



# DEVELOPMENT SERVICES

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ADMINISTRATIVE MEMORANDUM NO. 20-014

**TO:** Planning and Zoning Board

**VIA:** David L. Recor, ICMA-CM, Director of Development Services *[Signature]*

**VIA:** Jennifer Gomez, AICP, Assistant Director of Development Services *[Signature]*

**FROM:** Daniel T. Keester-O’Mills, AICP, Principal Planner *[Signature]*

**SUBJECT:** Text Amendments to Chapter 155, Zoning Code  
Article 2 – Zoning Use Certificate

**DATE:** January 13, 2018

Staff is recommending a text amendment in order to modify the standards related to the approval process of a Zoning Use Certificate to be consistent and more forthcoming with the requirements for establishing a business (use). In the past, Zoning Use Certificates were reviewed merely for consistency with the zoning district in which the business was located. Thus, after obtaining an “approval” from Zoning by way of a Zoning Use Certificate, businesses commenced after obtaining a Business Tax Receipt. Through Code Compliance, annual Fire Inspections, or interior renovations some businesses approved by Zoning were not in compliance with life-safety standards applicable to their specific businesses. Only if the new business required parking or landscaping would the Fire Department or Building Division have an opportunity to review the proposal in advance and comment at the time of the Development Review Committee.

Currently, all Zoning Use Certificates are reviewed by a member of the Development Services Department. The Planner or Assistant Planner reviews the proposed business, researches the property and past businesses. If the use changes (for example: a retail store to an office, or an “office” to a “place of worship”), the reviewer will research the Certificate of Occupancy (CO) for the property. If the use does not appear to align with the CO, they are referred to the Building Division for information and requirements on changing the occupancy of the building. This change of CO will be reviewed by all the applicable city agencies to review the proposal, which includes the Fire Department.

The purpose for this amendment will benefit the businesses and the general public alike. Prospective business owners in Pompano Beach will receive a more complete review from multiple disciplines through the Zoning Use Certificate. This amendment will add Code Compliance and Broward’s Sheriff Office to the review of Zoning Use Certificates to identify if there are any active public nuisances related to the proposed business currently under citation. Meanwhile, it will ensure that the public visiting businesses lawfully operating in Pompano Beach are entering a space that was approved for the specific business and at the time that the business commenced it was in conformance with the minimum life-safety standards applicable.

## Chapter 155, Article 2, Part 4

### 155.2414. ZONING USE CERTIFICATE

#### A. Purpose

The purpose of a Zoning Use Certificate is to ensure that any development consisting of merely a change in use complies with the standards in this Code.

**B. Applicability**

A Zoning Use Certificate is required for any person to operate or engage in any use (which includes business, profession or occupation) within the city limits. A new Zoning Use Certificate is required for any change in use, additional use, change in location, change in ownership, and/or change in business name. A Zoning Use Certificate is required prior to the issuance of a Business Tax Receipt.

**C. Zoning Use Certificate Procedure**

**1. Step 1: Pre-Application Conference**

Not Applicable.

**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.

**D. Zoning Use Certificate Review Standards**

A Zoning Use Certificate shall be approved only on a finding that **there is competent substantial evidence in the record that the new use, as proposed: the proposed new use complies with all applicable standards in this Code.**

- 1. complies with all applicable standards of this Code;**
- 2. does not constitute an unsafe structure or a fire hazard as defined in Sections 116.2.1.1 -116.2.1.3 of Chapter I, Broward County Administrative Provisions for The Florida Building Code as amended from time to time;**
- 3. does not constitute a hazard or pose immediate danger to the occupants as determined by the Fire Chief in accordance with Section 95.01(C) of this Code as amended from time to time; and**
- 4. does not constitute a public nuisance as defined within Sections 33.130, 96.26 or 132.38 of this Code.**

**E. Effect of Approval**

A Business Tax Receipt shall only be issued for the use specified in the approved Zoning Use Certificate. An approved Zoning Use Certificate is only valid for the specific address, business name, corporate name, and type of business for which it was approved.

**F. Expiration**

A Zoning Use Certificate shall automatically expire if a Business Tax Receipt is not obtained within 60 days after the date of approval. A Zoning Use Certificate may be revoked in accordance with Section [155.8402.B.2](#), Revocation of Zoning Use Certificate.

**G. Appeal**

A party aggrieved by the decision rendered by the Development Services Director may appeal the decision to the ZBA in **accordance** with the procedures in Section [155.2424](#), Appeal.

**H. Revocation**

A Zoning Use Certificate may be revoked in accordance with the procedures in Section [155.8402.B.2](#), Revocation of Zoning Use Certificate. A Zoning Use Certificate that has been revoked nullifies the accompanying Business Tax Receipt.