

(B) For all non-single-family residential applicants, the Planning and Zoning Board shall perform the following duties and responsibilities:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any of the city building and zoning regulations.

(2) Hear and decide special exceptions to the city building and zoning regulations.

(3) Authorize, upon appeal in specific cases, such non-single-family residential variances from the city building and zoning regulations as will not be contrary to the public interest where, owing to special conditions, the literal enforcement of the city building and zoning regulations would result in unnecessary hardship.

(4) Permit or authorize a use which is not specifically or implicitly prohibited in a zoning district, when the Board finds that the use is similar in character to a use permitted in that district and is not listed as a permitted use in a less restricted district.

(5) Hear and decide on requests for appeals and requests for variances from the strict application of Chapter 152, the Floodplain Management Ordinance of the City of Pembroke Pines, Florida, and specifically §§ 152.060 through 152.067.

(6) In the granting of any relief under the powers of this section, the Board shall have the power to prescribe any conditions that it deems necessary to protect adjacent properties and neighborhood and to carry out the spirit and purpose of the city's zoning ordinances.

(7) The duties and responsibilities set forth in subdivisions (B)(1) through (6) shall be conducted in accordance with the process and procedures for all single family residential applicants as set forth in the Board of Adjustment provisions of this chapter. (Ord. 1697, passed 9-7-11; Am. Ord. 1786, passed 9-3-14; Am. Ord. 1802, passed 12-3-14)

§ 32.083 APPEAL OF BOARD DECISIONS.

(A) Decisions of the Planning and Zoning Board in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an **AFFECTED PERSON** as defined in § 37.02 based on lack of competent and substantial evidence to support the Board's ruling.

(B) Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or his or her designee, no later than noon on the seventh calendar day following the meeting at which the Planning and Zoning Board has rendered a final decision.

(C) The person filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than eight days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes that the Planning and Zoning Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the Commission meeting at which time the appeal shall be heard.

(D) The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.

(E) The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.

(F) Hearings before the City Commission are not trials de novo but rather appellate in nature. Appeals shall be limited to the written record and new additional evidence shall not be presented. For purposes of this subchapter, **COMPETENT AND SUBSTANTIAL EVIDENCE** shall mean evidence shall be deemed competent to the extent that it should be sufficiently relevant and material so that a reasonable person would accept it as adequate to support the conclusion reached. Evidence shall be deemed substantial if it will establish a substantial basis of fact from which the fact at issue can be

reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate to support the conclusion. (Ord. 1786, passed 9-3-14)

POLICE DEPARTMENT

§ 32.090 ESTABLISHMENT AND INTENT.

For provisions concerning the Police Department, see Charter § 4.11. For provisions concerning the Pension Fund for Firefighters and Police Officers, see §§ 34.35 through 34.63. (Am. Ord. 1697, passed 9-7-11)

§ 32.091 COMPLAINTS AGAINST POLICE OFFICERS.

(A) Complaints. Any complaint made by any person involving the actions or conduct of a police officer of the city shall be directed to the Chief of Police.

(B) Internal investigation unit. Upon receipt of a complaint, the Chief of Police shall refer the complaint to an internal investigation unit, the personnel of the unit to be designated by the Chief of Police from time to time as necessary to investigate complaints. It shall be the duty of the internal investigation unit to receive the complaint, index it in a book kept for that purpose and, as a fact-finding body, take statements from the complaint and witnesses, collect evidence, and, based on their findings, make a written report and recommendation to the Chief of Police. No member of the investigation unit may sit as a member of the Complaint Review Board arising out of the investigation. No interrogation of the accused officer shall be conducted except in compliance with F.S. § 112.532(1)(a) through (I).

(C) Chief of Police recommendation. The Chief of Police, upon receipt of the written report from the internal investigation unit, shall forward the report along with his written recommendation of action to be taken against the accused officer to the City Manager.

(D) City Manager action. The City Manager shall consider the report of the internal investigation unit, all evidence collected, and the recommendation of the Chief of Police in making any decision with respect to disciplinary measures, if any, to be taken against the accused officer. Notice of disciplinary action must be given the officer as provided by the employees' representation program.

(E) Appeal. In the event the accused officer feels aggrieved at the decision of the City Manager, he may elect, at his binding option and within the time limits provided by the employees' representation program, to follow the appeal procedure set forth in the program, or he may request that a Complaint Review Board as provided in F.S. § 112.532(2), be impaneled to hear his appeal.

(F) Complaint Review Board. At the demand of the accused, a Complaint Review Board shall be impaneled as provided by F.S. § 112.532(2). The Chairman of the Board shall be the third person selected by the representative of the city and the accused. The Chairman shall preside over the hearing. The accused officer shall be entitled to have counsel at his expense, to confront and cross-examine witnesses against him, and to present evidence in his behalf. The hearing shall be conducted in an informal manner, technical rules of evidence not being applicable. The city shall tape record the proceedings. The affirmative vote of two members of the Board shall be required as the decision of the Board. After deliberation of the Board, the finding of the Board shall be reduced to writing and submitted to the City Manager and the accused officer. The decision of the Board shall be binding on the City Manager.