

September 5, 2024

Zoning Letter Number: 24-02000173

Yexsy Schomberg
Urbana, LLC
950 Peninsula Circle Drive, Suite 1017
Boca Raton, FL 33487
Sent via Camino email only: yexsy@urbanafl.com

Re: 4211 N Federal Highway | Folio Number(s): [484318000380](#); [484318000401](#)

Dear Yexsy,

The City of Pompano Beach Development Services Department has received your Zoning letter request dated 8/27/2024 which requests the following information on the above referenced property:

1. Is the property located in any special, restrictive, or overlay district?

Response: No.

2. Per Zoning Code Section 155.4202.A, which requires the use of County Policy 2.16.3 (100% residential only) a density of 69 du/ac is allowed, based on 2.7 ac, we calculated that a maximum of 186 multifamily rental units ($2.7 \times 69 = 186.3 = 186$ du/ac) could be developed on these parcels, can you please confirm if this calculation is correct?

Response: Confirmed. This math is correct.

3. Based on 186 units, can you please confirm how many county flex units are required and the assurance that they will be available once the application is approved?

Response: You will need 27 flex units to generate the 186 units for the subject property. We currently have 787 units available. We cannot provide any assurance of availability since we have no idea when you will request these units. Running out of flex units, however, would not preclude this site from being developed with 186 units. You'd just have to do the project under County Policy 2.16.4 and do mixed use. That method does not require any flex units.

4. Are flex units the same as income-restrictive units? If not, can you please confirm if they are both required and their differences?

Response: When using Policy 2.16.3 to generate entitlements, flex and income restricted units are the same for all intents and purposes. You will request 27 flex units, you will deed restrict those to moderate income affordable for 30 years and you will get 6 bonus units for each of those deed restricted units. You'll be able to build up to 186 units.

5. Per communication with staff, if this development applies Zoning Code Section 155.4202.A and, consequently County Policy 2.16.3., 1 for every 7 units will be required to be deed restrictive to

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'moderate income' (up to 120% AMI) for 30 years. Based on 186 units, it looks like 27 units ($186/7 = 26.57 = 27$ du) will be deed restrictive, can you please confirm if this calculation is correct?

Response: Confirmed. That math is correct.

6. Based on a proposed 100% multifamily rental development with flex and affordable units (unless they are the same), can you please provide the entitlement review process (hearing/administrative), application type, and preliminary approval timeline?

Response: The project will require major site plan approval and a request for the flex allocation which occur concurrently and the flex will be approved by the P&Z Board at the same hearing as the major site plan. The major site plan approval process is described in the Zoning Code at the following link:

https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-32693

The time it takes to complete the process depends on the quality of the submittal and the time it takes for the Applicant to respond to DRC comments to meet code requirements.

Please be advised that a Zoning Verification Letter is not considered an official Zoning approval for a business use or development approval. To obtain approval for a business use, please submit a Zoning Use Certificate (ZUC) to the City's [Business Tax Receipt \(BTR\) Division](#) through our Camino application portal. Zoning Use Certificates are typically reviewed by a Planner within 10 business days from the date routed for review by BTR staff. For additional questions, please contact the BTR Division at 954.786.4668 or businesstaxreceipt@copbfl.com. Depending on the scope of work, a site plan or other Zoning approval may also be required. Please contact the [Zoning Department](#) at 954.786.4679 or zoning@copbfl.com. For questions regarding building permits, please contact the Building Division at 954.786.4670.

Should you need further assistance, please contact our office 954.786.4679.

Yours truly,

THE CITY OF POMPANO BEACH



Jean E. Dolan, AICP, CFM
Principal Planner

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155.2407. SITE PLAN

A. Purpose

The site plan provisions of this section are intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Code and all other applicable city regulations. The purpose of this section is to establish the procedure and standards for review of site plans.

B. Applicability

There are two types of Site Plans authorized by this Code: Major Site Plans and Minor Site Plans.

1. Major Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Major Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for the development listed in Table 155.2407.B.1:

Note: This table is best viewed in PDF, click [HERE](#)

TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY				
	RESIDENTIAL USE		NONRESIDENTIAL USE	
TABLE 155.2407.B.1: MAJOR SITE PLAN APPLICABILITY				
	RESIDENTIAL USE		NONRESIDENTIAL USE	
Designated Brownfield Area or Brownfield site	New Development	More than 15 new multifamily dwelling units	New Development	More than 7,500 sq ft gfa
	Existing Development	Addition of more than 15 new multifamily dwelling units	Existing Development that is 7,500 sq ft gfa or less	An addition that results in development that contains more than 7,500 sq ft gfa
			Existing Development that is more than 7,500 sq ft gfa	One of the following, whichever is less: <ul style="list-style-type: none">• An addition that adds more than 37,500 sq ft gfa.• An addition that increases the amount of lot coverage of such existing development by more than 37.5%.• An addition that increases the gross floor area of the primary building of such existing development by more than 37.5%.
All Other Property Types	New Development	More than 10 new multifamily dwelling units	New Development	More than 5,000 sq ft gfa
	Existing Development	Addition of more than 10 new multifamily dwelling units	Existing Development that is 5,000 sq ft gfa or less:	An addition that results in development that contains more than 5,000 sq ft gfa
			Existing Development that is more than 5,000 sq ft gfa:	One of the following, whichever is less: <ul style="list-style-type: none">• An addition that adds more than 25,000 sq ft gfa.• An addition that increases the amount of lot coverage of such existing development by more than 25%.• An addition that increases the gross floor area of the primary building of such existing development by more than 25%.

2. Minor Site Plan

Unless exempted in accordance with subsection 3 below, a development order for a Minor Site Plan in accordance with this section is required before issuance of a Zoning Compliance Permit for any development other than those for which a Major Site Plan is required in accordance with subsection 1 above.

3. Exemptions

The following development shall be exempted from the requirements of this section:

- Development of a single-family dwelling;
- Development of a two-family dwelling;
- Alteration or addition to an existing single-family dwelling;
- Alteration or addition to an existing two-family dwelling;

e. A change in use or alteration of an existing development that does not increase the size of a totally and permanently enclosed building or require significant modifications to parking, site landscaping, layout, or traffic circulation patterns;

f. An alteration of an existing development, regardless of area and/or lot coverage, that involves the addition or replacement of mechanical rooms, equipment rooms, storage sheds, minor utility uses, and similar structures solely intended for utility purposes, subject to the discretion of the Development Services Director;

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- g. Development requiring only a Tree Permit; and
- h. Development of a Temporary Use or Interim Use, provided that an applicable Temporary Use Permit or Interim Use Permit has been approved.

C. Major Site Plan Approval Procedure

1. Step 1: Pre-Application Meeting

Applicable (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Optional (See Section 155.2302.).

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

4. Step 4: Staff Review and Action

Applicable to a recommendation by the Development Service Director, following DRC review and comment (See Section 155.2304.).

5. Step 5: Public Hearing Scheduling and Notice

Not applicable.

6. Step 6: Advisory Body Review and Recommendation

Not Applicable.

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the P&Z (See Section 155.2307.).

D. Minor Site Plan Approval Procedure

1. Step 1: Pre-Application Meeting

Optional (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Optional (See Section 155.2302.).

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

4. Step 4: Staff Review and Action

Applicable to a final decision by the Development Services Director, following DRC review and comment (See Section 155.2304.).

5. Step 5: Public Hearing Scheduling and Notice

Not Applicable.

6. Step 6: Advisory Body Review and Recommendation

Not Applicable.

7. Step 7: Decision-Making Body Review and Decision

Not Applicable.

E. Site Plan Review Standards

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

1. Is consistent with the land use designation in the comprehensive plan;
2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);
3. Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, of Article 5, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose;
4. Complies with all other applicable standards in this Code;
5. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;
6. The concurrency review has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;
7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;
8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;
9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support;
10. Complies with adopted Fire Codes and Standards per City Code Section 95.02;
11. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan; and

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12. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

F. Effect of Approval

A development order for a Major Site Plan or Minor Site Plan authorizes the submittal of an application for a Zoning Compliance Permit and any other development permit that may be required before development of the land.

G. Expiration

1. Major Site Plan

a. A development order for a Major Site Plan shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within two years after the date of the development order, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

b. A denial of a request to extend the expiration period for a development order for a Major Site Plan may be appealed to the City Commission in accordance with Section 155.2424, Appeal.

2. Minor Site Plan

A development order for a Minor Site Plan shall automatically expire if a Zoning Compliance Permit for the authorized development is not obtained within two years after the date of the development order, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

H. Minor Deviations

Subsequent applications for a Zoning Compliance Permit, or other development permits reviewed under this Code, for development authorized by a development order for a Site Plan, may include minor deviations from the approved plans and conditions without the need to amend the Site Plan. Such deviations, however, are limited to changes that the Development Services Director determines would not:

1. Increase or significantly decrease the density of residential development;
2. Increase or decrease the number of building stories;
3. Materially alter the drainage, streets, or other engineering design;
4. Adversely impact the management of stormwater quality or stormwater quantity;
5. Substantially affect the terms of the original approval;
6. Result in significant adverse impacts on the surrounding properties or the city at large; or
7. Increase or significantly decrease the intensity of nonresidential development that affects the overall character of the project.

I. Amendment

Any modifications of development subject to a Site Plan other than those authorized by Section 155.2407.H, Minor Deviations, shall require amendment of the Site Plan in accordance with Section 155.2308.C, Modification or Amendment of Development Order.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-55](#), passed 5-14-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2014-33](#), passed 4-22-14; Am. Ord. [2015-75](#), passed 9-8-15; Am. Ord. [2018-67](#), passed 7-10-18; Am. Ord. [2019-17](#), passed 1-8-19; Am. Ord. [2019-110](#), passed 9-24-19)



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City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4679 Fax: 954.786.4666

Zoning Letter Request

Zoning Letter Fee: The first two questions are free of charge and \$70.00 per additional question (single- family exempt).

Yexsy Schomberg

08/27/2024

Agent Name

Date

URBANA, LLC

561-602-1225

Company Name

Phone Number

950 Peninsula Corporate Circle, Suite
1017

yexsy@urbanafll.com

*Mailing Address (Street Address)

Email Address

Boca Raton, FL 33487

*Mailing Address (City/ State/ Zip)

*The address provided, is the location where the letter be addressed.

To Whom it May Concern:

Please accept this as a request for property information on the below- mentioned property.

4211 N Federal Highway, Pompano Beach, FL 33062 4843 18 00 0351;0380;0401

Property of Address being researched

Folio Number

Subdivision (If Acreage, attach legal description)

Block

Lot(s)

Please provide us with a zoning letter which answers the following questions: (Check all that apply)

- What is the current zoning designation for the property?
- What are the permitted uses?
- What is the future land use designation for the property?
- Confirm that there are no outstanding zoning code violations issued to the property.
- Confirm if the Zoning Division has an approved site plan on file.
- Confirm the general parking requirements for a particular use (select one):
- ☒ Is the property located in any special restrictive or overlay district?
- Other: 2. ☐ Per Zoning Code Section 155.4202 A, which requires the use of County Policy 2.16.3 (100% residential only) a density of 69 du/ac is allowed, based on 2.7 ac, we calculated that a maximum of 186 multifamily rental units (2.7 x 69 = 186.3 = 186 du/ac) could be developed on these parcels, can you please confirm if this calculation is correct?
- Other: 3. Based on 186 units, can you please confirm how many county flex units are required and the assurance that they will be available once the application is approved with staff, if this development applies Zoning Code Section 155.4202 the same as County Policy 2.16.3, 1 for every 7 units with no more than 20% of the units to be affordable income (up to 120% AMI) for 30 years. Based on 186 units, it looks like 27 units (186/7 = 26.57 = 27 du) will be deed restrictive, can you please confirm if this calculation is correct?
- Other: 4. Based on a proposed 100% multifamily rental development with flex and affordable units (unless they are the same), can you please provide the entitlement review process (hearing/administrative), application type, and preliminary approval?
5. Modified: 8.2022

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ZLT-2024-254

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1. Is the property located in any special, restrictive, or overlay district?
2. Per Zoning Code Section 155.4202.A, which requires the use of County Policy 2.16.3 (100% residential only) a density of 69 du/ac is allowed, based on 2.7 ac, we calculated that a maximum of 186 multifamily rental units ($2.7 \times 69 = 186.3 = 186$ du/ac) could be developed on these parcels, can you please confirm if this calculation is correct?
3. Based on 186 units, can you please confirm how many county flex units are required and the assurance that they will be available once the application is approved?
4. Are flex units the same as income-restrictive units? If not, can you please confirm if they are both required and their differences?
5. Per communication with staff, if this development applies Zoning Code Section 155.4202.A and, consequently County Policy 2.16.3., 1 for every 7 units will be required to be deed restrictive to 'moderate income' (up to 120% AMI) for 30 years. Based on 186 units, it looks like 27 units ($186/7 = 26.57 = 27$ du) will be deed restrictive, can you please confirm if this calculation is correct?
6. Based on a proposed 100% multifamily rental development with flex and affordable units (unless they are the same), can you please provide the entitlement review process (hearing/administrative), application type, and preliminary approval timeline?



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