

November 5, 2024

Max Wemyss, Planner
City of Pompano Beach – Development Services
100 W. Atlantic Avenue
Pompano Beach, FL 33060

Re: OT Property Group, LLC – Zoning Code Text Amendment
Property Addresses: 200 NE 4th Street & 217 NE 3rd Street, Pompano Beach, Florida 33060 and more specifically identified by folio numbers 484235170100 & 484235170131

Dear Mr. Wemyss,

This Firm represents OT Property Group, LLC (“Developer”) in connection with the proposed redevelopment of parcels noted above located in the Downtown Pompano Overlay District (“DPOD”) and within the boundary of the Transit Core Area. The Developer purchased these parcels from Christ Church United Methodist, Inc. on May 7, 2023. The parcels outlined in red below are the subject of this proposed Zoning Code text amendment.



The DPOD was created on September 24, 2013, and amended on April 11, 2017, by Ordinance No. 2017-34, which refined several design standards to support the district’s goals. The current proposal seeks to introduce an additional amendment, aimed at enhancing flexibility within the DPOD. By adjusting the Density Regulating Plan map to allow an “Optional Residential” designation on these parcels, the amendment would allow for an approach that accommodates both residential and nonresidential uses. This adjustment aligns with the intent of the Transit Oriented and DPOD districts to encourage a vibrant, mixed-use environment that integrates residential, commercial, and service-oriented uses within a walkable urban setting. The proposed amendment is below:

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1. **Density Regulating Plan (Map).** Amend the map to provide greater flexibility by allowing an Optional Residential designation, which permits both residential and commercial uses to better serve the area's needs.

EXISTING MAP:



PROPOSED MAP:



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We believe that the modifications to the Density Regulating Plan map as noted above will allow for development that encourages a balanced mix of uses, supporting the community's evolving needs while enhancing flexibility and promoting sustainable growth within the district.

Should you require any additional information, please do not hesitate to contact me at 954-779-1123.

Sincerely,



Nectaria M. Chakas, Esq.

NMC

Enclosures

Exhibit A – Narrative addressing 155.2402.C. Text Amendment Review Standards

Exhibit B – Proposed Ordinance Amending 155.3708 Downtown Pompano Beach (DP) Overlay District

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NARRATIVE ADDRESSING TEXT AMENDMENT REVIEW STANDARD**I. PROPOSED AMENDMENTS:**

1. **Density Regulating Plan (Map).** Amend the Map from “(R.R.) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX 60 UNITS / ACRE NET).” to “(O.R.) OPTIONAL RESIDENTIAL: (MIN. 36 UNITS / ACRE NET, MAX 60 UNITS / ACRE NET).” to allow for more residential and commercial opportunities east of Dixie Highway.

II. 155.2402.C. TEXT AMENDMENT REVIEW STANDARDS:

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;

Applicant’s Response: The proposed text amendment furthers the following Objectives and Policies of the Comprehensive Plan:

LAND USE ELEMENT	
Objective:	Inconsistent Land Uses
1.03.00	Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.
Policies:	
1.03.06	Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single-family areas.
Objective:	Major Corridor Land Use
1.04.00	Support and promote the intermix of residential and commercial uses along major traffic corridors.
Policies:	
1.04.01	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 redevelopment units and approval of land use plan map amendments allowing for mixed use and residential developments.

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Objective: New Land Use Regulations	
1.07.00	Encourage the adoption of innovative land development regulations. Adopt new land use designations as strategies continue to evolve to implement for Residential, Mixed Use, Transportation Oriented Districts and Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations to facilitate sustainable and resilient redevelopment and support adaptation strategies in the build environment that accommodate the adopted sea level rise projections.
Policies:	
1.07.08	Through ongoing updates to the land development regulations develop new zoning districts that encourage redevelopment, including mixed use along major highway corridors.
1.07.19	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.
Objective: Smart Growth Initiative	
1.14.00	The City will promote “Smart Growth” type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.
Policies:	
1.14.02	The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled and sustainably sourced building materials.
Objective: Transit Oriented Corridor (TOC) Activity Center	
1.16.00	Facilitate mixed use development with access to transit stations or stops along existing and planned high performance transit service corridors (such as bus rapid transit or rapid bus) designated in the Pompano Beach Comprehensive Plan Transportation Element; the Broward County Transit Master Plan; the Broward County Metropolitan Planning Organization’s (MPO) Long Range Transportation Plan; and the Broward County Transit Development Plan, through the establishment of a Transit Oriented Corridor (TOC) land use category.
Policies:	
1.16.03	At least two non-residential uses must be permitted in the designated area as a principal use: e.g. retail, office, restaurants and personal services, hotel/motel, light industrial (including “live work” buildings), research business, civic and institutional.
1.16.04	Nonresidential intensities may vary along the corridor and will be specified as an overall maximum square footage by use [e.g. pool of square footage by permitted use (retail, office etc.) or land use category (commercial)]. The application for a TOC land use designation will include a purpose statement for the nonresidential uses based on the scale and identity for the activity center district.

2. Does not conflict with any provision of this Code or the Code of Ordinances;

Applicant's Response: The proposed text amendments to the Density Regulating Plan map do not conflict with any other provision of the Code.

3. Is required by changed conditions;

Applicant's Response: The proposed amendment is supported by changed conditions, as it would provide greater flexibility for development that can serve both the nearby residential community and broader downtown area. By changing the designation from Residential Required to Optional Residential, the amendment would allow these parcels to support a mix of complementary commercial uses, rather than requiring residential to be a necessary component to the development. This flexibility encourages a balanced approach that meets the community's evolving needs without limiting potential nonresidential opportunities.

4. Addresses a demonstrated community need;

Applicant's Response: The proposed amendment addresses a demonstrated community need by allowing for a mix of uses that can better serve the residential community and downtown area. Changing the designation to Optional Residential provides flexibility for commercial uses that complement surrounding residential properties without mandating a residential component. This revision supports the community's need for a balanced urban environment that is not limited by a residential-only requirement.

5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

Applicant's Response: The proposed amendment aligns with the purpose and intent of the Transit Oriented and Downtown Pompano Beach Overlay Districts by encouraging a balanced mix of compatible uses in a compact, walkable environment. Allowing an Optional Residential designation supports the district's goal to bring people, services, and public spaces together, and creates a dynamic area where residents and visitors can meet their housing, employment, and service needs.

6. Would result in a logical and orderly development pattern;

Applicant's Response: The proposed amendment would support a logical and orderly development pattern by allowing a mix of residential and commercial uses that can serve the evolving needs of the downtown community. By designating the parcels as Optional Residential, the amendment would align with the Districts' vision for cohesive development of a balanced district where various uses can coexist.

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Applicant's Response: There are no environmentally sensitive lands affected by the proposed amendment and existing infrastructure systems will be utilized to serve the area and mitigate any impacts associated with development.

ORDINANCE NO. 2024-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155 “ZONING CODE” BY AMENDING SECTION 155.3708, “DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT” TO MODIFY THE DENSITY REGULATING PLAN TO AMEND THE DESIGNATION OF CERTAIN PARCELS FROM “RESIDENTIAL REQUIRED” TO “OPTIONAL RESIDENTIAL”; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days’ notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; NOW THEREFORE,

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

SECTION 1. That the corresponding Density Regulating Plan Map in Section 155.3708, “Downtown Pompano Beach (DP) Overlay District, “ of Chapter 155, “Zoning Code” of the Code of Ordinances of the City of Pompano Beach is hereby substituted to amend the designation of the subject parcels from “Residential Required” to “Optional Residential”, allowing for greater flexibility in permitted land uses, and shall read as shown on **Exhibit A** attached hereto and made a part hereof.

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SECTION 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 20__.

PASSED SECOND READING this ____ day of _____, 20__.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

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REVISÉD MAP:



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