

Orig. 17

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ENACTING A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF ALLOWING OR PERMITTING THE CONSTRUCTION OF ADDITIONAL SELF-STORAGE FACILITIES IN THE CITY; PROVIDING FOR VESTED RIGHTS DETERMINATION; PROVIDING FOR A SIX MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, to protect the public health, safety and welfare of its citizens, the city has adopted several zoning ordinances, which regulate the location of self-storage facilities within the city, as well as other businesses; and

WHEREAS, the city engaged a consultant to analyze the supply and demand of self-storage facilities within the city and to provide a report to the city; and

WHEREAS, the consultant's initial report advised that there was an overabundance of self-storage facilities within the city based upon the city's current and projected population (per capita) as compared to other southeast Florida municipalities; and

WHEREAS, the City, in response to the consultant's initial report, wants to study its Zoning Code and potentially enact Code revisions to ensure there is no clustering or an over-abundance of self-storage facilities in the city; and

WHEREAS, the City Commission determines that it is in the best interest of its residents, businesses and visitors to enact sufficient regulations to protect the public health, safety and welfare to ensure that city residents are best served by an appropriate distribution of businesses throughout the city; and

WHEREAS, a temporary moratorium on the processing of applications for, and the issuance of building permits, development permits, site plan approvals or any other official action of the City of Pompano Beach permitting or having the effect of allowing the construction of self-storage facilities within the city's control will allow time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the City of Pompano Beach Zoning Code and/or Code of Ordinances; and

WHEREAS, at least 10 days' notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of Pompano Beach; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. Purpose.

A. The purpose of this ordinance is to enable the City of Pompano Beach sufficient time to review, hold public hearings and adopt an amendment or amendments to the City of Pompano Beach Code of Ordinances or Zoning Code, relating to the location and operation of self-storage facilities within the city. The city will not approve any application or issue any permits authorizing the construction of self-storage facilities within the city, except as provided in this ordinance, or as may otherwise be required by applicable law.

B. It is further the purpose of this Ordinance to fulfill the city's constitutional charge and statutory obligations to protect and preserve the public health, safety and welfare of the citizens of the City of Pompano Beach, including the enactment of proper zoning regulations for such purpose; and thus defer official government action until the City of Pompano Beach has properly held public hearings and

adopted amendments to the City of Pompano Beach Code of Ordinances and Zoning Code, where necessary.

SECTION 2. Imposition of Moratorium.

A. No application for permit, authorization or any other official action of the city having the effect of permitting or allowing the construction of self-storage facilities within the city limits, may be accepted or processed or approved by the City of Pompano Beach, except as may be required by applicable law. To the extent such an application is submitted, the city staff is authorized to take action to deny such application during the term of this moratorium within such time frame as may be required by applicable law.

B. No Zoning Compliance Permit may be issued by the City of Pompano Beach, which would authorize the construction of a self-storage facility within the city.

C. Any property owner claiming to have vested rights or desiring to retain certain rights affected by this moratorium may file an application with the Development Services Director for a vested rights determination, in accordance with procedures outlined in Section 155.2429.

SECTION 3. Term.

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the city, shall automatically dissolve six (6) months from the effective date of this ordinance, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the City Commission.

SECTION 4. Early Termination.

The moratorium imposed by this ordinance may terminate prior to its six (6) month period or any extension, upon the passage of ordinances regulating permitting or allowing the construction of self-storage facilities in the City, provided:

1. specific language terminating the moratorium is contained within the enacted ordinance; or

2. by passage of another ordinance providing for termination by the City Commission.

SECTION 5. All ordinances or parts of ordinances in conflict with this Ordinance is revoked.

SECTION 6. If any provision of this ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of 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 7. This ordinance shall become effective upon passage.

PASSED FIRST READING this 10th day of September, 2019.

PASSED SECOND READING this 24th day of September, 2019.



REX HARDIN, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

JES/MEB/jrm
8/26/19
I:ord/2019-244