

07.15

ORDINANCE NO. 2017- 05

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

**AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2308, "POST DECISION ACTIONS AND LIMITATIONS," TO TOLL THE RUNNING OF THE EXPIRATION TIME PERIOD FOR ANY DEVELOPMENT ORDER DURING THE TIME PERIOD THE SUBJECT PROPERTY IS UTILIZED BY A GOVERNMENT ENTITY FOR A PUBLIC PURPOSE; 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 155.2308., "Post-Decision Actions and Limitations," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.2308. POST-DECISION ACTIONS AND LIMITATIONS**

...

**E. TOLLING OF EXPIRATION TIME PERIOD DURING USE BY GOVERNMENT ENTITY FOR PUBLIC PURPOSE**

The running of the expiration time period for any development order shall be tolled during use of the property by a Government Entity

for a public purpose as demonstrated by an Interlocal Agreement, Lease, or similar legal document with the lawful owner of the property. The tolling period shall commence on the effective date of the Interlocal Agreement, Lease, or similar legal document. The tolling shall terminate upon the expiration of the Interlocal Agreement, Lease, or similar legal document, or the expiration of five years, whichever is sooner. The request for the tolling shall be made at least 45 days prior to the expiration of the Development Order, and shall be subject to approval by resolution of the City Commission.

**SECTION 2.** 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 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 10th day of October, 2016.

**PASSED SECOND READING** this 25th day of October, 2016.

  
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**LAMAR FISHER, MAYOR**

**ATTEST:**

  
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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
10/11/16  
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