

09.20

**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," BY AMENDING SECTION 155.2303., "APPLICATION SUBMITTAL AND ACCEPTANCE," AND SECTION 155.2304., "STAFF REVIEW AND ACTION," TO MODIFY TIME PERIODS FOR REVIEW OF APPLICATIONS FOR DEVELOPMENT PERMITS FOR CONSISTENCY WITH NEW STATE REQUIREMENTS; BY AMENDING APPENDIX C: FEE SCHEDULE, TO ESTABLISH A FEE FOR A WITHDRAWN APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**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 155.2303., "Application Submittal and Acceptance," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**§ 155.2303. APPLICATION SUBMITTAL AND ACCEPTANCE**

**F. DETERMINATION OF APPLICATION COMPLETENESS**

**1. Completeness Review**

On receiving an application for a development permit reviewed under this Code, the Development Services Director shall, within ~~five-business~~ 30 calendar days,

determine whether the application is complete or incomplete. A complete application is one that:

- a. Contains all information and materials established by the Development Services Director as required for submittal of the particular type of application;

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## **2. Application Incomplete**

- a. On determining that the application is incomplete, the Development Services Director shall notify the applicant of the deficiencies within the specified completeness review period. The applicant may correct the deficiencies and resubmit the application for completeness determination.
- b. If the applicant fails to resubmit an application within ~~45~~ 30 calendar days after being first notified of deficiencies, the application shall be considered withdrawn. A non-refundable \$100 administration fee will be applied to withdrawn applications, but all other fees will be refunded.

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## **3. Application Complete**

On determining that the application is complete, the Development Services Director shall accept the application for review in accordance with the procedures and standards of this Code. The timeframe and cycle for review of the application shall be based on the date the application is determined to be complete.

- a. Per Florida State Statute § 166.033, within 120 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development

order must include written findings supporting the municipality's decision.

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#### **H. APPLICATION WITHDRAWAL**

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#### **I. APPLICATION DENIAL**

On determining that the application is denied, the Development Services Director will provide written communication with findings supporting the denial. A project with an incomplete submittal will not be placed on the agenda of the decision-making body for board review.

1. If the applicant does not apply to the decision-making body within the submittal deadline period for the decision making authority, the application will be automatically denied at the 120 or 180 day deadline. Written communication will be sent to the applicant notifying them of the date of denial. Prior to the 120 or 180 day expiration, both parties may agree to a reasonable request for an extension of time in accordance with the procedures above. If denied, the applicant will have the option to request a waiver of time limitations and submit a new application in accordance with the procedures in § 155.2308.D, Limitation on Subsequent Similar Applications.

**SECTION 2.** That Section 155.2304., "Staff Review and Action," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

#### **§ 155.2304. STAFF REVIEW AND ACTION**

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#### **B. STAFF REVIEW AND OPPORTUNITY FOR APPLICATION REVISION**

1. Before preparing a staff report or making a decision on an application (See Table 155.2304.C, Applications Subject to Staff Recommendation, and Table 155.2304.D, Applications Subject to Staff Decision.), the Development Services Director shall review the application, relevant support material, and any comments from the DRC and other staff and review agencies to which the application was referred.

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3. ~~The applicant shall respond to the notice either by requesting that the application be processed as submitted, or by submitting a revised application within 45 days after being notified of compliance deficiencies.~~
- 4 3. If the applicant fails to so respond to the ~~notice within this time period~~ deficiencies and revise the application to address them, or fails to receive an extension granted by the Development Services Director, the application shall be considered withdrawn and automatically denied at the 120 or 180 day deadline pursuant to Section 155.2303 I. Application Denial.

**SECTION 3.** That Appendix C: Fee Schedule ” of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**APPENDIX C: FEE SCHEDULE**

The following are the applicable fees for Applications for Development in the city

| TYPE OF APPLICATION   | FEE   |
|---|---|
| <b>I. CONCURRENCY</b> (Fee is part of Site Plan Review Fee) | \$0   |
| <b>II. OTHER DEVELOPMENT SERVICES APPLICATION</b>           |   |
| <b>A. Development of Regional Impact</b> (or equivalent)    | \$7,525   |
| ...   |   |
| <b>I. Site Plan and Building Design</b>                     |   |
| 1. Major Site Plan  |   |
| ...   |   |
| 4. Air Park Obstruction                                     | \$370 City fee +<br>Cost Recovery<br><br>\$5,000 Initial<br>cost recovery<br>deposit to cover<br>consultant<br>engineering fees<br>for meetings,<br>review, and staff<br>report |
| <u>5. City Fee for Withdrawn Applications</u>               | <u>\$100</u>  |
| ...   |   |

**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 25th day of February, 2020.

**PASSED SECOND READING** this 10th day of March, 2020.

  
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**REX HARDIN, MAYOR**

**ATTEST:**

  
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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
2/6/2020  
L:ord/ch155/2020-40