

ORDINANCE NO. 2023- 28

**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 CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203., "ZONING BOARD OF APPEALS," TO PROVIDE FOR ADDITIONAL ALTERNATE MEMBERS; 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 155.2203., "Zoning Board of Appeals," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.2203. ZONING BOARD OF APPEALS (ZBA)

A. Establishment

The Zoning Board of Appeals (ZBA) is hereby established in accordance with state law.

...

C. Membership, Appointment, and Terms of Office

1. Membership and Appointment

- a. The ZBA shall consist of six regular voting members and ~~three~~ six alternate members, ~~appointed by resolution of the City Commission as a whole.~~
- b. ~~Appointed~~ One regular voting members ~~shall include~~ and one alternate member shall be nominated by the Mayor and one regular voting member and one alternate member shall be 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. All such nominees shall be appointed by resolution of the City Commission as a whole, by a majority vote.
- ~~c. Alternate members shall be appointed by the City Commission as a whole.~~
- ~~dc.~~ Each regular voting member and alternate member shall be a resident of the city.
- ~~ed.~~ Regular voting members and alternate members shall serve without compensation.

2. Terms

- a. Regular voting members and alternate members of the ZBA shall be appointed for a term which shall run concurrently with the term of the member of the City Commission who appointed them.
- ~~b. Alternate members shall be appointed for three year, concurrent terms.~~
- ~~eb.~~ Regular voting members and alternate members shall continue to serve until their successors are appointed.

3. Alternate Members

The Chair or staff designee of the ZBA shall be authorized to assign one of the ~~three~~ six alternate members to serve as a substitute for a regular voting member who is temporarily absent or disqualified, in accordance with the following:

- a. The Chair or staff designee shall rotate assignments among the alternate members unless the unavailability of alternate members makes such rotation impossible.

- b. No alternate member may serve as a substitute member for the same regular voting member for a period of more than three consecutive months.
- c. No more than ~~two~~ three alternate members may serve as substitute members at any one time.

...

5. Vacancies

- a. _____ Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only; ~~in accordance with the following:~~
- ab. A vacancy in the term of a regular voting member or alternate member shall be filled by the City Commissioner in whose district the appointment originated, with approval by resolution of the City Commission.
- b. ~~A vacancy in the term of an alternate member shall be filled by the City Commission as a whole.~~

...

SECTION 2. If any provision of this Ordinance or its application to any person 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 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 10th day of January, 2023.

PASSED SECOND READING this 24th day of January, 2023.

DocuSigned by:

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REX HARDIN, MAYOR

ATTEST:
 DocuSigned by:

 D1C913A8ED334CA...
KERVIN ALFRED, CITY CLERK

JES:MEB/jrm
1/11/23
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