

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent	X	Ordinance	Resolution	Consideration/ Discussion	Presentation
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SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF NW 1<sup>ST</sup> STREET AND EAST OF NW 28<sup>TH</sup> AVENUE FROM B-3 (GENERAL BUSINESS) TO RS-4 (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**Summary of Purpose and Why:**

This approximate 1.956-acre property is located north of NW 1<sup>st</sup> Street and east of NW 28<sup>th</sup> Avenue. The property is owned by Habitat for Humanity of Broward, Inc. The petitioner is requesting this rezoning in order to build six single-family units. The request is to rezone the subject property from General Business (B-3) to Single-Family Residential (RS-4). The parcel just received approval of a Local Land Use Plan Amendment (LUPA) and therefore has a City Land Use designation of Low-Medium (LM). The subject property included an area to the west of NW 28<sup>th</sup> Avenue when it was reviewed by the Planning & Zoning Board at their April 22, 2015 hearing. However, the applicant has been unable to comply with a P&Z condition specific to the "western" property. The P&Z decision was to recommend approval with a 6 to 1 vote. The P&Z's condition regarding the requisite approval of the Local LUPA has been satisfied. Additional Language Inserted in Section 1 of this Rezoning Ordinance per City Attorney (see Memo #16-033).

(1) Origin of request for this action:

Habitat for Humanity

(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	04/07/15	Approval	Memo# 15-185 <i>[Signature]</i>
City Attorney	012/04/15	See Memo ✓	CAC# 2016-251 <i>[Signature]</i>

X Planning and Zoning Board  
X City Manager *[Signature]*

Approval Memo #15-029 (05/07/15)  
*[Signature]*

**ACTION TAKEN BY COMMISSION:**

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



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY OF POMPANO BEACH  
100 West Atlantic Boulevard - Room 316  
Pompano Beach, FL 33060

MEMORANDUM NO. 16- 033

DATE: January 15, 2016  
TO: Dennis W. Beach  
VIA: Robin M. Bird, Development Services Director *JM RB*  
FROM: Maggie Barszewski, AICP, Planner *MB*  
SUBJECT: Additional Language Inserted in Section 1 of Habitat Rezoning Ordinance

Per the City Attorney, the attached ordinance is a revision of the Habitat Rezoning Ordinance that was first read at the January 12, 2016 City Commission meeting. The City Attorney has inserted additional language into Section 1. The additional language is shown below and is underlined:

Section 1. That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds that the Applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans.

Attachment

2016 JAN 15 AM 9:40



**City Attorney's Communication #2016-251**

December 4, 2015

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Ordinance – Rezoning for Habitat for Humanity No. 9

As requested in your memorandum of November 25, 2015, Department of Development Services Memorandum #15-624, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF NW 1<sup>ST</sup> STREET AND EAST OF NW 28<sup>TH</sup> AVENUE FROM B-3 (GENERAL BUSINESS) TO RS-4 (SINGLE FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; 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/2016-251

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF NW 1<sup>ST</sup> STREET AND EAST OF NW 28<sup>TH</sup> AVENUE FROM B-3 (GENERAL BUSINESS) TO RS-4 (SINGLE FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING 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 this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

**WHEREAS**, in accordance with Section 155.2305.C, of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying residents within 500 feet of the subject property of two public hearings on this proposed Ordinance; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

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

**SECTION 1.** That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds that the Applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans.

**SECTION 2.** That the property more particularly described in Exhibit "A," attached hereto and made a part hereof ("Property), which Property is hereby rezoned from a present zoning classification of B-3 (General Business) to a RS-4 (Single Family Residential) as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

**SECTION 3.** That the Development Services Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

**SECTION 4.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications 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 5.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
1/13/16  
l:ord/2016-65

Exhibit A

THE WEST 1/2 OF THE SOUTH 1/3 OF THE NORTH 3/5 OF THE SE 1/4  
OF THE SE 1/4 OF THE SW 1/4 OF SECTION 33, TOWNSHIP 48  
SOUTH, RANGE 42 EAST, LESS THE WEST 25 FEET THEREOF AND  
LESS THE SOUTH 25 FEET THEREOF, ALL OF SAID LANDS LYING  
AND BEING IN BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH,  
BROWARD COUNTY, FLORIDA.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #15-029**

**DATE:** May 7, 2015  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** REZONING – RS-4 (Single-family Residence) from B-3 (General Business)  
Both sides of NW 28<sup>th</sup> Avenue along NW 1<sup>st</sup> Street  
P & Z #15-13000003 HABITAT FOR HUMANITY

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on April 22<sup>th</sup>, 2015, the Board considered the request by **HABITAT FOR HUMANITY OF BROWARD, INC.**, requesting REZONING of the above referenced property.

It is the recommendation of the Board that the REZONING request be approved with the following conditions of staff:

1. Prior to placement on the City Commission agenda, the applicant must address how NW 1<sup>st</sup> Street will be dedicated providing access to all of the units west of NW 28<sup>th</sup> Avenue.
2. This rezoning cannot be approved until after the effective date of an approval for the Local LUPA for this subject property.

The vote was six (6) to one (1), with Walter Syrek casting the dissenting vote.

  
\_\_\_\_\_  
Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency



# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-185

DATE: April 7, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*

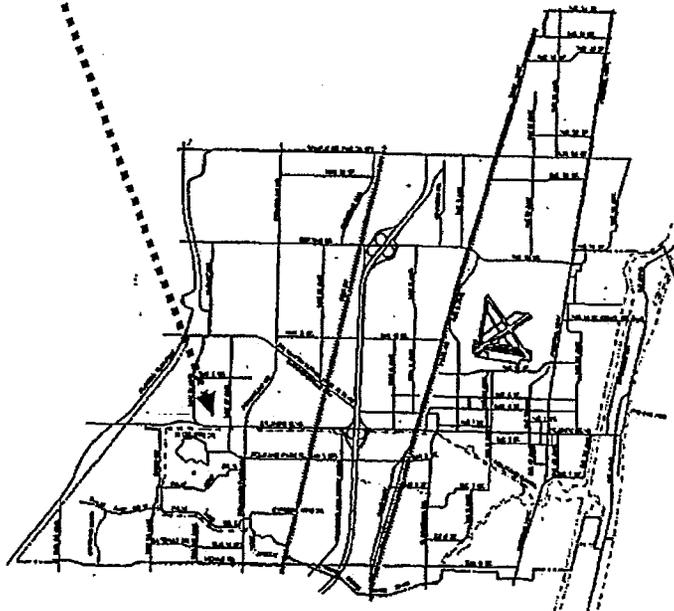
FROM: Maggie Barszewski, AICP, Planner *MB*

RE: Habitat for Humanity Rezoning  
April 22, 2015 meeting

P&Z # 15-1300003

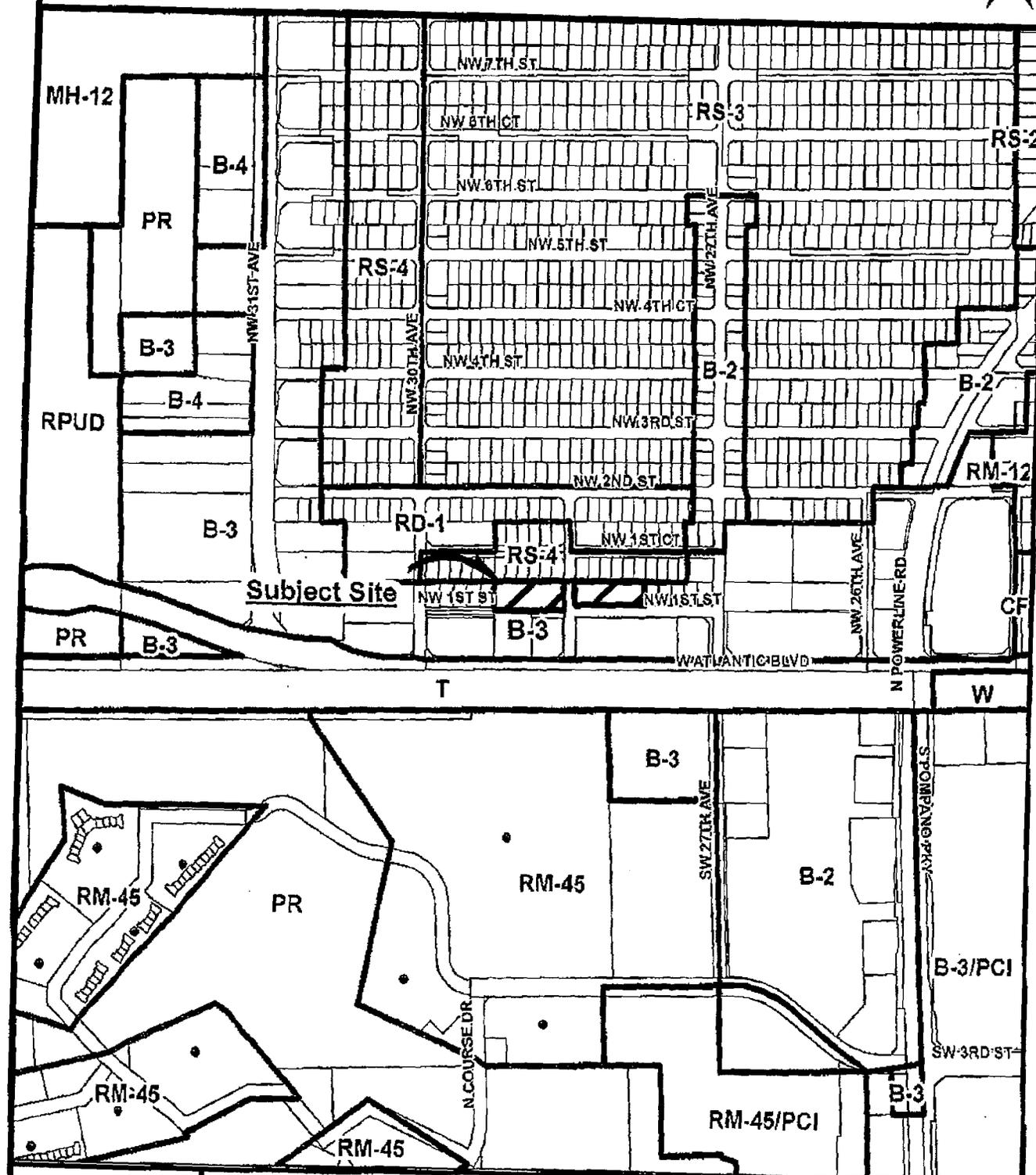
This approximate 1.956-acre property consists of 2 parcels located on both sides of NW 28<sup>th</sup> Avenue along NW 1<sup>st</sup> Street, approximately 230 feet north of W. Atlantic Boulevard. The property is owned by Habitat for Humanity, Broward, Inc. The Land Use designation for the property is currently C (Commercial); however the applicant has a concurrent Local Land Use Plan Amendment (LUPA) application to change it to LM (Low-Medium Residential). The purpose of the rezoning and the Local (LUPA) requests is to allow the development of 12 single-family homes to be developed by Habitat for Humanity of Broward, Inc. The applicant has also submitted an application for allocation of 12 Flex units. The applicant is requesting a rezoning from B-3 (General Business) to RS-4 (Single Family Residential) on the subject property.

Corner of NW 28<sup>th</sup> Ave.  
& 1<sup>st</sup> Street .....





# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



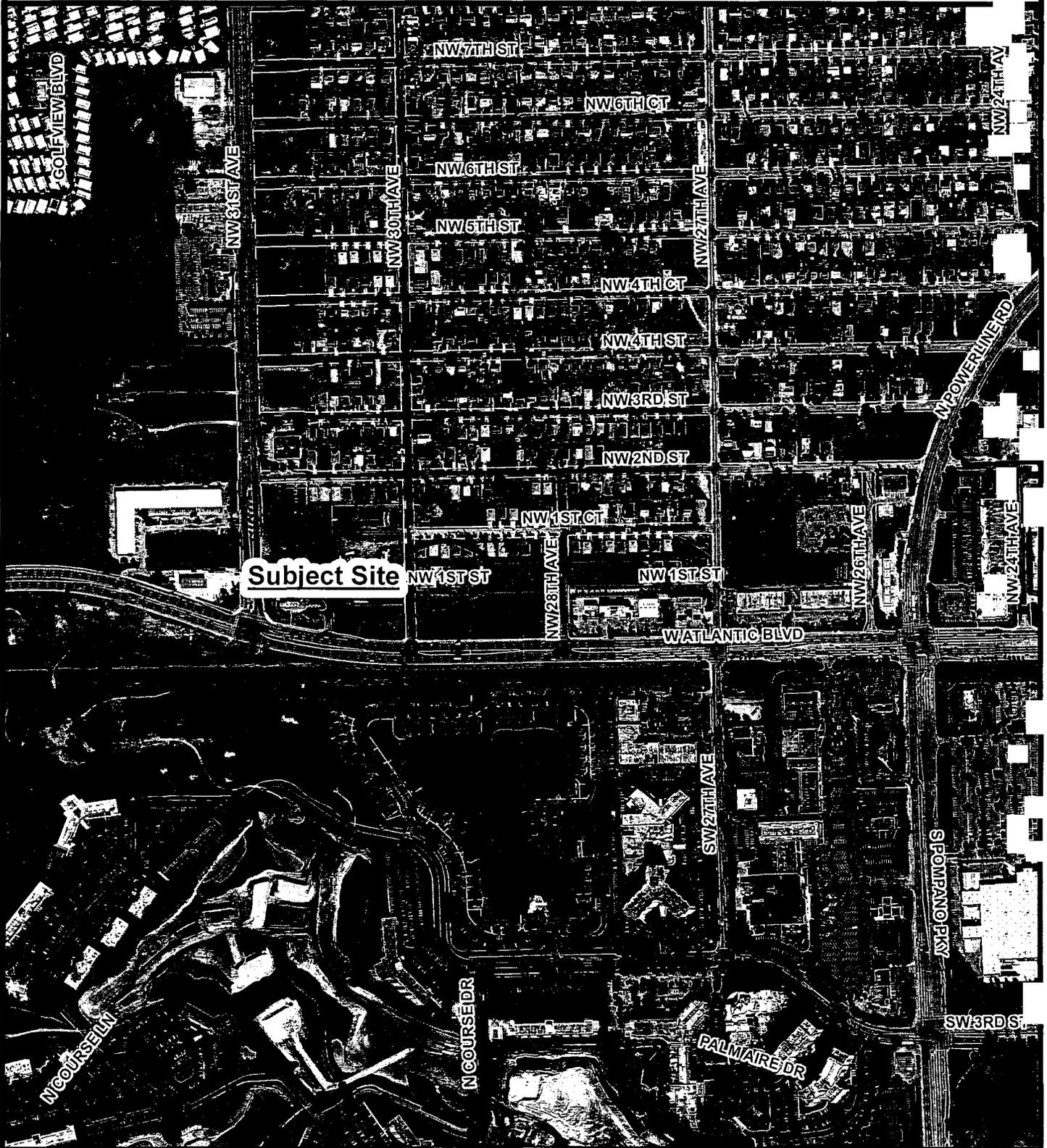
1 in = 600 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH AERIAL MAP



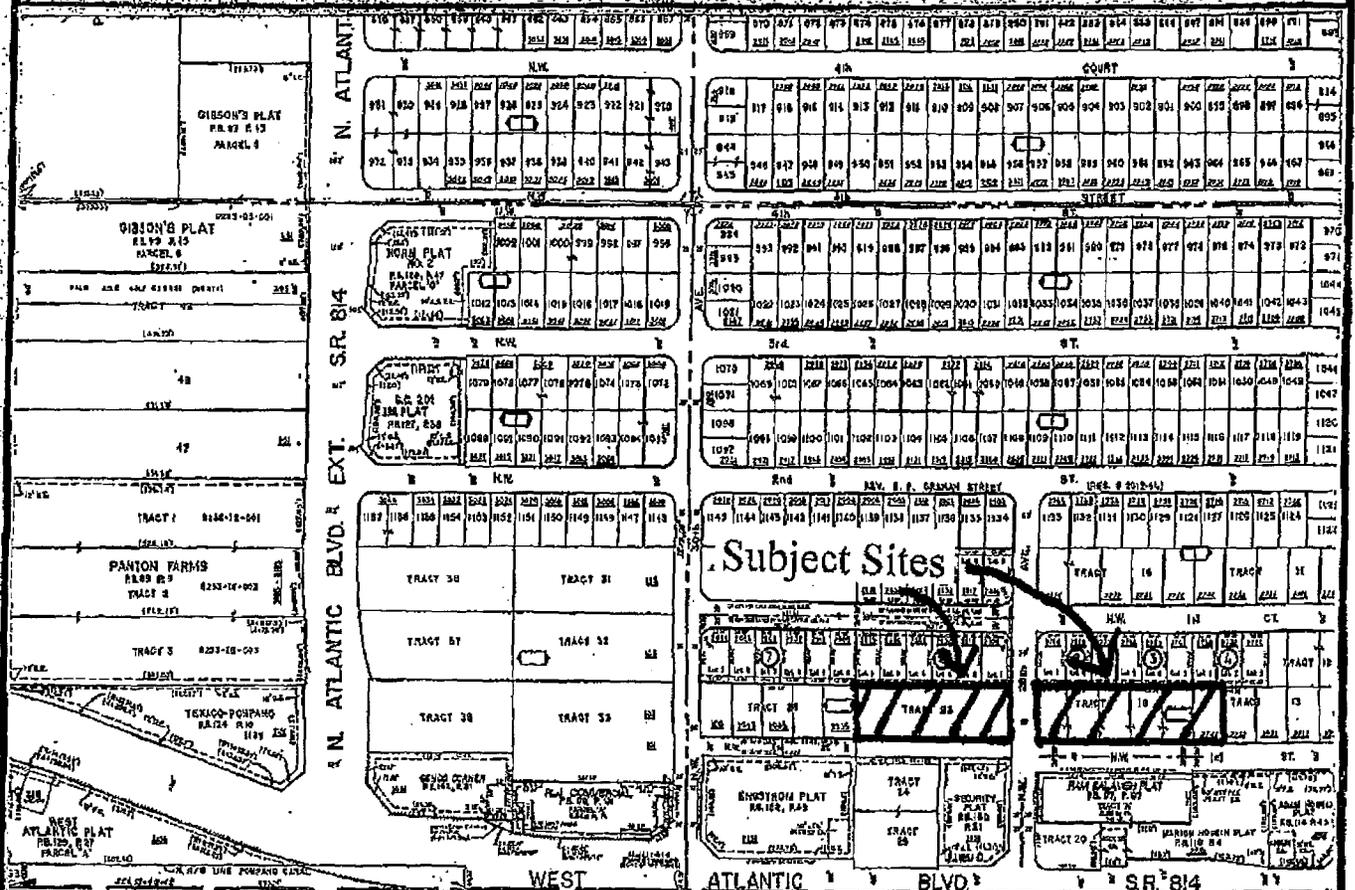
**Subject Site**

1 in = 600 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



SCALE: **NTS**

↑  
**NORTH**

## REVIEW & SUMMARY

- A. Pursuant to Section 157.31(A) [Major Review: Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the March 4, 2015 Development Review (DRC) meeting which are summarized below:

**ENGINEERING DEPARTMENT** Bob Lawson  
02-27-15:  
No Comments.

**PLANNING** Chris Clemens  
The gross acreage for the proposed change equates to 1.94 acres and allows for 18 units to be constructed on site. The net acreage for the proposed change equates to 1.44 acres and allows for 14 units to be constructed on site. The property must be platted prior to the construction of a principal structure. ROW must be dedicated along NW 1st Street and can be completed with the platting. Sidewalks must be constructed along NW 1st Street. Provide approved SCAD letter from BCSB. The proposed amendment will bring the zoning in compliance with the proposed land use.

**FIRE DEPARTMENT** Jim Galloway  
This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

\*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

**ZONING** Maggie Barszewski  
The Location Map should identify the requested zoning. The RS-4 zoning will be compatible with the surrounding zoning.

**UTILITIES** William Herrmann  
Unable to comment, no utility plans provided.

**Urban Forestry**  
No Objections  
Urban Forestry reserves the right to comment at time of Site Plan Submittal

**CRA**  
The CRA does not have any objections or comments on the request.

- B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:**
1. The rezoning was reviewed by DRC on March 4, 2015.
  2. The property is located at the corner of NW 28<sup>th</sup> Avenue and NW 1<sup>st</sup> Street.
  3. The area to be rezoned is approximately 1.956 acres (approximately 85203.36 square feet).
  4. The Zoning and uses of adjacent properties are:  
North – (RS-4) – Single-Family Units  
South – (B-3) – Vacant & Retail Buildings  
East – (B-3) – Multi-Family Units  
West – (B-3) – Duplex Units
  5. The main access to this property will be from NW 1<sup>st</sup> Street.
  6. The Land Use Designation is C (Commercial) with a concurrent Local LUPA request for LM (Low-Medium Residential).

**C. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this rezoning:**

**Goal**

01.00.00 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.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 01.03.12 The following criteria may be used in evaluating rezoning requests:
1. Density;
  2. Design;
  3. Distance to similar development;
  4. Existing adjoining uses;
  5. Proposed adjoining uses;
  6. Readiness for redevelopment of surrounding uses; and,
  7. Proximity to mass transit.
- 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.

**D. Recommendation:**

Given the information provided to the Board, as the findings of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

**Alternative Motion I**

Recommend approval of the rezoning of the request from B-3 (General Business) to RS-4 (Single Family Residential) on the subject property with the following conditions:

1. Prior to placement on the City Commission agenda, the applicant must address how NW 1<sup>st</sup> Street will be dedicated providing access to all of the units west of NW 28<sup>th</sup> Avenue.
2. This rezoning cannot be approved until after the effective date of an approval for the Local LUPA for this subject property.

This recommendation is based on the finding that the request is consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

**Policies**

- 01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 01.03.12 The following criteria may be used in evaluating rezoning requests:
1. Density;
  2. Design;
  3. Distance to similar development;
  4. Existing adjoining uses;
  5. Proposed adjoining uses;
  6. Readiness for redevelopment of surrounding uses; and.
  7. Proximity to mass transit.
- 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.

**Alternative Motion II**

Table this application for additional information as requested by the Board.

**Alternative Motion III**

Recommend denial as the Board finds that the request is not consistent with the goals, objectives and policies of the Comprehensive Plan.



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MEMORANDUM

DATE: April 13, 2015

TO: Planning and Zoning

FROM: Juan C. Ayala, CRA Project Manager

THRU: Kim Briesemeister, CRA Executive Director,  
Chris Brown, CRA Executive Director

RE: Habitat for Humanity  
P&Z# 15-13000003, P&Z# 15-05000002 and P&Z# 15-92000002

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**P&Z# 15-13000003**

The Community Redevelopment Agency (CRA) does not have any objections or comments on Habitat for Humanity's request for rezoning to change the properties located SW corner of NW 1st Street and NW 28th Avenue from B-3 to RS-4.

**P&Z# 15-05000002**

The Community Redevelopment Agency (CRA) does not have any objections or comments on Habitat for Humanity's request to allocate 12 Flex Units on the properties located SW corner of NW 1st Street and NW 28th Avenue.

**P&Z# 15-92000002**

The Community Redevelopment Agency (CRA) does not have any objections or comments on Habitat for Humanity's request of approval of a Land Use Plan Amendment (LUPA) for the properties located SW corner of NW 1st Street and NW 28th Avenue to change the land use designation from C (commercial) to LM (low-medium density residential).

**Note:**

The CRA reserves the right to review the proposed projects' site plans and floor plans submitted for the properties involved.