

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 CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.8402., "CIVIL REMEDIES," TO MODIFY REQUIREMENTS FOR REVOCATION OF ZONING USE CERTIFICATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that adoption of the amendment to Zoning Code through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(a), advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That Section 155.8402, "Civil Remedies," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.8402. CIVIL REMEDIES

...

B. Revocation of Permit or Approval

1. General

The City may revoke any development order other than a Zoning Use Certificate by written notice to the holder when false statements or misrepresentations were made in securing the development order, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Code, or a development permit has been mistakenly granted in violation of this Code.

2. Revocation of Zoning Use Certificate

A Zoning Use Certificate may be revoked or suspended only in accordance with the following provisions:

- a. The Director of Development Services may revoke, upon written notice provided, an approved Zoning Use Certificate when same has been issued in error or otherwise in violations of the provisions of this Code. Said determination may be appealed to the Zoning Board of Appeals pursuant to the provisions of Section 155.2424, Appeal.
- b. ~~For Zoning Use Certificates that were issued based on inaccurate or fraudulent information,~~ The Special Magistrate may, following a public hearing, revoke or suspend a Zoning Use Certificate on a finding that any of the following conditions exist:
 - i. The holder of the Zoning Use Certificate used fraud or misrepresentation in its description of the conduct or specific nature of the activity at the premises in the application of the Zoning Compliance Permit or a Business Tax Receipt or otherwise provided misleading information in the application process; or
 - ii. The activity at the premises constitutes a public nuisance, based on the use of the business place or premises in a manner as specifically described in Fla. Stat. § 893.138(2)(a) through (e) inclusive; or

- iii. The holder of the Zoning Use Certificate or any of the owners, directors, officers or principals of the specified premises on the Zoning Use Certificate has, within three years of the application date, been convicted of the violation of any of the laws of the United States, the State of Florida or any other state, or the ordinances of the City, where the conviction is specifically related to the conduct of Zoning Use Certificate holder's present business; or
- iv. The holder of the Zoning Use Certificate has failed to maintain the location of the business in compliance with all applicable building and zoning codes and ordinances and has failed to cure violations of such codes and ordinances after receiving notice of the violation from the City.

...

SECTION 3. If any provision of this Ordinance or the application thereof 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 4. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2021.

PASSED SECOND READING this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

TAL:jrm
2/24/2021
L:ord/ch155/2021-93