



Staff Report

**File #:** LN-367

Zoning Board of Appeals  
Meeting Date: November 17, 2022

**MAJOR TEMPORARY USE PERMIT - FIRTH PROPERTIES LAKESIDE LLC**

**Request:** Major Temporary Use Permit  
**P&Z#** 22-15000017  
**Owner:** Firth Properties Lakeside LLC  
**Project Location:** 1201 S Ocean Boulevard  
**Folio Number:** 494306120710  
**Land Use Designation:** C- COMMERCIAL  
**Zoning District:** General Business (B-3)  
**Agent:** David Bee  
**Project Planner:** Scott Reale

**Summary:**

The Applicant Landowner is requesting a MAJOR TEMPORARY USE PERMIT from the provisions of Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to temporarily utilize a portion of an existing shopping center parking lot for outdoor dining without complying with the applicable development standards as required by Code.

The property is located on the southwest corner of S Ocean Boulevard (A1A) and SE 12<sup>th</sup> Street.

**PROPERTY INFORMATION**

1. The shopping center, originally called the Lakeside Shoppes, was approved in 1976 via PRA No. 2085, with 53 parking spaces. At the time, 42 spaces were required by code. Accounting for the current restaurant and retail uses, staff has determined 42 spaces are required. With the outdoor seating area, there are currently 50 parking spaces on the site, two of which are handicap/ADA spaces.
2. On 10/21/2021, the ZBA granted a one-year Major Temporary Use Permit (PZ #21-15000007) for outdoor seating on a portion of the shopping center's parking lot. The applicant is seeking an additional year for this use, citing many customers prefer outdoor seating due to the ongoing pandemic.
3. During the peak of the COVID pandemic, the City suspended most outdoor application requirements for restaurants and retail businesses to expand operating space into portions of privately owned and public rights-of-way.
4. Staff finds the outdoor seating area, which takes up two parking spaces, does not negatively impact the property with regard to site circulation or minimum parking requirements.
5. The applicant was cited for encroaching into a portion of the handicapped/ADA parking spaces; however, the revised conceptual site plan suggests only two standard parking spaces are affected.
6. If this Temporary Use Permit is approved, the outdoor seating area would be allowed for a maximum of one year.

**LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- B-3 | shopping center including restaurant, jeweler, beauty salon, professional massage, and laundry

Surrounding Properties (Zoning District / Existing Use):

- North: RM-20 | multi-family dwellings (Pompano Surf Club Co-Op)
- South: B-3 | vacant land
- East: B-3 | hotel (Club Wyndham Royal Vista) and multi-family dwelling (Sky Ranch)
- West: RM-20 | multi-family dwelling (Aristocrat Condominium)

**TEMPORARY USE PERMIT REVIEW STANDARDS**

Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

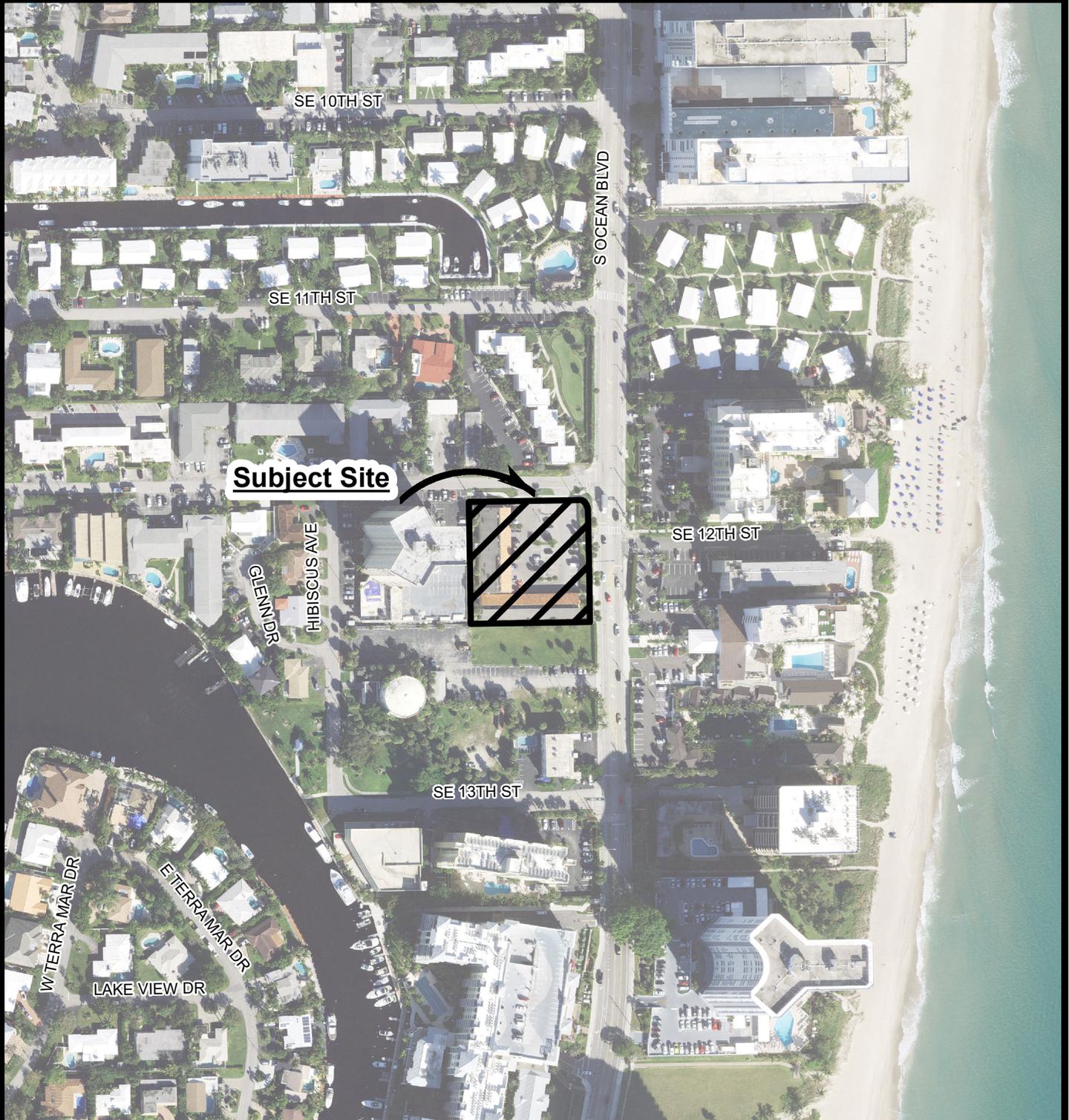
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
7. Complies with all applicable use-specific standards in Section 155.4403.

**Staff Conditions:**

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit review standards, staff request the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental approvals.
2. Outdoor seating is limited to the area depicted on the site plan and shall not further encroach into the parking lot.
3. Maintain Jersey barriers (or similar bollard device) to provide clear separation between outdoor seating and vehicular use area.

# CITY OF POMPANO BEACH AERIAL MAP



**MAJOR  
TEMPORARY  
USE**

**FIRTH PROPERTIES LAKESIDE LLC  
1201 S OCEAN BLVD**

1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES