

ORDINANCE NO. 2017-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.2406, “SPECIAL EXCEPTION,” TO MODIFY REQUIREMENTS FOR APPROVAL OF APPLICATIONS FOR SPECIAL EXCEPTIONS; BY AMENDING 155.2420, “VARIANCE,” TO MODIFY REQUIREMENTS FOR APPROVAL OF APPLICATIONS FOR VARIANCES; BY AMENDING SECTION 155.2424, “APPEAL,” TO INCREASE THE NUMBER OF CONCURRING VOTES REQUIRED BY THE ZONING BOARD OF APPEALS FOR MODIFICATION OR REVERSAL OF APPEALS FROM THE DEVELOPMENT SERVICES DIRECTOR TO CONFORM WITH AN INCREASE IN THE NUMBER OF BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the membership of the Zoning Board of Appeals has, by separate ordinance, has been increased from five to six; and

WHEREAS, the number of concurring votes of Board Members to modify or reverse a decision of the Development Services Director must also be modified to provide for a super-majority vote as previously required; and

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 155.2406., “Special Exception,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§155.2406. SPECIAL EXCEPTION

...

C. SPECIAL EXCEPTION PROCEDURE

1. Step 1: Pre-Application Conference

Applicable (See Section 155.2301.).

...

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the ZBA, following a quasi-judicial public hearing (See Section 155.2307.), except that approval of an application for a Special Exception shall require the concurring vote of at least ~~four~~ five members of the ZBA.

...

SECTION 2. That Section 155.2420., “Variance,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§155.2420. VARIANCE

...

C. VARIANCE PROCEDURE

...

1. Step 1: Pre-Application Conference

Applicable (See Section 155.2301.).

...

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the ZBA, following a quasi-judicial public hearing (See Section 155.2307.), except that approval of an application for a Variance shall require the concurring vote of at least ~~four~~ five members of the ZBA.

...

SECTION 3. That Section 155.2424, “Appeal,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2424. APPEAL

...

C. APPEAL PROCEDURE

Step 1: Pre-Application Conference

Optional (See Section 155.2301.).

...

Step 7: Decision-Making Body Review and Decision

The following alternative procedures and standards shall apply:

a. Public Hearing and Review

...

c. Super-Majority Vote by the Zoning Board of Appeals

The concurring vote of at least ~~four~~ five members of the ZBA is required for the board to modify or reverse a decision or interpretation by the Development Services Director.

...

SECTION 4. 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 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2017.

PASSED SECOND READING this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

/jrm
12/19/16
L:ord/ch155/2017-72