

ORDINANCE NO. 2012-64

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE NEW ZONING CODE, CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF ZONING DISTRICTS AND CATEGORIES; PROVIDING FOR CHANGES TO THE REGULATIONS OF PERMITTED, CONDITIONAL, AND PROHIBITED USES IN ALL ZONING DISTRICTS; PROVIDING FOR REGULATIONS OF DEVELOPMENT AND REDEVELOPMENT OF ALL STRUCTURES AND USES IN ALL ZONING DISTRICTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Article VII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such purposes; and

WHEREAS, the City Commission finds that the adoption of the revised City of Pompano Beach Zoning Code will incorporate innovative zoning regulation techniques, and will create a cohesive regulatory scheme which provides for ease of use and application of zoning regulations within the City; and

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning; and

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

WHEREAS, the City Commission finds that adoption of the City of Pompano Beach 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; 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 current City of Pompano Beach Zoning Code, Chapter 155, "Zoning Code," is hereby deleted in its entirety.

SECTION 3. That the City of Pompano Beach Zoning Code consisting of the text attached in Exhibit "A", is adopted in its entirety as the official zoning regulations governing zoning within the incorporated area of the City of Pompano Beach, Florida.

SECTION 4. That the repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 5. That whenever in the revised Zoning Code an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Zoning Code the doing of any act

is required or the failure to do any act is declared to be an unlawful violation of any such provision of such Zoning Code, said act(s) or failure to act shall be punished as provided in Section 10.99 of the Code of Ordinance of the City of Pompano Beach.

SECTION 6. 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 7. This Ordinance shall become effective January 1, 2013.

PASSED FIRST READING this 24th day of July, 2012.

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



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
7/9/12 - 5/3/12
L:ord/ch155/2012-269