



P. O. Drawer 1300  
Pompano Beach, FL 33061

Phone: (954) 786-5535  
Fax: (954) 786-7836


---

### MEMORANDUM

DATE: December 12, 2016

TO: Robin Bird, Director of Development Services  
Jennifer Gomez, Assistant Director of Development Services

FROM: Max Wemyss, CRA/RMA Jr. Planner  
Natasha Alfonso-Ahmed, RMA Urban Design Director

THRU: Kim Briesemeister, CRA Executive Director   
Chris Brown, CRA Executive Director

RE: **Memo 16-528** Land Usage Code Amendment Coordination  
Proposed Revisions to Zoning Code regarding Zoning Board of Appeals

CRA Position:  
The CRA supports this item moving forward.

CRA Comment:  
The Community Redevelopment Agency (CRA) has reviewed the proposed revisions to the Zoning Code regarding the Zoning Board of Appeals and we have no concerns or objections to granting the Mayor the power to nominate one regular member of the ZBA. The CRA also has no concerns or objections with increasing the number of members required for a quorum in order grant a Special Exception, Major Temporary Use Permit, or Interim Use Permit, grant any Variance, or approve any appeal reversing or modifying a decision from four members to five.

Proposed Action:  
None.

---



# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-528

DATE: November 30, 2016

TO: Kim Briesemeister, CRA Co-Executive Director

VIA: Robin M. Bird, Director of Development Services *RS*  
Jennifer Gomez, Assistant Director of Development Services *JG*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Land Usage Code Amendment Coordination  
Proposed Revisions to Zoning Code regarding Zoning Board of Appeals

Per City of Pompano Beach Administrative Policy #142.02, a copy of a proposed text amendment is being forwarded to the CRA for the CRA to review, comment and reach an agreement.

**Please note, this item is scheduled for the December 21, 2016 Planning and Zoning Board Hearing. Therefore your comments are needed ASAP.**

The Zoning Code empowers four advisory boards to administer and review applications for a development permit. Each of the Boards has a specific number of regular voting members and alternate members. Additionally the nomination of the members varies per Board. Below are the four board and the *regular* membership as specified by the Zoning Code:

1. Zoning Board of Appeals (ZBA)
  - Five regular members total
  - One member nominated by each City Commissioner
2. Planning and Zoning Board (P&Z)
  - Seven regular members total
  - One member nominated by the Mayor
  - One member nominated by each City Commissioner
  - One member appointed by the City Commission as a whole
3. Architectural Appearance Committee (AAC)
  - Six regular members total
  - Six members appointed by the City Commission as a whole
4. Historic Preservation Committee (HPC)
  - Seven regular members total
  - Seven members appointed by the City Commission as a whole

Received  
Pompano Beach CRA  
2016 NOV 31 AM 9:46

As can be seen above, except for the ZBA, all of the City's elected officials are able to equally participate in the membership of the advisory boards. In the case of the ZBA, the Mayor is the only elected official who is not entitled to nominate a regular voting member.

The proposed text amendment, therefore, seeks to remedy this inequity by granting the Mayor the power to nominate one regular member of the ZBA. In conjunction with the increase of one regular member, the text amendments also propose to increase the quorum requirement from four to five members and the concurring vote from four to five members in order to grant a Special Exception, Major Temporary Use Permit, or Interim Use Permit, grant any Variance, or approve any appeal reversing or modifying a decision.

## § 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.