

ORDINANCE NO. 2017-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.110, "ESTABLISHMENT," TO UPDATE REFERENCES TO THE PROPER CODE SECTIONS; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO INCREASE THE NUMBER OF MEMBERS OF THE ZONING BOARD OF APPEALS AND TO PROVIDE FOR NOMINATION OF A MEMBER BY THE MAYOR, TO INCREASE THE REQUIREMENT FOR A QUORUM AND TO REVISE THE NUMBER OF REQUIRED CONCURRING VOTES FOR APPROVAL OF VARIOUS DESIGNATED MATTERS BEFORE THE BOARD; 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 33.110, "Establishment," of Chapter 33, "Boards and Commissions," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ZONING BOARD OF APPEALS

§ 33.110 ESTABLISHMENT.

For provisions concerning the Zoning Board of Appeals, see ~~Chapter sections 221 through 227 and § 155.022~~ § 155.2203.

SECTION 2. That Section 155.2203, “Zoning Board of Appeals (ZBA),” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2203. ZONING BOARD OF APPEALS (ZBA)

...

C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

1. Membership and Appointment

- a. The ZBA shall consist of ~~five~~ six regular voting members and three alternate members, appointed by resolution of the City Commission as a whole.
- b. Appointed regular voting members shall include one person member nominated by the Mayor and one member nominated by each City Commissioner from among residents of the City Commissioner’s district-provided, however, that a Commissioner may nominate a person who does not reside in the City Commissioner’s district on determining such person would better serve the public interest.

...

G. QUORUM AND NECESSARY VOTE

1. Quorum

~~Four~~ Five members of the ZBA shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

2. Voting

The concurring vote of ~~four~~ five members of the ZBA shall be necessary to approve a Special Exception, Major Temporary Use Permit, or Interim Use Permit, grant any Variance, or approve any appeal reversing or modifying a decision. An affirmative vote of the majority of board members present and constituting a quorum shall be required for all other decisions.

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SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other 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 upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
11/29/16
L:ord/ch33/2017-59