

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-434

DATE: September 13, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*
Jennifer Gomez, Assistant Director of Development Services *JG*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Proposed Revisions to §155.2308. Post-Decision Actions and Limitations

Zoning Code §155.2308, Post-Decision Actions and Limitations, includes the provisions regarding Expirations of Development Orders. Development Orders automatically expire as provided for in the Zoning Code for the particular type of development order. However the expiration period of a development order may be extended provided a written request is submitted and the applicant demonstrates sufficient grounds for the extension, including demonstrating reasonable efforts were made to apply for a Building Permit and/or the delay in proceeding with the commencement of development resulted from a "force majeure" or "Act of God" or extreme economic conditions of the market.

However there are situations in which the need for the extended expiration period is not due to the applicant's actions, but rather is due to the use of the land by a government entity for a public purpose. Examples include land which is subject to an Interim Use Permit and which is used to provide public parking or land which is used as a staging area for a government construction project; or land which is used for other miscellaneous government approved use.

In these situations where the City, or other government entity, has used private land for a public purpose, Staff recommends the expiration time period for any valid development order shall be equitably tolled for the time period the land was used by the government for the public purpose, with a maximum tolling of five years. Tolling is the suspension of expiration time period, having the effect of automatically extending the period of validity of the development order. The rationale for the five year limitation is that is the effective period for an Interim Use permit.

Staff also recommends that the tolling request not be subject to the extension process regulations provided in 155.2308.B.2. Rather, Staff recommends a tolling provision be added to the Zoning Code which tolls the expiration periods by right up, provided the applicant request the tolling 45 days prior to the expiration of the development order.

Proposed Text Amendment

The proposed text amendment is the creation of 155.2308.E, Tolling of Expiration Time Period during Use by Government Entity for Public Purpose.

Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

§ 155.2308. POST-DECISION ACTIONS AND LIMITATIONS

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**E. TOLLING OF EXPIRATION TIME PERIOD DURING USE BY
GOVERNMENT ENTITY FOR PUBLIC PURPOSE**

The running of the expiration time period for any development order shall be tolled during use of the property by a Government Entity for a public purpose as demonstrated by an Interlocal Agreement, Lease, or similar legal document with the lawful owner of the property. The tolling period shall commence on the effective date of the Interlocal Agreement, Lease, or similar legal document. The tolling shall terminate upon the expiration of the Interlocal Agreement, Lease, or similar legal document, or the expiration of five years, whichever is sooner. The request for the tolling shall be made at least 45 days prior to the expiration of the Development Order.

CRA

POMPANO BEACH

P. O. Drawer 1300
Pompano Beach, FL 33061

Phone: (954) 786-5535
Fax: (954) 786-7836

MEMORANDUM

DATE: September 19, 2016

TO: Robin Bird, Director of Development Services
Jennifer Gomez, Assistant Director of Development Services

FROM: Max Wemyss, CRA/RMA Planning and Urban Design Assistant
Natasha Alfonso-Ahmed, RMA Urban Design Director

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

RE: **Memo 16-439** – Land Usage Code Amendment Coordination,
Proposed Revisions: Post- Decision Actions and Limitations

CRA Position:
The CRA offers no objection to this item moving forward.

Background:
The CRA has not been involved in the development of this proposed code amendment.

CRA Comment:
A review of the proposed amendment shows no concern or impact on CRA redevelopment goals and objectives.

Proposed Action:
None.

cc: CRA Attorney
City Attorney