



City Attorney's Communication #2023-209

December 6, 2022

TO: Scott Reale, Senior Planner

FROM: James E. Saunders III, Assistant City Attorney

RE: Ordinance Amending Chapter 155, Article 2 – Zoning Board of Appeals

As requested in your memorandum dated November 29, 2022, Department of Development Services Memorandum #22-152, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO PROVIDE FOR ADDITIONAL ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



JAMES E. SAUNDERS III

/jrm
l:cor/dev-srv/2023-209

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO PROVIDE FOR ADDITIONAL ALTERNATE MEMBERS; 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; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, 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 Section 155.2203, "Zoning Board of Appeals," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

§155.2203. ZONING BOARD OF APPEALS (ZBA)

A. Establishment

The Zoning Board of Appeals (ZBA) is hereby established in accordance with state law.

...

C. Membership, Appointment, and Terms of Office

1. Membership and Appointment

- a. The ZBA shall consist of six regular voting members and ~~three~~ four alternate members, appointed by resolution of the City Commission as a whole.

...

3. Alternate Members

The Chair of the ZBA shall be authorized to assign one of the ~~three~~ four alternate members to serve as a substitute for a regular voting member who is temporarily absent or disqualified, in accordance with the following:

- a. The Chair shall rotate assignments among the alternate members unless the unavailability of alternate members makes such rotation impossible.
- b. No alternate member may serve as a substitute member for a period of more than three months.
- c. No more than ~~two~~ three alternate members may serve as substitute members at any one time.

...

SECTION 2. If any provision of this Ordinance or its application to any person 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

JES:jrm
12/6/22
L:ord/ch155/2023-56