

ORDINANCE NO. 2024-010

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AMENDING CHAPTER 13.5, ENTITLED “LAND DEVELOPMENT;” AMENDING ARTICLE IV, ENTITLED “LAND USE REQUIREMENT / IMPLEMENTATION” BY CREATING SECTION 13.5-43, TO BE ENTITLED “ZONING IN PROGRESS;” ESTABLISHING AN ADMINISTRATIVE AND LEGISLATIVE PROCEDURE WHEREBY THE TOWN MAY PLACE A TEMPORARY HOLD ON THE ISSUANCE OF DEVELOPMENT PERMITS AND APPROVALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR ZONING IN PROGRESS PROCEDURES; PROVIDING FOR TOWN COMMISSION REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, Florida Constitution, grants municipalities the power to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, the Town Commission seeks to establish a process whereby the Town may temporarily halt the acceptance or approval of any development applications for certain uses in the Town when the Town is studying such uses or considering amendments to the Town’s regulations related to such uses; and

WHEREAS, the Town Commission finds that establishing a zoning in progress process is essential to ensuring smart and controlled development for the Town; and

WHEREAS, the Town’s professional staff and consultants have reviewed the proposed zoning in progress procedures and recommend approval thereof; and

WHEREAS, the Town Commission finds it to be in the best interests of the citizens and residents of the Town to establish comprehensive procedures for zoning in progress, as set forth in

this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1: That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2: Chapter 13.5 entitled “Land Development” of the Code of Ordinances of the Town of Pembroke Park, Florida is hereby amended, by amending Article IV, entitled “Land Use Requirement / Implementation” by creating Section 13.5-43, to be entitled “Zoning in Progress” to read as follows:

Sec. 13.5-43 Zoning in Progress

(1) Purpose. The purpose of this section is to provide an administrative and legislative procedure whereby the Town can place a temporary hold on development permits and approvals if there are pending active efforts underway to study or amend this Code in a way that would preclude such permits and approvals should the pending amendment be adopted.

(2) Applicability

(a) From the time that the Town Manager determines that:

- (i) The Town is actively developing and processing a proposal to amend this Code in a way that would preclude permits and approvals of certain uses and development; and
- (ii) Authorization or approval of such uses and development before the proposed amendment is decided would be detrimental to the public interest, the Town shall not grant any develop permit or approval or accept any application for a development permit or approval, that authorizes or proposes development that would not be allowed under the proposed amendment to this Code.

(b) The determination of when a proposal to amend this Code is being actively developed and processed may be based on when the Town Commission first directed or requested the Town Manager to prepare the amendment in sufficiently

specific terms to understand the proposed amendment's impact on certain uses or forms of development, or when the Town Manager first recommended the amendment to the Planning and Zoning Board or the Town Commission in sufficiently specific terms to understand the proposed amendment's impact on certain uses or forms of development.

(3) Procedure

(a) Town Manager's Determination and Administrative Order

- (i) On making a zoning in progress determination in accordance with this section, the Town Manager shall immediately issue an administrative order that delineates a specific area affected by the proposed amendment and that:
 - (A) Prohibits the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment;
 - (B) Revokes any already issued development permits or granting of development approvals that would be precluded by the proposed amendment where no construction or substantial land development has started for the authorized development; and
 - (C) Prohibits the acceptance of any applications for development permits and approvals that would be precluded by the proposed amendment.
- (ii) The administrative order shall also revoke any development permits or approvals.
- (iii) All Town personnel shall comply with any such administrative order, which shall be effective until reversed or modified by resolution of the Town Commission or until the adoption of a Text Amendment or Rezoning implementing the proposed amendment.
- (iv) Notwithstanding the administrative order, the Town's Chief Building Official may authorize the issuance of building permits for non-deleterious items, - including, but not limited to, fences, repairs, utilities, maintenance, and like matters that are not directly affected by the proposed amendment.
- (v) On issuing the administrative order, the Town Manager shall schedule consideration of a resolution confirming the administrative order for the next available Town Commission meeting.

(b) Town Commission Confirmation of Town Manager's Determination

- (i) The Town Commission shall review the Town Manager's zoning in progress determination and decide whether to confirm or reject it.
 - (ii) If the Town Commission decides to confirm the Town Manager's zoning in progress determination, it shall adopt a resolution affirming the administrative order and prohibiting the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment, as well as the acceptance of any applications for such development permits and approvals. If the proposed amendment would be limited to a defined area (e.g. a rezoning), the Commission's resolution shall also identify the area to which the prohibition applies.
 - (iii) The Town Commission's resolution may fix a time within which the Town Manager shall report back to the commission with specific recommendations relating to the proposed amendment. The said time limitation shall be the minimum reasonable time based on the time needed for a comprehensive analysis of the need for an impacts of the proposed amendment. If the Town Manager is unable to complete the recommendations and report back to the Town commission within the prescribed time period, the Town Commission may adopt a resolution reasonably extended the time period.
- (c) Scheduling and Public Notice of Hearing. When preparing to submit recommendations relating to the proposed amendment to the Town Commission, the Town Manager shall schedule and provide required public notices for a Town Commission hearing on the recommendations in accordance with Sec. 286.011, F.S. and this Code.
- (d) Town Commission Review and Action
- (i) The Town Commission shall review the Town Manager's recommendation, hold a public hearing, and decide whether to refer the proposed amendment to the Town Manager to initiate a text amendment or rezoning pursuant to this Code.
 - (ii) In making its decision, the Town Commission shall consider the propriety of the Town Manager's recommendations, the reasonable necessity for the amendment, and the proposed amendment's potential impact on affected area(s) and the probability of detriment to the character of those areas by the continued application of the existing regulations. The commission's consideration shall be based on criteria that include, but are not limited to, the following:

- (A) Promotion of redevelopment and elimination of the causes of physical and economic blight;
 - (B) Enrichment of the visual and functional quality of the streetscape for all user groups;
 - (C) Creation of housing/affordable housing opportunities and choices by presenting innovative mixed land-use proposals;
 - (D) Creation of an environment which fosters economic development through commercial redevelopment/revitalization investment and job creation;
 - (E) Creation of opportunities and incentives that facilitate redevelopment of private property;
 - (F) Improvement of circulation for pedestrians, bicyclists and motorists;
 - (G) Maintenance of the Town's demographic make-up and enhancement of the community's competitive position within Broward County;
 - (H) Improper land use distribution; or
 - (I) Any other factor that has a deleterious effect on the quality of life of the residents of affected areas, economic viability; and overall environment.
- (e) Termination of Zoning in Progress; Determination and Orders. The zoning in progress determination and resulting prohibitions in a confirmed administrative order shall continue for six (6) months or until adoption of the amendment to the text of the Town Code or rezoning implementation of the proposed amendment, whichever is sooner.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: It is the intention of the Town Commission of the Town of Pembroke Park that the provisions in this ordinance shall become and be made a part of the Code of Ordinances of the town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered,

re-lettered, and the word “ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 5: If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

Section 6: This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2024.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2024.

ATTEST:

ASHIRA MOHAMMED
Mayor Commissioner

Suzi Reutlinger
Acting Town Clerk

Approved as to form and legal sufficiency

Jacob G. Horowitz
Town Attorney