and other emergency service vehicles only. In exchange for the conveyance of the Property subject to the Deed, the City hereby grants to the Developer an emergency access easement ("Emergency Easement") over and through a portion of the Park, which Emergency Easement is more particularly described and shown on Exhibit "H". The Emergency Easement shall be a non-exclusive easement for the benefit of fire rescue and other emergency service providers exiting the Project. No fence, barrier or other structure may be erected on the Emergency Easement which would in any way prevent ingress or egress to the Project through such easement, unless approved by the City, however Developer shall install an electrical exit gate with induction loop for automatic opening for egress through the Park onto N.E. 43rd Court.

3. **Small Scale Future Land Use Map Amendment.** The Land is currently in a High Density residential land use category on both the City and Broward County Future Land Use Maps. The County's Future Land Use Map allows for 50 units per acre on this property, however, the Developer is only proposing 25 units per gross acre (243 units on 9.8 gross acres). The City intends to do a local, small scale, future land use plan map amendment to reflect the density being built (243 units) to enable the "capture" of the unused density (County's Approved Units (490) - City Approved Units (243) = 247 units) as flex units to be used elsewhere in the City. To facilitate the local land use plan map amendment, the Developer will

support and execute any and all required applications, covenants and/or agreements necessary to accomplish the local land use plan map amendment at no cost to Developer. The City shall hold the Developer harmless from and against any claims, losses, or damages arising out of the local land use plan amendment process to the extent provided by law. In the event Developer is asked to execute any applications, Developer may, at Developer's sole discretion, retain consultants to evaluate City's requests and any such costs of consultants shall be reimbursed within fourteen (14) days of submittal to City of all invoices.

4. **City Cooperation.** As an additional inducement to the Developer to enter into this Agreement, the City has agreed to use reasonable efforts to expedite the City's building permit review process as follows:

- a. Within twenty (20) business days of the submittal of a complete building permit application, the City shall review and provide comment by all applicable disciplines on the application filed.
- b. The City hereby agrees that it shall utilize overtime at City's sole expense where needed in order to complete the twenty (20) business day review cycle.
- c. The parties hereto acknowledge that the review cycle does not include time needed by Developer to respond to comments, revise plans, and resubmit.
- d. Upon the resubmittal of revised drawings or responses, Developer at Developer's sole discretion may elect to utilize overtime review to expedite issuance of a building permit. City agrees to charge Developer a discounted rate of fifty (50%) percent of the then in effect overtime rate charged by the City for up to thirty (30) hours.
- e. The parties further acknowledge that Developer intends to file a building permit application for pre-review prior to obtaining all necessary Broward County, Water Management and Drainage District signoff. Any building permit application fees shall not be due and payable at the time of pre-review submittal but shall be due upon the submittal of a complete application for full review.

5. **Counterpart Execution.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same instrument.

6. **Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

7. **Covenants Running with the Land.** The covenants contained within this Development Agreement touch and concern the Land and shall be deemed to be a covenant running with the land, binding upon the successors in interest of the parties hereto.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

Signed, sealed, and delivered in the presence of:

JAG-STAR POMPANO, L.L.C.,
a Delaware limited liability company

By: JAG-Star Development Co., L.L.C.,
a Delaware limited liability company,
its sole member

By: JAG Development Manager Two, L.L.C.,
a Delaware limited liability company,
its Operating Member

Diane Luoma
Witness #1 Signature
Diane Luoma
Witness #1 Printed Name

By: [Signature]
Name: Gray Lamb
Title: EVPR

[Signature]
Witness #2 Signature
Christina Colizza
Witness #2 Printed Name

THIS IS NOT AN OFFICIAL COPY

STATE OF Virginia

COUNTY OF Fairfax

The foregoing instrument was acknowledged before me this 20th day of May, 2013 by Gray Lamb, as Exec Vice President of JAG Development Manager Two, L.L.C., a Delaware limited liability company, as Operating Member of JAG-Star Development Co., L.L.C., a Delaware limited liability company, sole member of JAG-STAR POMPANO, L.L.C., a Delaware limited liability company. He is personally known to me or produced a driver's license as identification.

Elizabeth Sandridge
Notary Public

My commission expires: 04/30/2017

(Seal)

Elizabeth M Sandridge
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7539790
My Commission Expires 04/30/2017

Signed, sealed and delivered
in the presence of:

CITY:
CITY OF POMPANO BEACH

By: [Signature]
Lamar Fisher, Mayor
By: [Signature]
Dennis W. Beach, City Manager

Betty J. Manes
Witness #1 Signature
BETTY J. MANES
Witness #1 Printed Name
Christine Wodka
Witness #2 Signature
Christine Wodka
Witness #2 Printed Name

ATTEST:
[Signature]
MARY L. CHAMBERS, CITY CLERK
Approved as to Form
[Signature]
GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 30th day of May, 2013, by LAMAR FISHER, as Mayor of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL



Christine Wodka
NOTARY PUBLIC, STATE OF FLORIDA
Christine Wodka
(Name of Acknowledger Typed, Printed or Stamped)
EE 136205
Commission Number

THIS IS NOT AN OFFICIAL COPY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 30th day of May, 2013, by DENNIS W. BEACH, as City Manager of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL



Christine Wodka
NOTARY PUBLIC, STATE OF FLORIDA

Christine Wodka
(Name of Acknowledger Typed, Printed or Stamped)
EE 136205
Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 31st day of October, 2013, by MARY L. CHAMBERS, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL



Krystal Aaron
NOTARY PUBLIC, STATE OF FLORIDA

Krystal Aaron
(Name of Acknowledger Typed, Printed or Stamped)
Commission Number

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EXHIBIT TO THE "AGREEMENT"

EXHIBIT "A"
LEGAL DESCRIPTION OF THE SUBJECT
PROPERTY

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EXHIBIT "A"
LAND

PARCEL "A", POMPANO CREEK, AS RECORDED IN PLAT BOOK 181, PAGE 3 OF
THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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EXHIBIT TO THE "AGREEMENT"

EXHIBIT "B"
LEGAL DESCRIPTION OF THE 32' ACCESS
PARCEL BEING DEDICATED TO THE CITY

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FOR: **JEFFERSON APARTMENT GROUP**

**SKETCH AND DESCRIPTION
"ACCESS PARCEL"
EXHIBIT "B"**

LEGAL DESCRIPTION:

A PORTION OF PARCEL "A", POMPANO CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1); THENCE SOUTH 06°51'10" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 32.32 FEET; THENCE SOUTH 88°44'33" WEST ALONG A LINE 32 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, SAID NORTH BOUNDARY, A DISTANCE OF 477.67 FEET; THENCE NORTH 46°15'27" WEST, A DISTANCE OF 45.25 FEET; THENCE NORTH 88°44'33" EAST ALONG SAID NORTH BOUNDARY, A DISTANCE OF 514.23 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 15,870 SQUARE FEET OR 0.364 ACRES MORE OR LESS.

THIS IS NOT AN OFFICIAL COPY

NOTES:

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING, THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1) IS ASSUMED TO BEAR SOUTH 06°51'10" WEST.

THIS SKETCH AND DESCRIPTION CONSISTS OF 2 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER SJ-17, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.D27, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.
LICENSED BUSINESS NUMBER 0271

RAYMOND YOUNG
PROFESSIONAL SURVEYOR AND MAPPER NO. 5799
STATE OF FLORIDA

THE SKETCH OF SURVEY AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

G:\2008\06-0104-001\DWG\SD_32 CITY PARCEL

THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, staking of the subject property, or monuments set in connection with the preparation of the information shown hereon.

The undersigned and CRAVEN THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for right-of-way and/or easements of record.

UPDATES and/or REVISIONS	DATE	BY	CK'D
1. REVISE TO NEW PLAT	0-18-13	RY	DMD

CRAVEN • THOMPSON & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYOR'S
3043 N.W. 63RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (954) 738-8408 TEL: (954) 738-8400
FLORIDA LICENSED ENGINEERING SURVEYING & MAPPING BUSINESS No. 271
MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2013

JOB NO.: 06-0104	SHEET 1 OF 2 SHEETS
DRAWN BY: RY	F.B. N/A PG. N/A
CHECKED BY: TCS	DATED: 02-07-13

EXHIBIT TO THE "AGREEMENT"

EXHIBIT "C"
SKETCH OF THE 32' ACCESS PARCEL BEING
DEDICATED TO THE CITY

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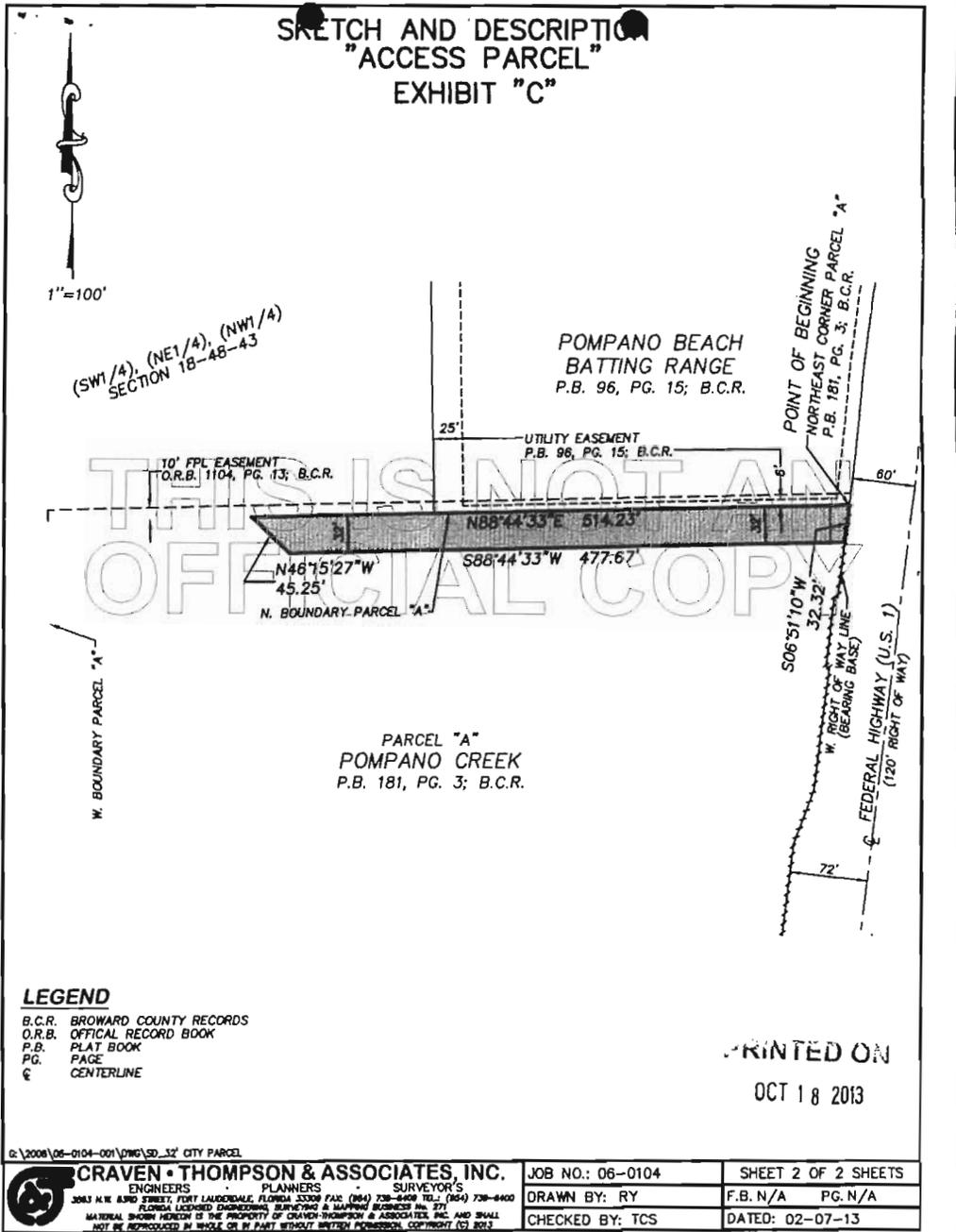


EXHIBIT TO THE "AGREEMENT"

EXHIBIT "D"
QUIT CLAIM DEED FOR THE 32' ACCESS
PARCEL BEING DEDICATED TO THE CITY

THIS IS NOT AN
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EXHIBIT "D"

This instrument prepared by and
record and return to:
Bonnie Miskel, Esq.
Dunay, Miskel, Backman and Blattner, LLP
5355 Town Center Road, Suite 801
Boca Raton, FL 33486

QUIT-CLAIM DEED

THIS QUIT CLAIM DEED executed this ____ day of _____, 2013, by JAG-STAR POMPANO, L.L.C., a Delaware limited liability company, with a mailing address of 1420 Spring Hill Road, Suite 420, McLean, Virginia 22102 ("Grantor"), and CITY OF POMPANO BEACH, a Florida municipal corporation, with a mailing address of 100 West Atlantic Boulevard, Pompano Beach, Florida 33060 ("Grantee");

WITNESSETH: That the said Grantor, for and in consideration of the sum of \$10.00 in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Broward, State of Florida, to wit:

Property described on Exhibit "A" and shown on Exhibit "B",

SAVING AND RESERVING unto Grantor:

1. All drainage, storage, retention, flowage or stormwater runoff rights relating to the portion of the property described on Exhibit "A" and shown on Exhibit "B"; and
2. A twenty foot (20') utility easement for the construction, maintenance, restoration and replacement of both public and private utilities within the area more particularly described on Exhibit "C" and shown on Exhibit "D" attached hereto.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, and benefit of the said Grantee forever.

IN WITNESS WHEREOF, Grantor hereunto set Grantor's hand and seal the day and year first above written.

In Witness whereof:

JAG-STAR POMPANO, L.L.C.,
a Delaware limited liability company

By: JAG-Star Development Co., L.L.C.,
a Delaware limited liability company,
its sole member

By: JAG Development Manager Two, L.L.C.,
a Delaware limited liability company,
its Operating Member

Witness #1 Signature _____ By: _____
 Name: _____
 Title: _____
 Witness #1 Printed Name _____
 Witness #2 Signature _____
 Witness #2 Printed Name _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2013 by _____, as _____ of JAG Development Manager Two, L.L.C., a Delaware limited liability company, as Operating Member of JAG-Star Development Co., L.L.C., a Delaware limited liability company, sole member of JAG-STAR POMPANO, L.L.C., a Delaware limited liability company. He is personally known to me or produced a driver's license as identification.

Notary Public

My commission expires: _____

(Seal)

FOR: **JEFFERSON APARTMENT GROUP**

**SKETCH AND DESCRIPTION
"ACCESS PARCEL"**

EXHIBIT "A"

LEGAL DESCRIPTION:

A PORTION OF PARCEL "A", POMPANO CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1); THENCE SOUTH 06°51'10" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 32.32 FEET; THENCE SOUTH 88°44'33" WEST ALONG A LINE 32 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, SAID NORTH BOUNDARY, A DISTANCE OF 477.67 FEET; THENCE NORTH 46°15'27" WEST, A DISTANCE OF 45.25 FEET; THENCE NORTH 88°44'33" EAST ALONG SAID NORTH BOUNDARY, A DISTANCE OF 514.23 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 15,870 SQUARE FEET OR 0.364 ACRES MORE OR LESS.

THIS IS NOT AN OFFICIAL COPY

NOTES:

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING, THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1) IS ASSUMED TO BEAR SOUTH 06°51'10" WEST.

THIS SKETCH AND DESCRIPTION CONSISTS OF 2 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 5J-17, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC. **NOTED ON**
LICENSED BUSINESS NUMBER #271

[Signature] OCT 22 2013
RAYMOND YOUNG
PROFESSIONAL SURVEYOR AND MAPPER NO 5799
STATE OF FLORIDA

THE SKETCH OF SURVEY AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

G:\2008\06-0104-001\DWG\SD_32 CITY PARCEL

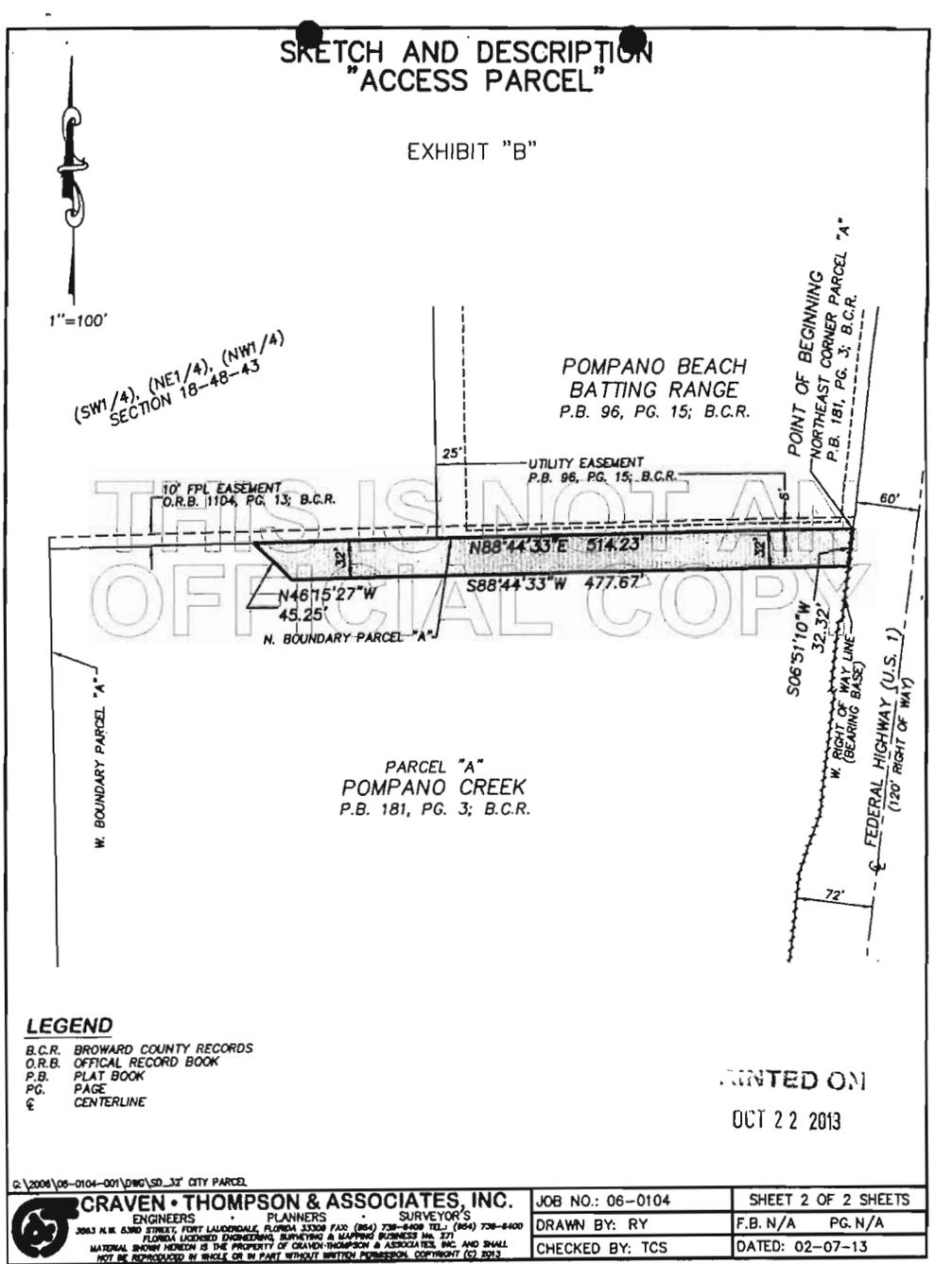
THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, staking of the subject property, or monuments set in connection with the preparation of the information shown hereon.

The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, wet back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not obstructed for right-of-way and/or easements of record.

UPDATES and/or REVISIONS	DATE	BY	CK'D
1. REVISE TO NEW PLAT	10-18-13	RY	DMD

CRAVEN - THOMPSON & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYOR'S
3083 N.W. 43RD STREET, FORT LAUDERDALE, FLORIDA 33308 FAX: (854) 738-8408 TEL: (854) 738-8400
FLORIDA LICENSED ENGINEERING, SURVEYING & MAPPING BUSINESS NO. 271
MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (C) 2013

JOB NO.: 06-0104	SHEET 1 OF 2 SHEETS
DRAWN BY: RY	F.B. N/A PG. N/A
CHECKED BY: TCS	DATED: 02-07-13



FOR: **JEFFERSON APARTMENT GROUP**

**SKETCH AND DESCRIPTION
20' UTILITY EASEMENT**

EXHIBIT "C"

LEGAL DESCRIPTION:

A STRIP OF LAND 20 FEET IN WIDTH, BEING A PORTION OF PARCEL "A", POMPANO CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING 10 FEET ON EACH SIDE OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF SAID PARCEL "A", SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1); THENCE SOUTH 06°51'10" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 16.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°44'33" WEST ALONG A LINE 16.00' FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, THE NORTH BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 146.03 FEET; THENCE SOUTH 43°44'33" WEST, A DISTANCE OF 14.38 FEET; THENCE SOUTH 01°15'27"EAST, A DISTANCE OF 5.83 FEET TO THE POINT OF TERMINUS, SAID POINT LYING ON A LINE 32.00 FEET SOUTH OF AND PARALLEL WITH, WHEN MEASURED AT RIGHT ANGLES TO, SAID NORTH BOUNDARY.

THE SIDELINES OF THE HEREON DESCRIBED STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO FORM A CONTINUOUS STRIP OF LAND THAT INTERSECTS THE BEARING SOUTH 06°51'10" WEST AT THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 3,325 SQUARE FEET OR 0.076 ACRES MORE OR LESS.

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NOTES:

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING, THE WEST RIGHT-OF-WAY LINE OF FEDERAL HIGHWAY (U.S. 1) IS ASSUMED TO BEAR SOUTH-06°51'10" WEST.

THIS SKETCH AND DESCRIPTION CONSISTS OF 2 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 5J-17, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.
LICENSED BUSINESS NUMBER 1271

 OCT 22 2013
RAYMOND YOUNG
PROFESSIONAL SURVEYOR AND MAPPER NO 5799
STATE OF FLORIDA

THE SIGNATURE OF SURVEY AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

C:\2008\08-0104-001\DWG\SD_WATERLINE

THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property, or monuments set in connection with the preparation of the information shown hereon.

The undersigned and CRAVEN THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for right-of-way and/or easements of record.

UPDATES and/or REVISIONS	DATE	BY	CK'D
1. REVISE EASEMENT TITLE	4-17-13	RY	
2. REVISE TO NEW PLAT	10-18-13	RY	DMD

 CRAVEN THOMPSON & ASSOCIATES, INC. ENGINEERS • PLANNERS • SURVEYOR'S <small>3063 N.W. 63RD STREET, FORT LAUDERDALE, FLORIDA 33309 FAX: (864) 738-6400 TEL: (864) 738-6400 FLORIDA LICENSED ENGINEERING SURVEYING & MAPPING BUSINESS NO. 271 MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT (C) 2013</small>	JOB NO.: 06-0104	SHEET 1 OF 2 SHEETS	
	DRAWN BY: RY	F.B. N/A	PG. N/A
	CHECKED BY: TCS	DATED: 03-25-13	

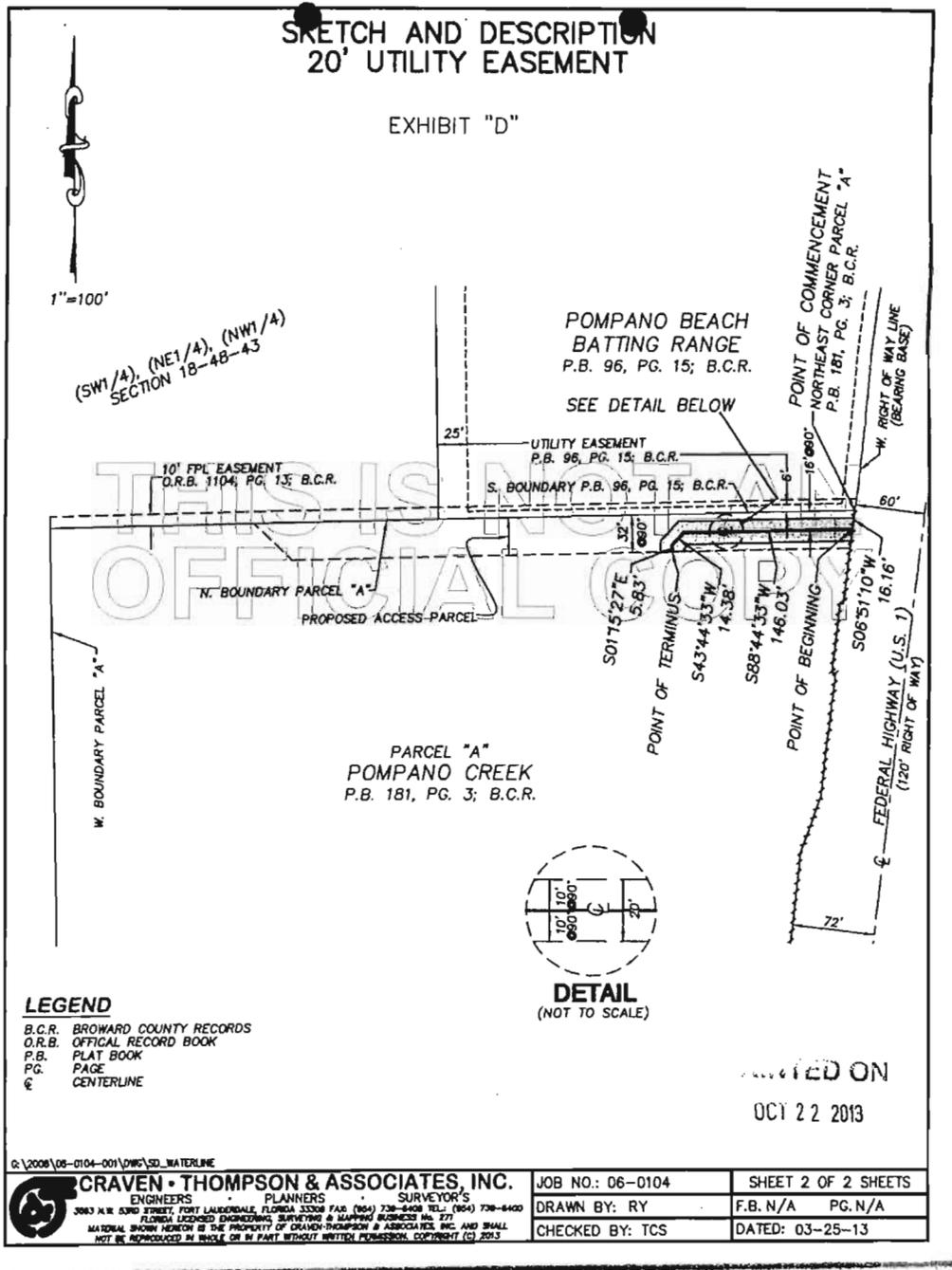


EXHIBIT TO THE "AGREEMENT"

EXHIBIT "E"
LEGAL DESCRIPTION OF THE 20-FOOT UTILITY
EASEMENT BEING CREATED WITHIN THE 32'
ACCESS PARCEL BEING DEDICATED TO THE
CITY

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OFFICIAL COPY

EXHIBIT TO THE "AGREEMENT"

EXHIBIT "F"
SKETCH OF THE 20-FOOT UTILITY EASEMENT
BEING CREATED WITHIN THE 32' ACCESS
PARCEL BEING DEDICATED TO THE CITY

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OFFICIAL COPY

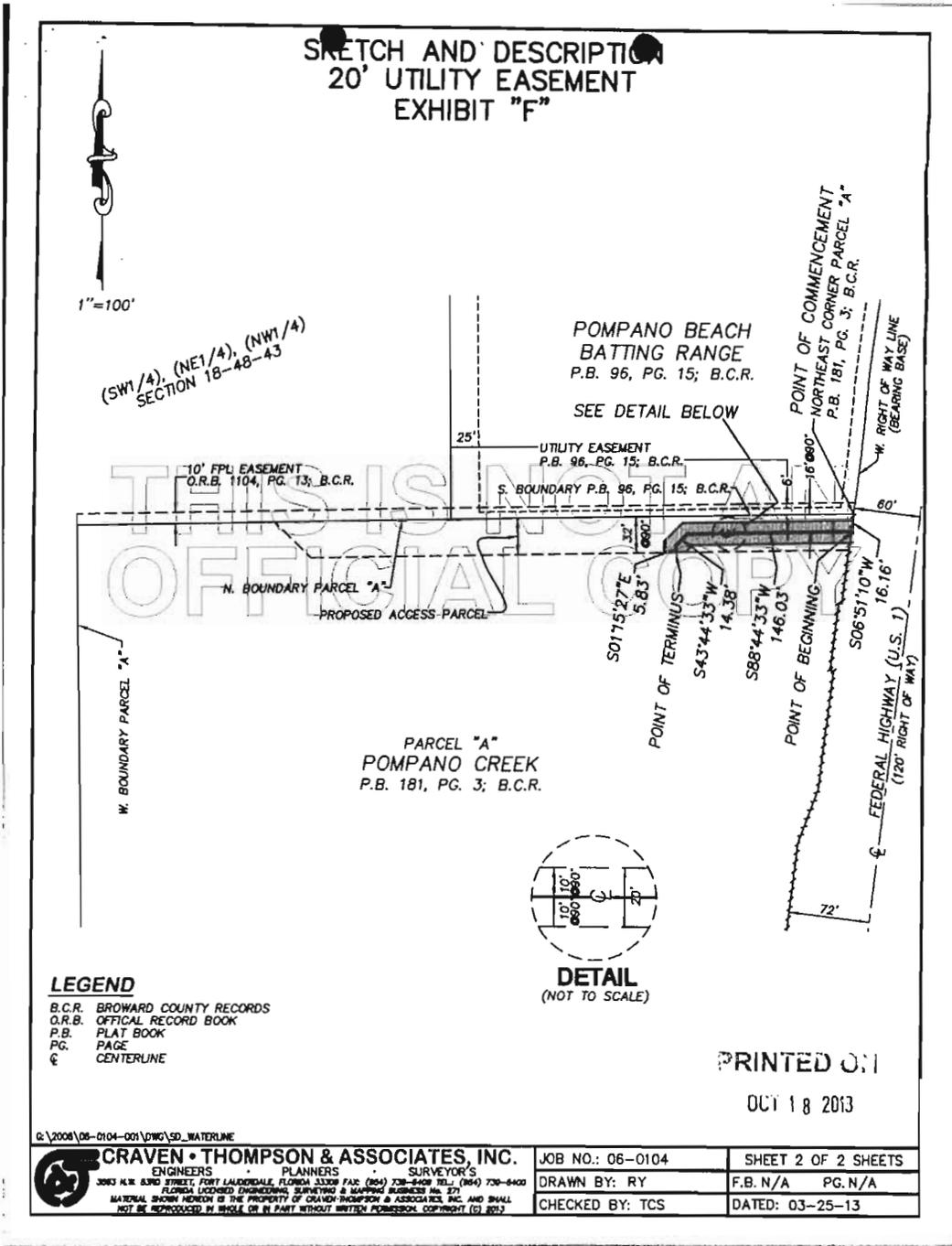


EXHIBIT TO THE "AGREEMENT"

EXHIBIT "G"
CALCULATION OF THE VALUE OF THE 32'
ACCESS PARCEL BEING DEDICATED TO THE
CITY

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OFFICIAL COPY

EXHIBIT "G"

The formula used to calculate the value of the dedication is as follows:

Price paid on July 30, 2013	\$6,075,000.00
Acreage of site:	9.011 (392,519 sq. ft.)
Cost per square foot:	\$15.48
Total square feet of dedication:	15,875
Credit value: $\$15.48 \times 15,875 =$	\$245,745.00

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OFFICIAL COPY

EXHIBIT TO THE "AGREEMENT"

**EXHIBIT "H"
EMERGENCY ACCESS EASEMENT AGREEMENT
FROM THE JEFFERSON PROJECT THROUGH
NORTH POMPAÑO PARK**

THIS IS NOT AN
OFFICIAL COPY

Record and Return to:

City Clerk
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

This Instrument Prepared by:

Bonnie Miskel, Esq.
Dunay, Miskel, Backman and Blattner, LLP
5355 Town Center Road, Suite 801
Boca Raton, Florida 33486

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

EMERGENCY ACCESS EASEMENT
THIS EASEMENT, made and entered into this ___ day of _____, 2013, between the CITY OF POMPANO BEACH, a Florida municipal corporation, with a mailing address of 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter called the Grantor, and JAG-STAR POMPANO, L.L.C., a Delaware limited liability company, with a mailing address of 1420 Spring Hill Road, Suite 420, McLean, Virginia 22102, hereinafter called the Grantee:

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by the said Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant, bargain and sell to Grantee, its successors and assigns forever, a permanent and non-exclusive cross access easement, for emergency access purposes, upon, over and across the following described property, described as follows:

See Exhibit "A" attached hereto.

TOGETHER WITH all rights of ingress and egress necessary for emergency use only is hereby granted with all rights, privileges and appurtenances incident thereto.

Grantor represents and covenants that it is the owner of the premises and has the right, title and capacity to grant the easement granted herein and will defend the same against the lawful claims of all persons whomsoever.

The easement granted herein may be amended, terminated or released only by an instrument in writing executed by Grantor and Grantee, their successors and/or assigns, and recorded in the Public Records of Broward County, Florida.

TO HAVE AND TO HOLD the easement as hereby granted to Grantee.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

CITY OF POMPANO BEACH, FLORIDA

By: _____
Lamar Fisher, Mayor

By: _____
Dennis W. Beach, City Manager

Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

Witness #2 Printed Name

ATTEST:

MARY L. CHAMBERS, CITY CLERK

Approved as to form:

GORDON B. LINN, CITY ATTORNEY

THIS IS NOT AN OFFICIAL COPY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by LAMAR FISHER, as Mayor of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by DENNIS W. BEACH, as City Manager of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by MARY L. CHAMBERS, as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

FOR: **JEFFERSON APARTMENT GROUP**

**SKETCH AND DESCRIPTION
20' EMERGENCY ACCESS EASEMENT
EXHIBIT "H"**

LEGAL DESCRIPTION:

A STRIP OF LAND 20 FEET IN WIDTH, BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (SW1/4), OF THE NORTHEAST ONE-QUARTER (NE1/4), OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 18, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, LYING 10 FEET ON EACH SIDE OF, WHEN MEASURED AT RIGHT ANGLES TO, THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF PARCEL "A", POMPANO CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF FEDERAL HIGHWAY (U.S. 1); THENCE SOUTH 89°44'33" WEST ALONG A PORTION OF THE NORTH BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 649.80 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°02'20" WEST, A DISTANCE OF 7.85 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 89°04'22", FOR AN ARC DISTANCE OF 62.18 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°53'18" WEST, A DISTANCE OF 334.87 FEET TO THE POINT OF TERMINUS, SAID POINT BEING ON THE EAST PLAT BOUNDARY OF POMPANO BEACH HIGHLANDS 4TH SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 35 OF SAID PUBLIC RECORDS.

THE SIDE LINES OF THE HEREON DESCRIBED STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO FORM A CONTINUOUS STRIP OF LAND THAT INTERSECTS SAID SOUTH LINE AT THE POINT OF BEGINNING AND INTERSECTS SAID EAST PLAT BOUNDARY AT THE POINT OF TERMINUS.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 8,098 SQUARE FEET OR 0.186 ACRES MORE OR LESS.

NOTES:

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING, THE NORTH BOUNDARY OF SAID PARCEL "A", POMPANO CREEK IS ASSUMED TO BEAR SOUTH 89°44'33" WEST.

THIS SKETCH AND DESCRIPTION CONSISTS OF 3 SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION AND OTHER PERTINENT DATA SHOWN HEREON, OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND, CONFORMS TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS OUTLINED IN CHAPTER 5J-17, (FLORIDA ADMINISTRATIVE CODE) AS ADOPTED BY DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

CRAVEN THOMPSON & ASSOCIATES, INC.
LICENSED BUSINESS NUMBER 1271

RAYMOND WONG
PROFESSIONAL SURVEYOR AND MAPPER NO. 5799
STATE OF FLORIDA

THE SKETCH OF SURVEY AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

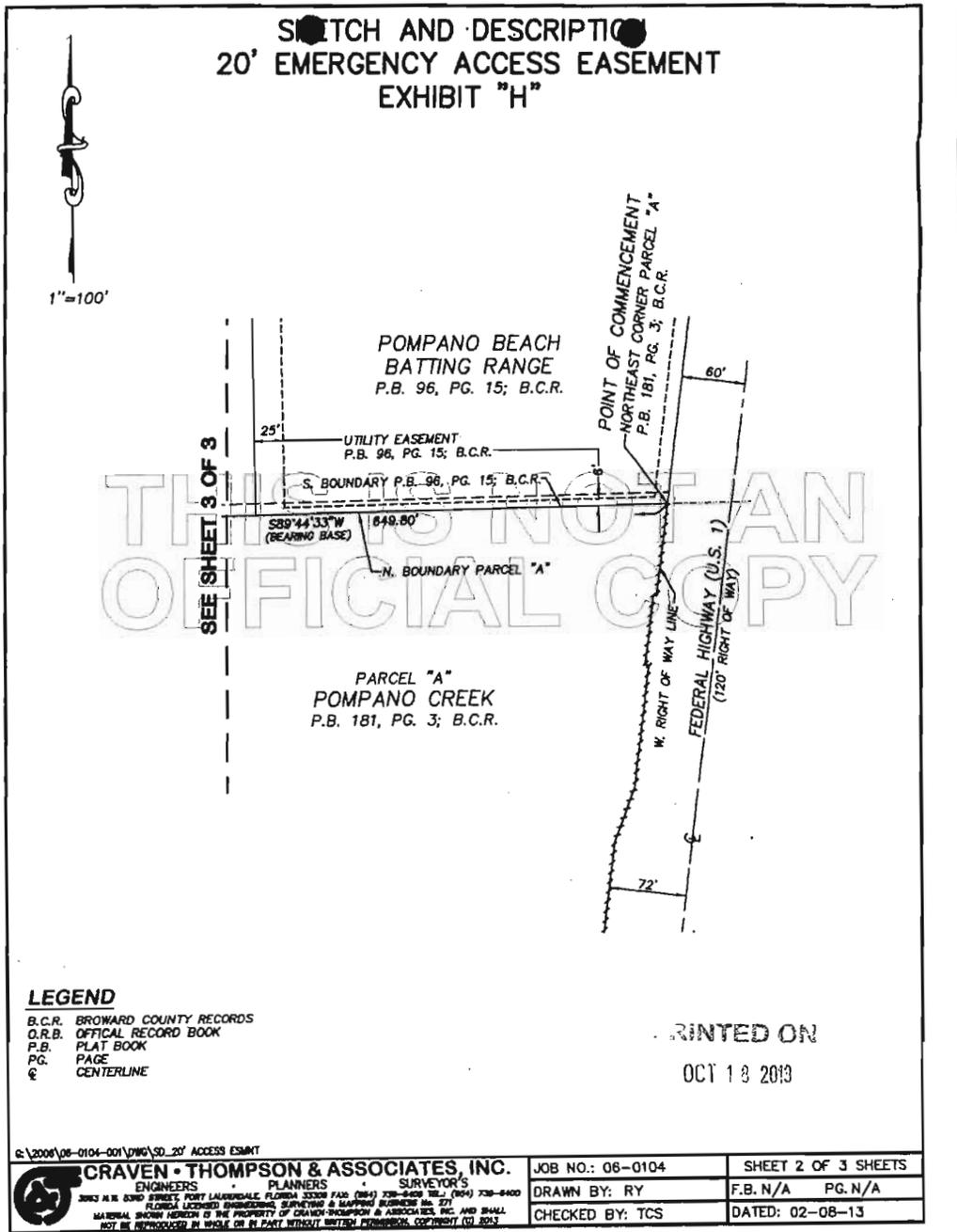
G:\2006\06-0104-001\20' ACCESS ESMIT

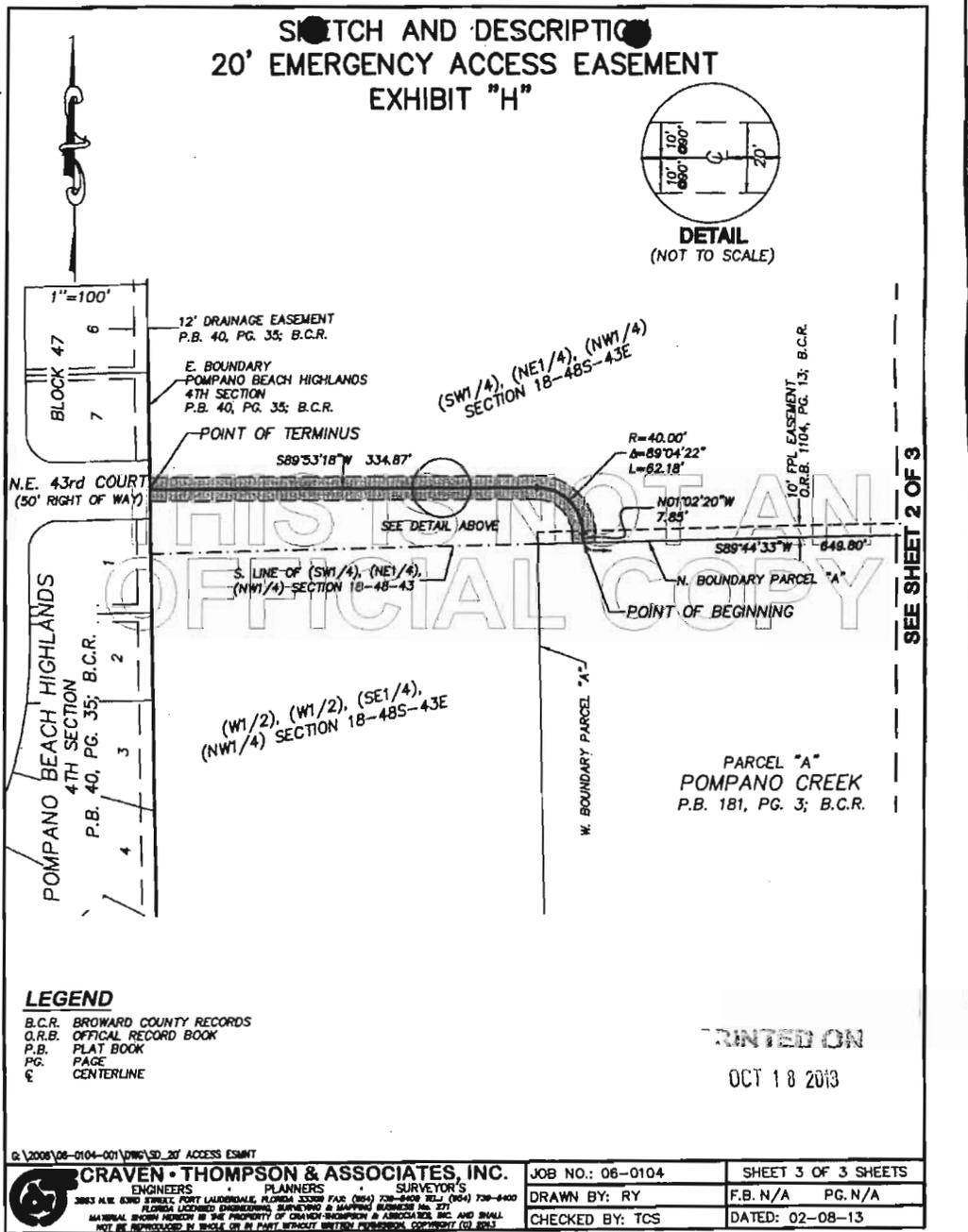
THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon.

The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth of such matters. Such information should be obtained and confirmed by others through appropriate title verification. Lands shown hereon were not abstracted for right-of-way and/or easements of record.

UPDATES and/or REVISIONS	DATE	BY	CK'D
1. REVISE PER NEW PLAT	10-18-13	RY	DMD
JOB NO.: 06-0104	SHEET 1 OF 3 SHEETS		
DRAWN BY: RY	F.B. N/A	PG. N/A	
CHECKED BY: TCS	DATED: 02-08-13		

CRAVEN - THOMPSON & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
3083 N.W. 83RD STREET, FORT LAUDERDALE, FLORIDA 33308 FAX: (954) 738-8470 CELL: (954) 738-8400
FLORIDA LICENSED ENGINEERING SUPERVISOR & MAPPER BUSINESS NO. 227
MATERIAL SHOWN HEREON IS THE PROPERTY OF CRAVEN-THOMPSON & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2013





RESOLUTION NO. 2013- 230

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JAG-STAR POMPANO, L.L.C., RELATING TO PROPERTY LOCATED AT 4411 NORTH FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That an Agreement between the City of Pompano Beach and Jag-Star Pompano L.L.C. relating to property located at 4411 N. Federal Highway, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and Jag-Star Pompano L.L.C.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 14th day of May, 2013.


LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
4/23/13
l:reso/2013-250

**EXHIBIT B
LEGAL DESCRIPTION**

**PARCEL "A" POMPANO CREEK, AS RECORDED IN PB 181, PAGE 3 OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

EXHIBIT C
CITY PROPOSED FUTURE LAND USE MAP

EXHIBIT "C" POMPANO BEACH PROPOSED FUTURE LAND USE MAP



1 in = 600 ft

5/22/2015

KeeDan

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05.mxd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXHIBIT D
CITY ADOPTED FUTURE LAND USE MAP

EXHIBIT "D" POMPANO BEACH FUTURE LAND USE MAP



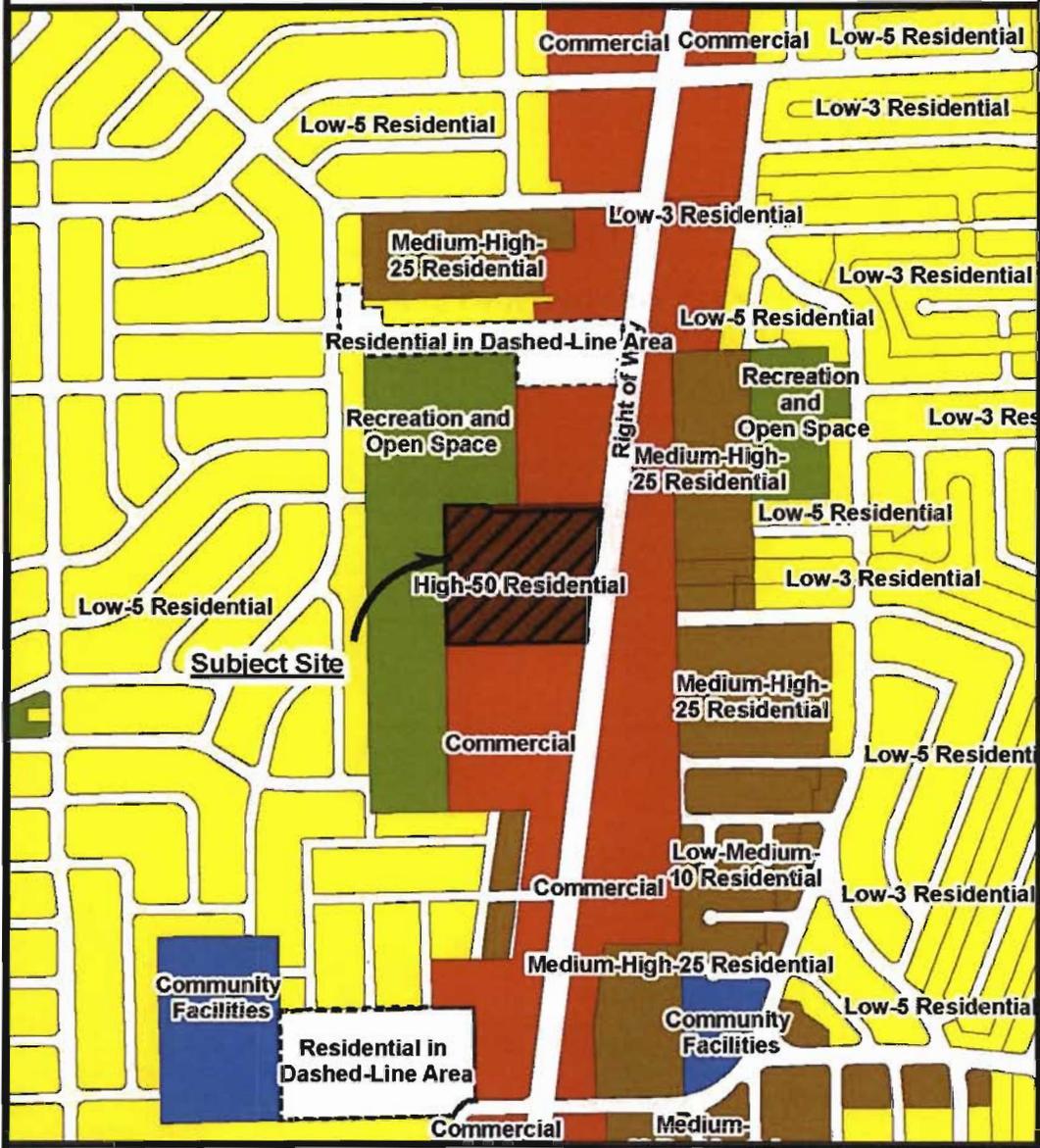
1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

6/22/2015 KevDan W:\S\B\SVR\arcgisserver\directories\arcgis\Planning\Map\Packets\2015\LU\PA_Exhibits_Packet_M05.mxd

EXHIBIT E
COUNTY ADOPTED LAND USE PLAN

EXHIBIT "E" BROWARD COUNTY LAND USE PLAN



1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

5/22/2015 keeJan I:\GIS\BVS\Rarcgss\server\redlines\arcgis\Planning\All_Maps\F&Z_Packages\2015\NUPA_Exhibits\BCLU_P..._of_Maps.mxd

EXHIBIT F

CITY OF POMPANO BEACH
OBJECTIVES AND POLICIES

**CITY OF POMPANO BEACH
COMPREHENSIVE PLAN
GOALS, OBJECTIVES AND POLICES
RELATED TO RESIDENTIAL FLEX UNITS**

Objective Major Corridor Land Use

1.4.1 Support and promote the intermix of residential and commercial uses along major traffic corridors.

Policies

1.4.2 The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments.

Objective New Land Use Regulations

1.7.1 Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations.

Policies

...

1.7.22 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

Objective Hurricane Preparedness

1.9.1 Make preparations to protect residences and businesses from hurricanes.

Policies

1.9.2 Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.

Objective Urban Infill Criteria

1.12.1 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

Policies

...

1.12.04 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with

the community character.

1.12.05 The City shall utilize flexibility units and reserve units to increase residential densities within the flex and reserve receiving areas when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive Lands and County or regional parks in accordance with Policy 13.01.10 of the Broward County Land Use Plan.

1.12.06 A pool of "Affordable Housing Units" (AFU's) shall be established which is equal to 10% of the total available flexibility and reserve units. AFU's shall be deducted from the reserve and flexibility units totals and shall be fixed as of the effective date of this policy in Broward County's Land Use Plan.

**PLAN IMPLEMENTATION REQUIREMENTS SECTION
PERMITTED USES**

...

Section 3. Zoning as to Permitted Uses and Densities

...

3.02 City zoning as to permitted uses and densities shall be in compliance with the City's Land Use Plan if the following requirements are met:

A. Residential

Each parcel of land within an area which is designated in a Residential land use category by the Land Use Plan must be zoned in a zoning district which permits any one or more of the following uses, but not other uses:

...

10. Residential Density

...

e. Flexibility Units

"Flexibility units" mean the difference between the number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series) and the number of dwelling units permitted within the flexibility zone by a City's certified future land use plan map.

Since the certified City land use Plan map may be more restrictive than the Future Broward County Land Use Plan Map (Series), available flexibility units may be utilized by the City of Pompano Beach to rearrange residential densities consistent with County Land Use Plan provisions.

Rearrangement of residential densities utilizing flexibility units will be administered within "flexibility zones". The boundaries of and rules governing "flexibility zones" and rearrangement of residential densities therein, as referenced in County Land Use Plan Policy provisions, will be established within the Broward County Planning Council's

"Administrative Rules Document.

The maximum number of Dwelling units permitted in a flexibility zone by the City land use plan map shall not exceed the number of dwelling units permitted in the flexibility zone by the Future Broward County Land Use Plan Map (Series).

B. Commercial

Each parcel of land within an area designated in a Commercial land use category by the City's Land Use Plan Map must be zoned in a zoning district which permits any one or more of the following uses, but no other uses:

- ...
8. Residential uses are permitted in the same structure as a commercial use provided that the local government entity applies flexibility or reserve units to the parcel and:
 - a. The residential floor area does not exceed 50% of the total floor area of the building; or
 - b. The first floor is totally confined to commercial uses.

Free standing multi-family residential uses on parcels of land 5 acres or less, 10 acres or less for designated redevelopment areas i.e Urban Infill area and Community Redevelopment Areas.

...

H. Special Residential Facilities

This development includes group homes and foster care facilities as defined by category type below and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document" of the Broward County Planning Council. Special Residential Facilities are not specifically designated on the Future Land Use Plan Map (series) as a special Land use category but are permitted within the residential land use category.

...

N. Employment Center

Employment Center areas are intended to encourage types of development which may be compatible with residential and other less intensive land uses, and which would support high technology and service-based activities as well as the tourist-oriented segment of the economy. This category is further refined into "Employment Center-Low" and "Employment Center-High." The "Employment Center-Low" category does not allow manufacturing uses and is designed to be inherently compatible with residential uses. The "Employment Center-High" category will allow light manufacturing uses.

I. Employment Center-Low (also applies to Employment Center – High)

A. Principal Uses:

...

9. Residential uses are permitted without the need to amend the land use map, provided that flexibility or reserve units are assigned to the parcel in the following manner:

- (a) For parcels 5 acres in size or less, free-standing or mixed-use multi-family structures are permitted; within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas, free-standing or mixed-use multi-family residential uses are permitted on parcels 10 acres in size or less.
- (b) For mixed use developments greater than 5 acres in size (or 10 acres within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) free-standing or mixed-use multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) or 40% of the total gross acreage of the employment center designated parcel, whichever is greater, and that the entire mixed use development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

EXHIBIT G

BROWARD COUNTY
OBJECTIVES AND POLICIES

**BROWARD COUNTY LAND USE PLAN
GOALS, OBJECTIVES AND POLICIES
RELATED TO RESIDENTIAL FLEXIBILITY**

OBJECTIVE 1.02.00 FLEXIBILITY AND IRREGULAR DENSITIES (DASHED-LINE DESIGNATIONS)

Establish flexibility within the Broward County Land Use Plan in order to facilitate the arrangement of residential densities, and allow local governments and the private sector to respond to changing conditions.

POLICY 1.02.01 Local certified land use plans may rearrange the residential densities shown on the Future Broward County Land Use Plan Map (Series) utilizing "flexibility units" and/or "reserve units" as identified in the Residential Permitted Uses subsection of the Plan Implementation Requirements section of this Plan and in accordance with Policy 13.01.10 and the rules established within the "Administrative Rules Document: Broward County Land Use Plan" and the Chapter 163, Florida Statutes plan adoption and amendment process.

POLICY 1.02.02 Rules for the creation of "Flexibility Zones" and rearrangement of residential densities within their boundaries, utilizing "flexibility units" and/or "reserve units," shall be established within the "Administrative Rules Document: Broward County Land Use Plan" and be subject to the provisions of Policy 13.01.10.

OBJECTIVE 1.07.00 LAND USE PLANS AND HOUSING AFFORDABILITY AND AVAILABILITY

Develop programs to provide a complete range of affordable housing opportunities necessary to accommodate all segments of Broward County's present and future population.

....

POLICY 1.07.04 A pool of "Affordable Housing Units" (AFU's) shall be established for each local government which is equal to 10% of the total available flexibility and reserve units within the local government. AFU's shall be deducted from the local government's reserve and flexibility units totals and shall be fixed as of the effective date of this policy.

POLICY 1.07.05 Local governments may utilize available "flexibility" and/or "reserve" and/or "Affordable Housing Units" (AFU's) independent of flexibility zone boundaries, as bonus density to facilitate the provision of affordable housing in Broward County consistent with requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan." Bonus density allocated for

affordable housing may exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, provided such bonus allocation is consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan."

POLICY 13.01.10 Local government utilization of the Broward County Land Use Plan "Flexibility Rules," as per Policies 1.01.03, 1.01.04, 1.02.01, 1.02.02, 2.04.04, 2.04.05, 3.01.06 and 3.02.02, shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered, in the following instances:

A. Allocations to sites east of the Intracoastal Waterway which impact access to public beaches.

B. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.

C. Allocations to sites which are adjacent to an Environmentally Sensitive Land, as defined within the Broward County Comprehensive Plan, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets and highways, canals and rivers or easements, upon request of the Broward County Commission. Additional rules and procedures for the processing of County Commission compatibility reviews shall be included in the County's administrative rules.

PLAN IMPLEMENTATION REQUIREMENTS - PERMITTED USES SECTION **COMMERCIAL USE:**

...

9. Residential uses are permitted, without the need to amend the local land use plan map, provided that the local government applies flexibility or reserve units to the parcel in the following manner:

a. The residential floor area of mixed commercial/residential structures does not exceed 50% of the total floor area of the building; and/or

b. The first floor of mixed commercial/residential structures is totally confined to commercial uses; and/or

c. For parcels 5 acres in size or less, free-standing or mixed- use multi-family

structures are permitted; within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas, free-standing or mixed- use multi-family residential uses are permitted on parcels 10 acres in size or less; and/or

- d. For mixed commercial/residential developments greater than 5 acres in size (or 10 acres within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) free-standing or mixed-use multi- family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) or 40% of the total gross acreage of the commercially designated parcel, whichever is greater, and that the entire mixed commercial/residential development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development; and/or
- e. Residential units within the same structure as commercial uses for the owner, manager or caretaker of the commercial uses may be located in areas designated commercial without the application of flexibility units or reserve units.

10. Recreational vehicle park sites at a maximum density of ten (10) sites per gross acre if permanent location of recreational vehicles on the site is permitted by the local land development regulations, or twenty (20) sites per gross acre if such permanent location is prohibited by the local land development regulations; subject to allocation by the local government of available flexibility or reserve units.

COMMUNITY FACILITIES USE

Community Facilities areas are designated on the Future Broward County Land Use Plan Map (Series), consistent with Objective 8.04.00, to provide a full range of regional and community uses such as educational, medical, governmental, religious, civic, cultural, judicial, and correctional facilities.

Community facilities may be permitted at the discretion of the local government in areas designated residential, commercial, office park, agricultural, industrial, regional activity center and employment center. Civic and cultural buildings may also be permitted in areas designated for recreation and open space use if they are ancillary to the primary recreation use of the site.

Uses permitted in areas designated community facilities are as follows:

- 1. Community facilities uses such as schools, churches, hospitals, governmental administration, police and fire stations, libraries, civic centers, prisons and courts, nursing homes, cemeteries, and parks and recreation

facilities.

2. a. Special Residential Facility Category (2) development as defined in the “Definitions” subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of two (2) reserve or flexibility units in accordance with the Special Residential Facilities provisions and policies for application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan.”

b. Special Residential Facility Category (3) development as defined in the “Definitions” subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of reserve units or flexibility units in accordance with the Special Residential Facilities provisions and policies for application of these units as explained in the “Administrative Rules Document: Broward County Land Use Plan”; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

EMPLOYMENT CENTER USES

In general, Employment Center areas are designated on the Future Broward County Land Use Map (Series), consistent with Objective 3.02.00, to encourage types of development which may be compatible with residential and other less intensive land uses, and which would support high technology and service-based activities which Broward County has attracted in recent years, as well as the tourist-oriented segment of Broward County’s economy. This type of category is further refined into “Employment Center-Low” and “Employment Center-High.” The “Employment Center-Low” category does not allow manufacturing uses and is designed to be inherently compatible with residential uses. The “Employment Center-High” category will allow light manufacturing uses.

- A. Employment Center (Low and High follow the same flex rules)
 1. Principal Uses:
 - a. office uses
 - b. research businesses, including medical and research laboratories
 - c. fabrication and assembly
 - d. hotels, motels and similar lodging
 - e. restaurants and personal services
 - f. community facilities
 - g. communication facilities
 - h. non-residential Agricultural uses
 - i. Residential uses are permitted without the need to amend the local land use plan map, provided that the local government

applies flexibility or reserve units to the parcel in the following manner:

- (1) For parcels 5 acres in size or less, free-standing or mixed-use multi-family structures are permitted; within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas, free-standing or mixed-use multi-family residential uses are permitted on parcels 10 acres in size or less.
- (2) For mixed use developments greater than 5 acres in size (or 10 acres within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) free-standing or mixed-use multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas) or 40% of the total gross acreage of the employment center designated parcel, whichever is greater, and that the entire mixed use development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

OFFICE PARK USE

Office Park areas are designated on the Future Broward County Land Use Plan Map (Series), consistent with Objective 2.02.00, to encourage the location of planned office complexes and corporate headquarters in Broward County. Office Park areas should ensure a campus-like atmosphere with substantial buildings and ample open space. Employee services such as shopping and eating establishments should be allowed, but should be limited to areas within buildings primarily devoted to office use.

Uses permitted in areas designated office park are as follows:

1. Offices for uses such as administrative, professional and business purposes.
2. Banking and financial institutions.
3. Educational, scientific and industrial research facilities, research laboratories, and medical or dental laboratories.
4. Restaurants and personal services which are accessory to the primary office uses.

5. Community facilities.
6. a. Special Residential Facility Category (2) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of two (2) reserve or flexibility units in accordance with the Special Residential Facilities provisions and policies for the application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan.”
- b. Special Residential Facility Category (3) development as defined in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; subject to the allocation of reserve units or flexibility units in accordance with the Special Residential Facilities provisions and policies for application of these units as contained in the “Administrative Rules Document: Broward County Land Use Plan”; each flexibility or reserve unit shall permit two (2) sleeping rooms regardless of the number of kitchens or baths.

RESIDENTIAL USE

The areas designated for residential use on the Future Broward County Land Use Map (Series), consistent with Objective 1.01.00, are intended primarily for dwellings, but other land uses related to a residential environment, including neighborhood shopping centers, neighborhood parks and schools may also be appropriate therein.

Uses permitted in areas designated residential are as follows:

....

9. Offices and/or neighborhood retail sales of merchandise or services, subject to the review and approval requirements of Policy 1.01.05, Policy 1.01.06 and Policy 13.01.10 and the following limitations and provisions:

- a. No more than a total of five percent (5%) of the area designated for residential use on the Future Broward County Land Use Plan Map (Series) within a flexibility zone may be used for offices and/or neighborhood retail sales of merchandise or services.
- b. No added contiguous area used for offices and/or neighborhood retail sales of merchandise or services may exceed ten (10) acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.
- c. Regardless of the constraints of a. and b. above, space within residential buildings in areas designated for Medium-High (25) Residential or High (50) Residential density may be used for offices and/or retail sales of merchandise or

services, as long as no more than 50% of the floor area is used for said purposes.

- d. Regardless of the constraints of a. and b. above, space within residential buildings in areas designated for Medium (16) Residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.

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11. Special Residential Facilities; subject to: meeting one of the Category definitions as contained in the Special Residential Facilities Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan; meeting density provisions by Category type stated below; and the limitations as expressed by the certified land use plan map; and if applicable, the provisions regarding the use and allocation of reserve units, flexibility units or bonus sleeping rooms as contained in the "Administrative Rules Document: Broward County Land Use Plan."

Residential Density

a. Density Standards

Residential areas are shown on the Future Broward County Land Use Map (Series) according to eight ranges of density:

- The Estate (1) Residential category permits up to one (1) dwelling unit per gross acre.
- The Low (2) Residential category permits up to two (2) dwelling units per gross acre.
- The Low (3) Residential category permits up to three (3) dwelling units per gross acre.
- The Low (5) Residential category permits up to five (5) dwelling units per gross acre.
- The Low-Medium (10) Residential category permits up to ten (10) dwelling units per gross acre.
- The Medium (16) Residential category permits up to sixteen (16) dwelling units per gross acre.
- The Medium-High (25) Residential category permits up to twenty-five (25) dwelling units per gross acre.

- The High (50) Residential category permits up to fifty (50) dwelling units per gross acre.

Other land use categories and land uses are subject to density standards as follows:

- Residential development within the Agricultural land use category is subject to the density standards and provisions contained within the Agricultural Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Special Residential Facilities are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Recreational vehicle sites are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.
- Hotels, motels and similar lodging are subject to the density standards contained within applicable land use categories in the Permitted Uses subsection of the Plan Implementation Requirements section of this plan.

b. Density Calculation

All references to density within the Broward County Land Use Plan mean gross density. Gross density means the number of dwelling units existing or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in an area, including acreage used or proposed for streets, lakes, waterways, and other proposed land uses permitted in residential areas by the Broward County Land Use Plan. Any existing live-aboard vessels which conformed to the regulations in effect when such vessels were included within the definition of “dwelling unit,” that become nonconforming by the enactment of Text Amendment PCT 98-5 shall be removed or discontinued as a dwelling unit within five (5) years of the effective date of Text Amendment PCT 98-5. (Effective Date: September 7, 1998)

Calculations of acreage covered by different land use categories on the Future Broward County Land Use Plan Map (Series) will necessarily be approximate, due to the scale of the map. Where edges of land use categories are close to property lines, streets, transmission lines or other existing lines, edges should be construed to follow those lines. A lake or canal should be construed as having been assigned the same land use category as that assigned to adjacent unsubmerged land. The Intracoastal Waterway, North and South Lakes in Hollywood, Sylvan

Lake, Lake Santa Barbara, New River, Middle River, and the rivers and canals of the primary drainage system as identified within this plan shall not, however, be construed as having credit toward residential density.

c. Arrangement of Dwelling Units

Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the Broward County Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the Broward County Land Use Plan does not regulate whether a developer uses 100 acres of land designated for Low (5) Residential density to build 500 single family homes or whether the same 100 acres are used to build a 500 unit high-rise structure, with the balance of the land maintained as permanent open space. The distribution of units will be determined by local zoning and land development regulations.

d. Dashed-Line Areas

Selected Developments of Regional Impact, planned unit developments and partially completed large scale developments, are identified on the Future Broward County Land Use Plan Map (Series) by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the maximum number of dwelling units allowable within the dashed line. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Future Broward County Land Use Plan Map (Series) through amendments to the plan consistent with the provisions of this section.

e. Flexibility Units

“Flexibility units” mean the difference between the number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series) and the number of dwelling units permitted within the flexibility zone by a local government’s certified future land use plan map.

Since the certified local land use plan map may be more restrictive than the Future Broward County Land Use Plan Map (Series), available flexibility units may be utilized by a local government to rearrange residential densities consistent with Policy 1.02.01 and Policy 13.01.10.

Rearrangement of residential densities utilizing flexibility units will be administered within “flexibility zones.” The boundaries of and rules governing “flexibility zones” and rearrangement of residential densities therein, as referenced in Policy 1.02.02, will be established, subject to the provisions of Policy 13.01.10, within the “Administrative Rules Document: Broward County Land Use Plan.”

The maximum number of dwelling units permitted in a flexibility zone by the local land use plan map shall not exceed the number of dwelling units permitted in the flexibility zone by the Future Broward County Land Use Plan Map (Series). Allocations of Flexibility Units shall be subject to the following restrictions:

- (1) Within areas east of the Intracoastal Waterway or west of the “urban infill” area boundary line as designated on the Broward County Land Use Plan as of the effective date of this Policy (November 5, 2004), in no instance shall allocations of Flexibility Units result in a residential density greater than twenty five (25) dwelling units per gross acre for the residentially designated parcel or portion of a non-residentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less.
- (2) Allocations of Flexibility Units for “affordable housing,” special residential facilities, and areas designated “Regional Activity Center” as defined within the Broward County Land Use Plan, regardless of the provisions referenced in 1. above, shall be exempt from this provision;
- (3) This provision shall not apply to the action of a local government whereby Flexibility Units were approved pursuant to the Broward County Land Use Plan and Administrative Rules prior to the effective date of this provision (November 5, 2004).

f. Reserve Units

“Reserve units” mean additional permitted dwelling units equal to two percent (2%) of the total number of dwelling units permitted within a flexibility zone by the Future Broward County Land Use Plan Map (Series).

Local governments may establish provisions within their land use plans, consistent with Policy 1.01.03 and Policy 13.01.10 of this Plan, to allocate residential densities, utilizing reserve units, which exceed those shown on the local land use plan map.

Allocation of reserve units will be administered within “flexibility zones” and not require amendment of the certified local land use plan. The boundaries of and rules governing “flexibility zones” and allocation of reserve units therein, as referenced in Policy 1.02.02, will be established, subject to the provisions of Policy 13.01.10, within the “Administrative Rules Document: Broward County Land Use Plan.”

The number of reserve units in a flexibility zone will be fixed at the adoption of the Future Broward County Land Use Plan Map (Series). Allocations of Reserve Units shall be subject to the following restrictions:

- (1) Within areas east of the Intracoastal Waterway or west of the “urban infill” area boundary line as designated on the Broward County Land Use Plan as of the effective date of this Policy (November 5, 2004), in no instance shall allocations of Reserve Units result in a residential density greater than twenty five (25) dwelling units per gross acre for the residentially designated parcel or portion of a non- residentially designated parcel to be developed with residential use, or exceed one hundred percent (100%) of the maximum number of dwelling units indicated for the parcel by the local land use plan map, whichever resulting residential density is less.
- (2) Allocations of Reserve Units for “affordable housing,” special residential facilities and areas designated “Regional Activity Center” as defined within the Broward County Land Use Plan, regardless of the provisions referenced in 1. above, shall be exempt from this provision.
- (3) This provision shall not apply to the action of a local government whereby Reserve Units were approved pursuant to the Broward County Land Use Plan and Administrative Rules prior to the effective date of this provision.