

ADMINISTRATIVE MEMORANDUM NO. 19 - 225

DATE: August 21, 2019
TO: Planning and Zoning Board
VIA: David Recor, ICMA-CM, Director of Development Services
Jennifer Gomez, AICP, Assistant Director of Development Services
FROM: Max Wemyss, Planner
RE: Temporary Use Permit, Proposed Amendment

Background

The City and the CRA undergo frequent construction projects, each with unique constraints, which require the temporary use of each other's and private property in ways that may not comply with the standards in Chapter 155, Zoning Code (i.e. staging for construction activity). For this purpose, the City Commission authorizes a Revocable License Agreement and the Zoning Board of Appeals approves a Temporary Use Permit. In most cases, the City Commission has already authorized the activity, rendering the current process duplicative. It is the request of the CRA, with Staff support, that Temporary Use Permits for public projects be reviewed administratively (as a Minor Temporary Use Permit application) to expedite these processes and to reduce the burden on the Zoning Board of Appeals hearing unnecessary, procedural items. This proposed amendment is especially relevant now as the City has begun to implement the many citywide projects authorized by the approval of the G.O. Bond.

Summary of Text Amendments - Section 155.2412. Temporary Use Permit – Staff proposes to amend Section B. Applicability authorizing staff to process applications for a Temporary Use Permit by the City or CRA as a Minor application. This section in its entirety, including proposed amendments, is provided on the following pages.

Staff Request

Planning and Zoning Staff have worked with the CRA to develop this text amendment as presented. Staff recommends approval of the proposed code amendments.

155.2412. TEMPORARY USE PERMIT

A. Purpose

The purpose of this subsection is to provide a uniform mechanism for reviewing temporary use of buildings or lands in the city that do not comply with the standards in Chapter 155, Zoning Code.

B. Applicability

There are two types of Temporary Use Permit authorized by this Code: Major Temporary Use Permits and Minor Temporary Use Permits.

Temporary Use Permits sought by the City of Pompano Beach or Community Redevelopment Agency (CRA) for properties owned or leased by the City of Pompano Beach and CRA, or for use of private property by the City of Pompano Beach and CRA for any proposed temporary use of buildings or lands in the city set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, or any temporary use that does not comply with the standards in Chapter 155 Zoning Code will be processed as Minor Temporary Use Permits. If applicable, prior to submitting a Temporary Use Permit application the applicant must obtain other necessary governmental approvals and submit proof of the approval(s) with the Temporary Use Permit application.

1. Major Temporary Use Permits

A development order for a Major Temporary Use Permit in accordance with this section is required for any proposed temporary use of buildings or lands in the city set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, or any temporary use that does not comply with the standards in Chapter 155 Zoning Code. A Major Temporary Use Permit may be used to permit temporary uses, structures, or design elements that are not listed in 155.4403, Standards for Specific Temporary Uses and Structures.

2. Minor Temporary Use Permits

A development order for a Minor Temporary Use Permit in accordance with this section is required for any proposed temporary use set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, that the Development Services Director determines would have only minor impacts on neighboring properties. Proposed temporary uses not set forth in Article 4: Part 4 are not eligible for a Minor Temporary Use Permit, except as provided for in Section 155.2412.B. Applicability.

C. Major Temporary Use Permit Procedure

1. Step 1: Pre-Application Meeting

Applicable (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Not applicable.

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 Services Director (See Section 155.2304.).

5. Step 5: Public Hearing Scheduling and Notice

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 ZBA, following a quasi-judicial hearing (See Section 155.2307.).

D. Minor Temporary Use Permit Procedure

1. Step 1: Pre-Application Meeting

Applicable (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Not applicable.

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 (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. Temporary Use Permit Review Standards

A 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.

F. Effect of Approval

A development order for a Temporary Use Permit authorizes the submittal of an application for a Zoning Compliance Permit or a Zoning Use Certificate and any other development permit that may be required before the construction or use of the development approved by the development order for the Temporary Use Permit.

G. Expiration

A Temporary Use Permit shall be effective beginning on the date specified in the development order for the Temporary Use Permit, and shall remain effective for the period indicated on the permit. In no case shall a Temporary Use Permit be valid for more than one year after its approval. This expiration period may not be extended.