

## Legislation Details (With Text)

**File #:** 19-104      **Version:** 2      **Name:**

**Type:** Ordinance / Regular Agenda      **Status:** Passed

**File created:** 12/5/2018      **In control:** City Commission

**On agenda:** 1/22/2019      **Final action:** 1/22/2019

**Title:** P.H. 2019-24: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO SUBJECT APPLICATIONS FOR TAKING AND VESTED RIGHTS DETERMINATION TO STAFF DECISION; BY CREATING SECTION 155.2309., "REVIEW OF APPLICATIONS FOR PERMITS AND DEVELOPMENT ORDERS WITH REGARD TO ZONING IN PROGRESS," TO PROVIDE PROCEDURES FOR REVIEW OF PERMITS AND OTHER DEVELOPMENT APPLICATIONS AFFECTED BY PROPOSED CHANGES TO THE CITY'S ZONING CODE; BY CREATING SECTION 155.2429., "TAKINGS OR VESTED RIGHTS DETERMINATION," TO ESTABLISH A PROCEDURE AND STANDARDS FOR PROPERTY OWNERS DESIRING TO RETAIN CERTAIN RIGHTS FOLLOWING ZONING CODE CHANGES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO PROVIDE AN APPLICATION FEE FOR TAKINGS OR VESTED RIGHTS DETERMINATION BY CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: JANUARY 8, 2019

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. P&Z\_Approval\_Memo\_18-042, 2. CRA\_Memo, 3. CityAttorneyMemo\_2019-176, 4. Ordinance, 5. PZReport\_ZoningInProgress, 6. Pg10-14\_PZB\_OCTOBER\_MINUTES

Date	Ver.	Action By	Action	Result
1/22/2019	2	City Commission	ADOPTED	Pass
1/8/2019	1	City Commission	APPROVED FIRST READING	Pass

**P.H. 2019-24: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO SUBJECT APPLICATIONS FOR TAKING AND VESTED RIGHTS DETERMINATION TO STAFF DECISION; BY CREATING SECTION 155.2309., "REVIEW OF APPLICATIONS FOR PERMITS AND DEVELOPMENT ORDERS WITH REGARD TO ZONING IN PROGRESS," TO PROVIDE PROCEDURES FOR REVIEW OF PERMITS AND OTHER DEVELOPMENT APPLICATIONS AFFECTED BY PROPOSED CHANGES TO THE CITY'S ZONING CODE; BY CREATING SECTION 155.2429., "TAKINGS OR VESTED RIGHTS DETERMINATION," TO ESTABLISH A PROCEDURE AND STANDARDS FOR PROPERTY OWNERS DESIRING TO RETAIN CERTAIN RIGHTS FOLLOWING ZONING CODE CHANGES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO PROVIDE AN APPLICATION FEE FOR TAKINGS OR VESTED RIGHTS DETERMINATION BY CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 8, 2019**

(Staff Contact: Daniel Keester-O'Mills/David Recor)

**Summary Explanation/Background:**

Staff is recommending a text amendment in order to add language to the Zoning Code outlining the rules and procedures for establishing "Zoning in Progress." The goal of the text amendment is to provide clarity to the development community and the public as to when potential zoning changes will be applied, as well as to provide standardized procedures for determining vested rights and appealing decisions. The proposed text amendments state that when a significant change in zoning district or an amendment to the zoning code is being considered by the City, the City has the option to declare Zoning in Progress. If Zoning in Progress is declared, no development order, permit, license, or change in occupancy shall occur that would result in the nonconforming or unlawful use of the property should the proposed change be adopted. The new code would only apply when Zoning in Progress is declared by the Planning & Zoning Board or City Commission. The text amendment additionally includes a procedure and standards for the Development Services Director, or his/her designee, to make a determination of vested rights. This item was recommended for approval by the Planning & Zoning Board with a vote of 5 to 1.

**Origin of request for this action:** Development Services Department

**Fiscal impact and source of funding:** N/A