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CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE NEW ZONING CODE, CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2202, "CITY COMMISSION," TO PROVIDE FOR APPEALS TO THE CITY COMMISSION FROM DECISIONS BY THE PLANNING AND ZONING BOARD ON MAJOR SITE PLAN APPLICATIONS, FROM DECISIONS BY THE ARCHITECTURAL APPEARANCE COMMITTEE ON MAJOR BUILDING DESIGN APPLICATIONS AND FROM DECISIONS BY THE HISTORIC PRESERVATION COMMITTEE ON MAJOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS; BY AMENDING SECTION 155.2415, "INTERIM USE PERMIT," TO PROVIDE FOR APPEALS TO THE CITY COMMISSION OF FINAL DECISIONS OF THE ZONING BOARD OF APPEALS GRANTING APPLICATIONS FOR INTERIM USE PERMITS; BY AMENDING SECTION 155.2420, "VARIANCE," TO PROVIDE FOR APPEALS TO THE CITY COMMISSION OF FINAL DECISIONS OF THE ZONING BOARD OF APPEALS GRANTING APPLICATIONS FOR VARIANCE; AND BY AMENDING SECTION 155.2424, "APPEAL," TO PROVIDE FOR ADDITIONAL APPEAL FROM FINAL DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR BEFORE THE ZONING BOARD OF APPEALS AND TO MODIFY PROCEDURES FOR APPEAL FROM FINAL DECISIONS OF THE ZONING BOARD OF APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach ("City Commission") found it necessary to revise its Zoning Code of Ordinances ("Code") in order to update its zoning regulations and procedures; and

WHEREAS, the City Commission finds it now necessary to revise the City of Pompano Beach Zoning Code; and

WHEREAS, the City Commission finds that adoption of the amendments 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, 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 the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That the City of Pompano Beach Zoning Code is hereby amended as provided in Exhibit "A," attached hereto and made a part hereof.

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 January 1, 2013.

PASSED FIRST READING this 8th day of January, 2013.

PASSED SECOND READING this 11th day of December, 2012.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

EXHIBIT "A"

ARTICLE 2: ADMINISTRATION

155.2202. CITY COMMISSION

A. DECIDE APPLICATIONS FOR DEVELOPMENT PERMIT

~~10. Appeal of decisions by the Zoning Board of Appeals on granting a Special Exception, Variance, and/or Interim Use applications, the Planning and Zoning Board on Major Site Plan applications, the Architectural Appearance Committee on Major Building Design applications, and the Historic Preservation Committee on Major Certificate of Appropriateness applications (Sec. 155.2424).~~

11. Appeal of decisions by the Planning and Zoning Board on Major Site Plan applications (Sec. 155.2424).

12. Appeal of decisions by the Architectural Appearance Committee on Major Building Design applications (Sec. 155.2424).

13. Appeal of decisions by the Historic Preservation Committee on Major Certificate of Appropriateness applications (Sec. 155.2424).

155.2415. INTERIM USE PERMIT

E. APPEAL

A party aggrieved by the final decision of the ZBA on granting an application for an Interim Use Permit may appeal the decision to the City Commission in accordance with the procedures in Section 155.2422, Appeal.

155.2420. VARIANCE

E. APPEAL

A party aggrieved by the final decision of the ZBA on granting an application for a Variance may appeal the decision to the City Commission in accordance with the procedures in Section 155.2424, Appeal.

155.2424. APPEAL

B. RIGHT TO APPEAL

1. Parties aggrieved by a final decisions by the Development Services Director. ~~A party aggrieved by a final decision by the Development Services Director identified in Table 155.2424.B, Appellate Boards for Appeals of Development Services Director Decisions, may appeal the decision to the appellate board identified in the table as responsible for reviewing such appeals, in accordance with this section.~~

A party aggrieved by a final decision by the Development Services Director identified