



TOWN OF LAUDERDALE-BY-THE-SEA

AGENDA ITEM REQUEST FORM

Town Clerk

June White

Department Submitting Request

Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Nov 10, 2009	Oct. 30 (5:00 p.m.)	<input type="checkbox"/> Jan 26, 2010	Jan 15 (5:00 p.m.)	<input checked="" type="checkbox"/> March 23, 2010	Mar 12 (5:00 p.m.)
<input type="checkbox"/> Dec 1, 2009	Nov 20 (5:00 p.m.)	<input type="checkbox"/> Feb 9, 2010	Jan 29 (5:00 p.m.)	<input type="checkbox"/> April 13, 2010	April 2 (5:00p.m.)
<input type="checkbox"/> Dec 8, 2009	Nov 25 (5:00 p.m.)	<input type="checkbox"/> Feb 23, 2010	Feb 12 (5:00 p.m.)	<input type="checkbox"/> April 27, 2010	April 16 (5:00p.m.)
<input type="checkbox"/> Jan 12, 2010	Dec 31 (5:00 p.m.)	<input type="checkbox"/> Mar 4, 2010	Feb 19 (5:00p.m.)	<input type="checkbox"/> May 11, 2010	April 30 (5:00p.m.)

NATURE OF AGENDA ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Resolution | <input type="checkbox"/> New Business |
| <input type="checkbox"/> Report | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Manager's Report |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Attorney's Report |
| <input type="checkbox"/> Bids | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> Other |

EXPLANATION: Discussion and/or action regarding applications for Board Members

1. Board of Adjustments
2. Planning & Zoning Board

STAFF RECOMMENDATION:

BOARD/COMMITTEE RECOMMENDATION:

FISCAL IMPACT AND APPROPRIATION OF FUNDS:

- | | |
|---|--|
| <input type="checkbox"/> Amount \$ _____ | <input type="checkbox"/> Acct # _____ |
| <input type="checkbox"/> Transfer of funds required | <input type="checkbox"/> From Acct # _____ |
| <input type="checkbox"/> Bid | <input type="checkbox"/> Grant <input type="checkbox"/> Amount represents matching funds |

Deferred to May 11, 2010

Town Attorney review required

- Yes No

Town Manager's Initials: EW

B23
5-6-2010

**PROPOSED AMENDED
ORDINANCE 2010-05**

32 (1) *Established; composition, terms, qualifications of members; organizations;*
33 *noncompensatory service; meetings.* The Planning and Zoning Board, consisting of five
34 members and two alternates, is hereby created.
35

36 a. The Town Commission shall appoint five members and two alternates to the
37 Board who shall serve at the pleasure of the Town Commission and may be removed
38 by a majority vote of the Town Commission. The Town Commission shall also
39 designate the order of priority in which the alternates shall be called to serve upon the
40 absence of a regular member.
41

42 b. The Town Commission shall appoint members and alternates to the Planning and
43 Zoning Board in even numbered years to coincide with the election of the members of
44 the Town Commission. The members and alternates shall be appointed at the ~~first~~
45 second Town Commission meeting ~~in May~~ following each election. The term of
46 office for all members and alternates shall be two years from the date of appointment
47 expiring on ~~May 1 of~~ the date of the election, in all even-numbered years.
48

49 c. No member or alternate of the Planning and Zoning Board shall be an elected
50 official or employee of the Town. Each member or alternate of the Board shall be a
51 resident and qualified voter of the Town.
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53 d. The members or alternate of such Planning and Zoning Board shall serve without
54 compensation.
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56 e. A quorum shall consist of three voting members. The affirmative vote of a
57 majority of the quorum present and voting shall be required to take any Board action.
58

59 f. ~~The Town Commission~~ Planning and Zoning Board shall select a Chairman and
60 Vice-Chairman from among the members of the Planning and Zoning Board by a
61 majority vote, who shall serve in such capacity for the two-year term. The Chair or
62 Vice-Chair may be replaced by another majority vote of the Planning and Zoning
63 Board if the Chair or Vice-Chair resigns or is unable to continue his or her service
64 until the conclusion of the two-year term. If a Chair or Vice Chair is reappointed to
65 the Board following an election, he or she is eligible to be selected by a majority vote
66 of the new Board to serve as either its Chair or Vice-Chair. at the pleasure of the
67 ~~Town Commission and may be removed from such position by a majority vote of the~~
68 ~~Town Commission.~~ The Town Manager, Town Building Inspector, Town Attorney,
69 and other Town officials are considered as staff to the Town Planning and Zoning
70 Board, and may be called on from time to time to meet with said Board.
71

72 g. All meetings of the Planning and Zoning Board shall be held according to Florida
73 Statutes and shall be open to the public. Regular meetings of the Board shall be held
74 monthly at times specified by the Board. Special meetings may be called more often
75 as needed. Minutes of said meetings shall be kept and preserved.
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Section 3. Amending Code Regarding Board of Adjustment. Chapter 30, entitled

“Unified Land Development Regulations” of the Code of Ordinances of the Town of
Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-7, “Board of
Adjustment” as follows:

Sec. 30-7. Board of Adjustment.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidelines for the hearing of appeals from and rendering interpretative and advisory options to applicants and the Town Commission concerning any decision of an administrative official relative to the enforcement of the requirements of the Town's zoning regulations and the authorization of variances from the requirements of the Town's zoning regulations.

(b) *Creation and composition; qualifications and organization.* The Board of Adjustment, consisting of five members and two alternates, is hereby created.

(1) The Town Commission shall appoint five members and two alternates to the Board, who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

(2) The Town Commission shall appoint members and alternates to the Board of Adjustment in even-numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the ~~first~~ second Town Commission meeting ~~in May~~ following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on ~~May 1~~ of the date of the election, in all even-numbered years.

(3) No member or alternate of the Board of Adjustment shall be an elected official or employee of the Town. Each member or alternate of the Board of Adjustment shall be a resident and qualified elector voter of the Town.

(4) The members or alternate of such Board of Adjustment shall serve without compensation, but shall be paid for actual expenses incurred in performance of their duties as members or alternates of such Board as supported by invoices or vouchers, or such other evidence submitted in support of such expenses, to the extent permitted by law.

(5) A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action. The

119 Chairman, or Vice-Chairman in his or her absence, shall vote only in the event of a tie
120 vote but shall be considered a voting member for the purpose of establishing a quorum.
121

122 (6) The ~~Town Commission~~ Board of Adjustment shall select a Chairman and Vice-
123 Chairman from among the members of the Board of Adjustment by a majority vote, who
124 shall serve in such capacity for the two-year term. The Chair or Vice-Chair may be
125 replaced by another majority vote of the Board of Adjustment if the Chair or Vice-Chair
126 resigns or is unable to continue his or her service until the conclusion of the two-year
127 term. If a Chair or Vice Chair is reappointed to the Board following an election, he or
128 she is eligible to be selected by a majority vote of the new Board to serve as either its
129 Chair or Vice-Chair. at the pleasure of the Town Commission and may be removed from
130 such position by a majority vote of the Town Commission. The Board may create and fill
131 such other offices as it may determine to be necessary for the conduct of its duties.
132

133 (7) All meetings of the Board of Adjustment shall be held according to Florida Statutes
134 and shall be open to the public. Meetings of the Board shall be held as determined by a
135 resolution of the Board as needed.
136

137 * * * * *

138 **Section 4. Codification.** This Ordinance shall be codified in accordance with the
139
140 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
141 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
142 sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
143 changed to "section", "article" or such other appropriate word or phrase in order to accomplish such
144 intentions.

145 **Section 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held
146 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
147 way affect the validity of the remaining portions of this Ordinance.

148 **Section 6. Conflicting Ordinances.** All prior ordinances or resolutions or parts thereof in
149 conflict herewith are hereby repealed to the extent of such conflict.

150 **Section 7. Effective Date.** This Ordinance shall become effective immediately upon
151 passage on second reading.

152 Passed on the first reading, this ____ day of _____, 2010.

153 Passed on the second reading, this ____ day of _____, 2010.

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160 Attest:

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164 _____
June White, Town Clerk

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166 (Corporate Seal)

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168 Approved as to form:

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170

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172 _____
Susan L. Trevarthen, Town Attorney

Mayor Roseann Minnet

14.A.1

BOARD OF ADJUSTMENT

Board of Adjustment

<u>Member</u>	<u>Term Expires</u>	<u>Appointed by</u>
CHAIR: Thomas Carr 254 Miramar Avenue LBTS, FL 33308 HM (954)938-9076	04/01/10	Clottey/Silverstone
VICE CHAIR: Joseph Couriel 222 N. Tradewinds Ave. LBTS, FL 33308 HM (954)-491-5841 WK (305)691-1990 Cell (954)296-0767	04/01/10	Silverstone/Clottey
George Crossman 238 Corsair Ave LBTS, FL 33308 HM (954)776-0475	4/01/10	McIntee/Dodd
Carol Dickman 4900 N. Ocean Blvd. #1607 LBTS, FL 33308 HM (954)783-7421 Cell (954-683-9400	04/01/10	McIntee/Dodd
OPEN		
<u>1st Alternate</u> Helen Swinghammer 4050 N. Ocean Drive #1604 Ft. Lauderdale, FL 33308 HM (954) 491-0480 Cell (954) 495-6127	04/01/2010	Silverstone/Dodd
<u>2nd Alternate</u> OPEN		
<u>*Declined</u> Renee O'Neal Dave Gadsby Gail Schwartz Kenneth Mikos Charles Gress Mary Ann Corley	4/21/08 4/21/08 4/15/08 5/22/08 5/23/08 6/20/08	
<u>*Resigned</u> James Pollock	Waiting for Resignation Letter	

Updated 01/13/10

BOARD OF ADJUSTMENT APPLICATIONS

1. HENRY E. OVERTON
 2. VERENICE RAPAPORT
 3. HELEN SWINGHAMMER
-

TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: BOARD OF ADJUSTMENTS

Name of Applicant: HENRY E. OVERTON

Home Address: 1431 SO. OCEAN BLVD #50

Telephone: 954 675-4668 CELL

Occupation: REAL ESTATE MARKETING

Business Address: 4757 NO. OCEAN BLVD, LBTS

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? SEVEN YEARS

Are you presently serving on a board/committee? NO

If yes, which board/committee? _____

Would you consider serving on any other town board? _____

PLANNING & ZONING

Have you ever served on a town board? If yes, which board? _____

COMMUNITY BOARD: PRESIDENT OF PALM
YACHT & BEACH CLUB

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

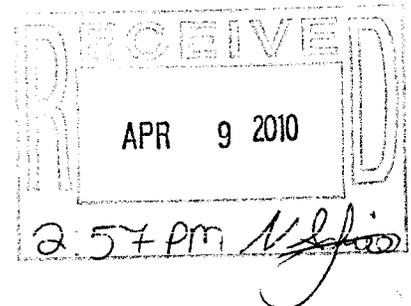
Education: B.S. ELECTRICAL ENG., MSTR BUS. ADMIN.

Experience: FLIGHT MANAGER FOR CONTINENTAL
AIRLINES.

Interests/Hobbies: PROPERTY REMODEL +
DEVELOPMENT

Signature of Applicant
[Handwritten Signature]

Name of Applicant (Printed)
HENRY OVERTON



Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: BOARD OF ADJUSTMENT

Name of Applicant: VERONICA RAPAPORT

Home Address: 5450 N OCEAN BLVD #48

Telephone: USFS FL 33308
954 651-0725

Occupation: SOCIAL WORKER

Business Address: BROWARD COUNTY EMPLOYEE

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? 15 YEARS

Are you presently serving on a board/committee? NO

If yes, which board/committee? _____

Would you consider serving on any other town board? YES

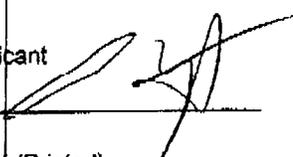
Have you ever served on a town board? If yes, which board? YES
SISTER CITIES

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: PERU - LAW SCHOOL
B.S. ENVIRONMENTAL SCI

Experience: MEMBERSHIP OF OTHER BOARDS
BOARD OF SISTER CITY PROGRAM WITH LAUDERDALE

Interests/Hobbies: RUNNING, SWIMMING

Signature of Applicant 

Name of Applicant (Printed)
VERONICA RAPAPORT

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: BOARD OF ADJUSTMENT

Name of Applicant: HELEN A. SWINGHAMMER

Home Address: 4050 N. OCEAN DRIVE #1604

Telephone: 954-491-0480

Occupation: ACCOUNTANT

Business Address: _____

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? 4 YEARS

Are you presently serving on a board/committee? YES - ALTERNATE

If yes, which board/committee? BOARD OF ADJUSTMENT

Would you consider serving on any other town board? YES

MASTER PLAN STEERING COMMITTEE

Have you ever served on a town board? If yes, which board? BOARD OF ADJUSTMENT

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: BACH. OF SCIENCE (ACCOUNTING MAJOR) UNIVERSITY OF TOLEDO

Experience: OVER 20 YEARS GOVERNMENTAL AUDIT / GRANT WRITER FOR NON-PROFITS

Interests/Hobbies: SAILING & FINE ARTS

Signature of Applicant
Helen A. Swinghammer

Name of Applicant (Printed)
HELEN A. SWINGHAMMER

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

CURRENT TOWN CODE
SEC. 30.7

- (4) *Recommendation of Board.* In each case where recommendation is made by the Town Planning and Zoning Board, the decision of the Board shall be recorded in the minutes of its meeting and thereafter the Recording Secretary of such Board shall prepare in triplicate upon appropriate forms supplied for such purposes a recommendation to be entered into evidence, and such recommendation shall set out with sufficient clarity and succinctness the exact recommendation made.
- (5) *Reapplication permitted after specified lapse of time.* The Town Planning and Zoning Board shall not entertain an application on any matter previously considered and upon which recommendations were made by the Board until two years have expired from the date of the entry of the previous recommendations by said Town Planning and Zoning Board; provided, however, that the applicant may make application after expiration of six months from the date of entry of the previous recommendations should there be a substantial change in circumstances, specifically alleged in said application, which change in circumstances affects the existing Town Planning and Zoning.
- (6) *Presentation to Town Commission within certain time.* Recommendations of the Town Planning and Zoning Board shall be presented to the Town Commission as scheduled by resolution.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 400, § 2, 4-28-98; Ord. No. 413, § 2, 12-8-98; Ord. No. 435, § 3, 4-25-00; Ord. No. 436, § 2, 4-25-00; Ord. No. 496, § 3, 6-11-02; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2008-20, § 1, 10-14-08)

Editor's note—Ord. No. 2008-20, § 1, adopted October 14, 2008, deleted former subsection 30-6(c)(2), and renumbered former subsections 30-6(c)(3)—(7) as subsections 30-6(c)(2)—(6) to read as herein set out. See also the Code Comparative Table.

* Sec. 30-7. Board of Adjustment.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidelines for the hearing of appeals from and rendering interpretative and advisory options to applicants and the Town Commission concerning any decision of an administrative official relative to the enforcement of the requirements of the Town's zoning regulations and the authorization of variances from the requirements of the Town's zoning regulations.

(b) *Creation and composition; qualifications and organization.* The Board of Adjustment, consisting of five members and two alternates, is hereby created.

- (1) The Town Commission shall appoint five members and two alternates to the Board, who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.
- (2) The Town Commission shall appoint members and alternates to the Board of Adjustment in even-numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the first Town

Commission meeting in May following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on May 1 of all even-numbered years.

- (3) No member or alternate of the Board of Adjustment shall be an elected official or employee of the Town. Each member or alternate of the Board of Adjustment shall be a resident and qualified elector voter of the Town.
 - (4) The members or alternate of such Board of Adjustment shall serve without compensation, but shall be paid for actual expenses incurred in performance of their duties as members or alternates of such Board as supported by invoices or vouchers, or such other evidence submitted in support of such expenses, to the extent permitted by law.
 - (5) A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action. The Chairman, or Vice-Chairman in his or her absence, shall vote only in the event of a tie vote but shall be considered a voting member for the purpose of establishing a quorum.
 - (6) The Town Commission shall select a Chairman and Vice-Chairman from among the members of the Board of Adjustment by a majority vote who shall serve in such capacity at the pleasure of the Town Commission and may be removed from such position by a majority vote of the Town Commission. The Board may create and fill such other offices as it may determine to be necessary for the conduct of its duties.
 - (7) All meetings of the Board of Adjustment shall be held according to Florida Statutes and shall be open to the public. Meetings of the Board shall be held as determined by a resolution of the Board as needed.
- (c) *Powers and duties.* The Board of Adjustment shall have the following powers and duties:
- (1) Administrative review and interpretation: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of the Town's zoning regulations.
 - (2) Variances: To make recommendations upon appeal in specific cases such variance from the terms of the Town's zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of such regulations would result in unnecessary hardship.
- (d) *Procedures for hearing appeals from administrative decisions.*
- (1) The party aggrieved by a decision of the Administrative Officer shall make application on forms to be provided by the Town for a review and interpretation of the regulation or law giving rise to the grievance. Upon filing of such application, the applicant shall pay the sum of \$900.00 to cover the costs of application, preparation of necessary information, publication of notice, and similar in-house employee expenses, plus any additional costs incurred by the Town for third-party contractors (such as the Town Attorney, the Town Planner and/or the Town Engineer). For any application which pertains to single-family residence, the application fee shall be \$350.00, plus any

additional costs incurred. Payment shall be made to the Clerk of the Board of Adjustments. Unless such application fee is paid and notice of application filled out in proper form, the Clerk shall not transmit the same to the Town Board of Adjustment for consideration. In the event the party aggrieved prevails on his challenge, the filing fee shall be refunded.

- (2) The application for review and interpretation shall set forth the request with sufficient detail to reasonably apprise the Board of Adjustment of the nature, extent and scope of the grievance and the particular regulation or law which the applicant claims to have been misinterpreted or misapplied.
 - (3) The Town Manager shall examine such application to determine whether all pertinent information has been provided and, upon finding same to be in order, shall, within 14 working days, forward same to the Board of Adjustment for consideration at the next regular meeting of such Board.
 - (4) The Board of Adjustment shall notify the applicant of the date set for a hearing on the application, and such a notice shall provide a minimum of seven calendar days before the applicable meeting. At the time of the hearing on the application, the Board shall allow both the applicant and the affected Administrative Officer to be heard.
 - (5) After receiving all relevant materials and information, the Board of Adjustment shall recommend an interpretation of the pertinent regulation or law, as applied to the applicant-grievant, to the Town Commission, and such interpretation made by the Town Commission shall be deemed binding on the affected administrative official.
- (e) *Procedures for hearing variance requests.*
- (1) The owner or the representative of the owner designated by a writing specifically authorizing an application in the owner's name for a variance on an identified parcel of land shall make application on forms to be provided by the Town.
 - (2) The application for variance shall set forth the request with sufficient detail to reasonably apprise the Board of Adjustment of the nature, extent, scope and purpose of the proposed variance and shall contain a survey or sketch and description.
 - (3) The Town Manager shall examine such application to determine whether all pertinent information has been provided and upon finding same to be in order shall, within 14 working days, forward same to the Board of Adjustment for consideration at the next regular meeting of such Board.
 - (4) The Board of Adjustment shall notify the applicant of the date set for a hearing on the application, and such notices shall provide a minimum of seven calendar days before the applicable meeting.
 - (5) At the time of the hearing on the application, the Board shall allow both proponents and opponents of the application to be heard.

- (6) After receiving all relevant materials and information, the Board of Adjustment shall either recommend approval or denial of the application by vote of a simple majority of the quorum present and voting. The Board of Adjustment may make a recommendation for approval of an application, subject to certain conditions or restrictions.

(f) *Alternate review by the Town Commission when Board is unable to meet.* In the event a meeting of the Board of Adjustment is scheduled and the Board of Adjustment fails to establish a quorum to consider an appeal or a variance, the applicant shall have the option to either:

- (1) Reschedule the pending application to the next available date that the Board of Adjustment can be convened; or
- (2) Waive hearing by the Board of Adjustment and elect to have the Town Commission consider the application at the next regularly scheduled Town Commission meeting, at which time the Town Commission shall exercise all of the powers and duties of the Board of Adjustment in disposing of the pending application.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 390, § 1, 7-8-97; Ord. No. 398, § 1, 10-28-97; Ord. No. 413, § 4, 12-8-98; Ord. No. 435, § 4, 4-25-00; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2008-19, § 1, 10-14-08; Ord. No. 2008-22, § 1, 10-14-08)

Sec. 30-8. Variances.

(a) *Purpose.* The purpose of this section is to provide minimum standards for applications for a variance and for an orderly system of review of application for variances from the effect of zoning regulations on property within the Town in order to accord the owners and users of such property with the due process of law guaranteed by the Constitution of the United States of America and the State of Florida. It is further the purpose hereof to provide for a set of procedures and standards to guide the Town Administration and Town Commission in the review of an application for variance and the approval or denial thereof.

(b) *Application.* A request for a variance shall be commenced by the filing of an application provided in subsection 30-8(e). Such applications shall be filed with the Town Clerk, who shall submit the same to the Board of Adjustment for review and recommendation thereon in accordance with the procedure established therefore.

(c) *Review of Board of Adjustment.*

- (1) The Board of Adjustment shall conduct quasijudicial hearings on applications for variances from the Town's land development regulations in accordance with the procedures set forth in section 30-13 of the Town's Code of Ordinances. Decisions of the Board of Adjustment are advisory to the Town Commission. A recommendation for approval by the Board of Adjustment confers no legal right to the applicant in the absence of subsequent approval by the Town Commission. Recommendations of the Board shall be reduced to writing in the form of Board minutes and shall contain express findings on each of the elements necessary for the granting of a variance as hereinafter set forth in section 30-8(e)(3).

14.A.1

PLANNING & ZONING BOARD



PLANNING AND ZONING BOARD

<u>Member</u>	<u>Term Expires</u>	<u>Appointed by</u>
<u>Chair:</u> Lawrence Wick 4900 N. Ocean Blvd, Apt. 1105 LBTS, FL 33308 HM 954-781-3075 Cell 954-290-1555 retirednut@aol.com	04/01/10	Clottey/Dodd
<u>Vice Chair:</u> Cristi Furth 4525 El Mar Dr LBTS, FL 33308 954-772-3336 <u>blueseas@comcast.net</u>	04/01/10	McIntee/Silverstone
Alfred Oldbaker 258 Tropic Dr LBTS, FL 33308 954-492-9998	04/01/10	Dodd/McIntee
Dennis Ritchie 3231 Oleander Way LBTS, FL 33308 HM (954)478-9116	04/01/10 as 2 nd alternate filled vacancy 4/15/09	Clottey/ Dodd
George Hunsaker 4629 Poinciana St. #321 LBTS, FL 33308 954-938-8249	04/01/10	Minnet/ Dodd
<u>1st Alternate:</u>		
OPEN		
<u>2nd Alternate:</u>		
OPEN		
<u>*Declined</u> Arthur Franczak	6/30/08	
<u>*Resigned</u> William Hubly Bridget Ryder	4/8/09 Waiting for Resignation Letter	

Updated 01/14/2010

PLANNING & ZONING BOARD APPLICATIONS

1. YANN BRANDT
 2. ARTHUR FRANCAZAK
 3. BEN FREENY
 4. CECIL T. HANES JR.
 5. GEORGE HUNSAKER
 6. ALFRED OLDAKER
 7. JOHN OUGHTON III
 8. DENNIS RITCHIE
 9. LAWRENCE WICK
 10. ERIC YANKWITT
-

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: Planning and Zoning

Name of Applicant: Yann Brandt

Home Address: 4537 West Tradewinds Ave, LBTS FL 33308

Telephone: 954-445-3026

Occupation: Renewable Energy Executive

Business Address: 2100 NW 21st Ave, Ft Lauderdale FL 33311

Are you a registered voter? Yes Are you a town resident? Yes

How long have you been a resident of the town? 10 out of the past 12 years

Are you presently serving on a board/committee? No

If yes, which board/committee? _____

Would you consider serving on any other town board? Yes

Have you ever served on a town board? If yes, which board? No

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

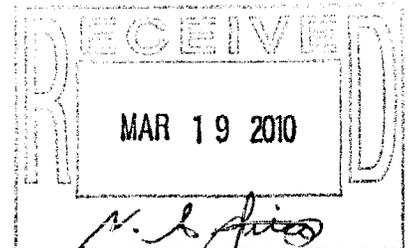
Education: B.S. Mechanical Engineering, The Johns Hopkins University

Experience: 5 years South Florida Building Construction
intimate knowledge of codes and standards

Interests/Hobbies: renewable energy, community involvement, travel

Signature of Applicant


Name of Applicant (Printed)
Yann Brandt



Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: ANY
Name of Applicant: ARTHUR FRANCAZAK
Home Address: 3210 CYPRESS CREEK
Telephone: 954 776 5555
Occupation: HOTEL MANAGER
Business Address: 4433 N. OCEAN DR
Are you a registered voter? YES Are you a town resident? YES
How long have you been a resident of the town? 15 YRS
Are you presently serving on a board/committee? NO
If yes, which board/committee? —
Would you consider serving on any other town board? YES

Have you ever served on a town board? If yes, which board? YES
P&Z 2008

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

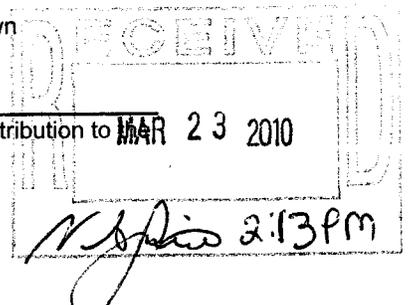
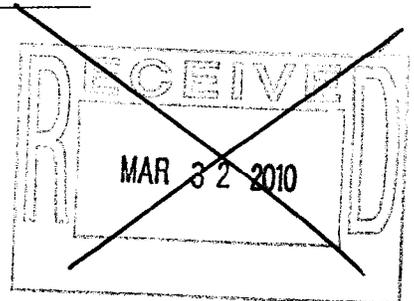
Education: B.S. CORNELL UNIVERSITY '99
M.Sc. w/ DISTINCTION LONDON SCHOOL OF ECONOMICS '00
Experience: RUNNING AND MANAGING HOTEL
IN TOWN
Interests/Hobbies: FISHING, TRAVEL, READING

Signature of Applicant


Name of Applicant (Printed)
ARTHUR FRANCAZAK

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to MAR 23 2010
Town Commission.



**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: PLANNING AND ZONING BOARD

Name of Applicant: BEN FREENY

Home Address: 4555

Telephone: 954-351-6888

Occupation: RETIRED

Business Address: N/A

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? 7 1/2 YRS

Are you presently serving on a board/committee? NO

If yes, which board/committee? N/A

Would you consider serving on any other town board? NOT AT THIS TIME

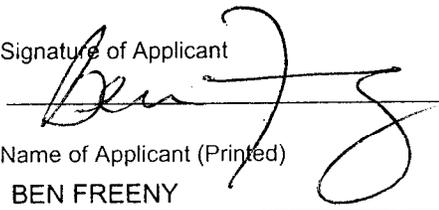
Have you ever served on a town board? If yes, which board? YES
PLANNING AND ZONING BOARD ALTERNATE

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: BS Accounting, 1981, Oklahoma State University

Experience: Public Accounting/Corporate Accounting: Audit, Tax, Information Technology, Consulting

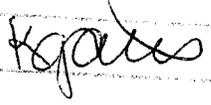
Interests/Hobbies: Horticulture, Travel

Signature of Applicant

Name of Applicant (Printed)
BEN FREENY

3/19/2010

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

MAR 19 2010


**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: PLANNING + ZONING BOARD

Name of Applicant: CECIL T. HANES JR.

Home Address: 4655 BOUGAINVILLE DR #3

Telephone: 786-251-3218

Occupation: CONSTRUCTION MANAGER

Business Address: 7051 SW. 12TH ST. MIAMI, FLORIDA

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? 1 MONTH

Are you presently serving on a board/committee? NO

If yes, which board/committee? N/A

Would you consider serving on any other town board? YES I AM
WILLING TO CONSIDER ANY OTHER BOARD OPENINGS

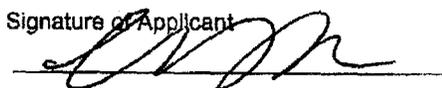
Have you ever served on a town board? If yes, which board? NO

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: HIGH SCHOOL, 4 YEAR CONSTRUCTION TRADE SCHOOL
APPRENTICESHIP, MISC. SEMINARS & COURSES

Experience: HAVE HAD EXPERIENCE FROM MY CONSTRUCTION MANAGEMENT
CAREER WITH PLANNING + ZONING BOARDS WITH MANY DIFFERENT MUNICIPALITIES.

Interests/Hobbies: I AM AN AVID SCUBA DIVER COLLEGE
FOOTBALL FAN. I REALLY ENJOY ANYTHING I DO AS LONG AS I
CAN BE MYSELF.

Signature of Applicant


Name of Applicant (Printed)
CECIL T. HANES JR.

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Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: Planning & Zoning
Name of Applicant: George D Hunsaker
Home Address: 4629 Poinciana St. #321 LBTS
Telephone: 954-938-8249
Occupation: Retired
Business Address: _____
Are you a registered voter? Yes Are you a town resident? Yes
How long have you been a resident of the town? 6 yrs.
Are you presently serving on a board/committee? Yes
If yes, which board/committee? P+Z
Would you consider serving on any other town board? Yes

Have you ever served on a town board? If yes, which board? Yes
P+Z

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: Masters Business Administration

Experience: Auditor Bureau of Public Roads, US Dept. of Commerce
Pastor Volunteer Building Construction
Have reviewed Building Plans

Interests/Hobbies: Volunteer Building Repair
Construction

Signature of Applicant

George D Hunsaker

Name of Applicant (Printed)

George D Hunsaker

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Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: PLANNING AND ZONING
Name of Applicant: ALFRED OLDAKER
Home Address: 285 TROPIC DRIVE LBTS, FL 33308
Telephone: 954-492-9998
Occupation: SELF EMPLOYED
Business Address: _____
Are you a registered voter? YES Are you a town resident? YES
How long have you been a resident of the town? 16 YRS. 2 MOS.
Are you presently serving on a board/committee? YES
If yes, which board/committee? P+Z
Would you consider serving on any other town board? YES

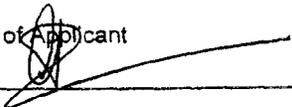
Have you ever served on a town board? If yes, which board? P+Z

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: MBA - FINANCE ; BS - ACCOUNTING

Experience: REAL ESTATE INVESTOR, REALTOR
EXEC V.P. OPERATION CORPORATE

Interests/Hobbies: HOME IMPROVEMENT, JOGGING
LANDSCAPING

Signature of Applicant


Name of Applicant (Printed)
ALFRED OLDAKER

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Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: PLANNING & ZONING, AS NEEDED
Name of Applicant: JOHN OUGHTON III
Home Address: 4615 WEST TRADEWINDS AVE, LAUDERDALE-BY-THE-SEA
Telephone: (954) 772-2071 (732) 267-0097 CELL FL 33308
Occupation: RETIRED IN 2005, BUT HAVE AND MANAGED REAL ESTATE
Business Address: SAME AS ABOVE INTERESTS IN FL, N.J. & M.S.

Are you a registered voter? YES Are you a town resident? YES

How long have you been a resident of the town? 6 YEARS

Are you presently serving on a board/committee? NO

If yes, which board/committee? _____

Would you consider serving on any other town board? YES BUDGET
& FINANCE BOARD/COMMITTEE

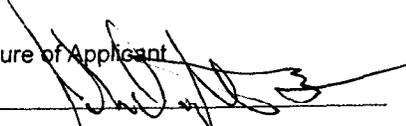
Have you ever served on a town board? If yes, which board? YES, TOMS RIVER N.J.
REGIONAL SCHOOL BOARD WITH A \$200M BUDGET.
MEMBER OF THEIR PURCHASING AND SALARY NEGOTIATING

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee. COMMITTEES

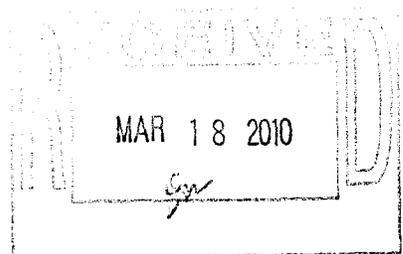
Education: SEE ATTACHED RESUME

Experience: SEE ATTACHED RESUME

Interests/Hobbies: U.S. COAST GUARD LIC. MASTER, NAUI CERTIFIED DIVER
GOLF, FISHING, DIVING

Signature of Applicant


Name of Applicant (Printed)
JOHN OUGHTON III



Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

JOHN OUGHTON III
4615 West Tradewinds Avenue
Lauderdale-by-the-Sea, FL 33308

Home: (732) 240-4321
(954) 772-2071

Cell: (732) 267-0097

SUMMARY

Thirty-five years of increasing management responsibilities and experience in commercial and fiduciary banking and the Wall Street/Brokerage community. A participative manager with the proven ability to build effective teams to plan, market, administer and increase market share, achieving major profit improvement. Frequent guest appearances on Bloomberg Radio and Television.

BUSINESS EXPERIENCE

SOVEREIGN BANK

1996-Present

Division Executive Vice President and Senior Investment Officer

As the Chief Investment Officer for the Trust & Wealth Management Division who's major responsibilities are for developing and maintaining the Equity, Fixed Income strategies and Economic Outlook for the Banks Trust client relationships of assets under management approximating \$1.2 Billion, up from \$220 million since 1996.

- Managed a staff of seven investment professionals and two administrative assistants
- Organized and implemented the Divisions Core List of Equities with ongoing revisions.
- Maintained a 1 rating by the Federal Bank Examiners. The only unit of the Division to do so for the previous three years.
- Responsible for and assisting New Business Team Members in closing over \$215 million of new clients generating fees approximating \$1.9 million.
- Conduct Economic, Investment and Estate Planning Seminars averaging 5 per year for individuals and professionals.
- Developed informative investment marketing materials that produced increased market share.

GARDEN STATE BANK

1989-1996

A subsidiary of Garden State Bancshares, Jackson, NJ

Acquired by Summit Bancorp 1996

Senior Vice President and Trust Officer

Prepared and submitted the business plan for the Trust Department to the Federal Deposit Insurance Corporation and the State of New Jersey Department of Banking, approvals granted March 1989. Developed and managed department staff from two in 1989 to seven in 1995. Revenues increased from \$11,100 in 1989 to \$645,000 in 1995. Earnings before taxes increased from a negative \$259,500 to a positive \$136,000 for the same period.

- Directed trust asset growth from zero dollars in 1989 to \$104 million.
- Closed personally \$46 million in trust current fee new business generating over \$260,000 in fee income annually.

- Organized and installed the department's trust accounting programs, money market funds for daily cash management, and security clearance systems.

CUSTODIAL TRUST COMPANY

1984-1989

**A subsidiary of The Bear Stearns Companies, Inc., NY, NY
President and Chairman of the Board**

Initiated the start up of the Bank for the primary purposes of functioning as the clearing bank for Bear Stearns broker dealer operations and to act as Master Trustee/Custodian for high networth individuals, major national and international pensions, insurance companies, foundations and endowment funds. Revenues increased from \$3,000 in 1984 to \$4.4 million in 1989. Earnings before taxes increased from a negative \$447,000 to a positive \$1.4 million for the same period.

- Increased revenues by \$900,000 as a result of having prepared marketing proposals and participating in the closing of major national and international trust accounts with assets approximating \$3 billion.
- Supervised trust asset growth from zero dollars in 1985 to approximately \$3.5 billion in 1989.
- Installed "Loannet System" that provided daily trust client report capabilities for securities loaned, indicating collateral, marked to market, and interest earned with loans averaging \$700 million daily.

FIRST NATIONAL BANK OF TOMS RIVER, NJ

1980-1984

**A Subsidiary of Statewide Bancorp, Toms River, NJ
Through 3 mergers now Wachovia Bancorp
Senior Vice President and Senior Trust Officer**

Turned around a Trust Division and restored its credibility with the Comptroller of Currency, Board of Directors and professional community. Responsible for growing trust assets through creative marketing and management programs from \$78 million to \$280 million with revenue increasing from \$247,000 to \$1,030,000. Managed a staff of 23 officers and 22 employees.

FIRST NATIONAL BANK OF MARYLAND, BALTIMORE, MD

1979-1980

Vice President and Trust Officer

Developed and implemented the institutional marketing programs for the Trust Division.

FLAGSHIP NATIONAL BANK OF MIAMI, FL

1973-1979

**(Merged into Sun Trust Banks, Atlanta, GA)
Vice President and Senior Corporate Services Officer
Managed the Pension/Corporate Trust Division.**

BANK OF NEW JERSEY, CAMDEN, NJ

1969-1973

Corporate Trust Administrator

GIRARD TRUST BANK, PHILADELPHIA, PA

1968-1969

Supervisor, Corporate Trust Department

EDUCATION

Institute of Certified Bankers Washington, D.C. Received Certified Trust and Financial Advisor Designation	1992
The Stonier Graduate School of Banking Rutgers University/American Institute of Banking Graduate Certificate	1985
Philadelphia University B.S. Business Administration Majors: Accounting & Marketing	1971

MILITARY SERVICE

Honorable Discharge United States Marine Corps	1962-1966
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CIVIC ACTIVITIES

- The Colonel Charles Waterhouse Historical Museum, Inc. Board of Trustees and Finance Committee
- St. Barnabas/Community Medical Center Foundation, Toms River, NJ, Board of Trustees and Member of the Investment and Planning Committees.
- Jersey Shore Council Boy Scouts of America, Heritage Foundation, Board of Trustees
- Toms River- Ocean County Chamber of Commerce, Former Chairman, Downtown Council, 1981-1983
- United Way of Ocean County, Board of Directors, Chairman Planned Giving Committee, 1989-1996
- Toms River Regional Board of Education, 1989-1992
- Ocean County Tourism Advisory Council, 1993-2003

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: Planning & Zoning

Name of Applicant: Dennis Ritchie

Home Address: 3231 Oleander Way

Telephone: 954-784-9495

Occupation: Construction Contractor

Business Address: 300 S.W. 25th, Ft Laud

Are you a registered voter? Yes Are you a town resident? Yes

How long have you been a resident of the town? 6 yrs

Are you presently serving on a board/committee? Yes

If yes, which board/committee? Pt 2

Would you consider serving on any other town board? Maybe

Have you ever served on a town board? If yes, which board? Pt 2

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: Bachelor of Bldg Construction,
Univ of Fla

Experience: State Gen Contractor
License

Interests/Hobbies: Auto Racing

Signature of Applicant
Dennis Ritchie

Name of Applicant (Printed)
Dennis Ritchie

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

**TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT**

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

Name of Board: PLANNING & ZONING

Name of Applicant: LAWRENCE W. WICK

Home Address: 4900 N. OCEAN BLVD Apt 1105

Telephone: 904-290-1555

Occupation: Retired

Business Address: _____

Are you a registered voter? Yes Are you a town resident? Yes

How long have you been a resident of the town? 8 years

Are you presently serving on a board/committee? Yes

If yes, which board/committee? P&Z

Would you consider serving on any other town board? Possibly

Have you ever served on a town board? If yes, which board? _____

P&Z: chairman, Board of Adjustment

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: (ONU) OHIO Northern University, business

Experience: President - E.M. Wick & Sons, President Regal Sales, Pres. Blue Ribbon Trans.

Interests/Hobbies: Volunteer work in the Community, Bennett House, & children's sake

Signature of Applicant
Lawrence W. Wick

Name of Applicant (Printed)
LAWRENCE W. WICK

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Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD APPOINTMENT

In order to assist the Town Commission in making municipal board appointments, the following information is requested:

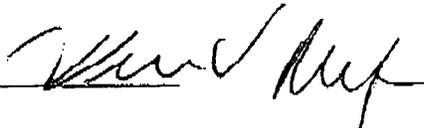
Name of Board: PLANNING + ZONING
Name of Applicant: ERIC YANKWITT
Home Address: 5450 N Olean Blvd # 48
LBIS FL 33308
Telephone: 954 000-2274
Occupation: ACCOUNTANT / LAWYER
Business Address: 2322 E Oakland Park Blvd
Ft Lauderdale FL 33306
Are you a registered voter? YES Are you a town resident? YES
How long have you been a resident of the town? 3 YEARS
Are you presently serving on a board/committee? NO
If yes, which board/committee? _____
Would you consider serving on any other town board? YES

Have you ever served on a town board? If yes, which board? NO

Please list your background experience, education and interests/hobbies which would qualify you to serve on this board/committee.

Education: LAW SCHOOL - ALBANY LAW
B.S DEGREE - SUNY ALBANY
Experience: BOARD MEMBER OF IDA PROGRAM, A CLUON
LAUDERHILL CHAMBER OF COMMERCE, SISTER CITIES
Interests/Hobbies: SPORTS, CHESS, MY DECADE DAUGHTER

Signature of Applicant



Name of Applicant (Printed)

ERIC YANKWITT

Making any false statements herein may be cause for removal by the Town Commission.

Please return this completed application to the Town Clerk's Office for distribution to the Town Commission.

Lauderdale-By-The-Sea Commission
Process for Choosing Boards and Committees
3/17/10

The current existing boards and committees in Lauderdale-By-The-Sea are comprised of the following entities and seats:

1. Master Plan Steering Committee: ⁹10 seats
2. Planning and Zoning: 5 seats, 2 alternates
3. Board of Adjustment: 5 seats, 2 alternates

Each Committee and/or Board will be filled by selection by the Town Commission following the selection process defined in this document. Once the Committees and/or Boards are filled they will vote amongst themselves to choose a chairman and vice chairman of their respective entities. The selection process for members will be as follows:

1. Notification for acceptance of applications for committees and boards will be posted in town hall, on the town website and through town topics and other local publications giving ample time to receive and review applicants.
 2. Applications will be forwarded to the Commission with no less than one week to review qualifications.
 3. The Commission will request a date to review and choose board and committee membership during a regularly scheduled Commission Meeting.
 4. During the time allotted for selection in the specified Commission meeting the Committee and Board members will be selected in the following order:
 - a. Master Plan Steering Committee
-

b. Planning and Zoning

c. Board of Adjustment

5. Each Commissioner will appoint a member beginning with the Commissioner at the far left of the dais (closest to the Town Clerk) and move directly to the Commissioner sitting at the right until the Commissioner at the far right of the dais has selected. Then, the selection process begins again with the Commissioner at the far left of the dais and continues in order until all seats and alternates are selected.
 6. Each Committee or board shall be filled by selection following the order above. Once all seats are filled for each Committee or Board the selection process will continue with the next Committee or board beginning with the Commissioner next in order.
 7. Once all seats are filled for all boards and committees the Commission will set a date for the first meeting for each and a date for a first update back to the Commission.
 8. Any Board or Committee Member, or Alternate, that must be replaced will be replaced by an appointment by the Commissioner that originally appointed outgoing member or alternate.
-

CURRENT TOWN CODE
SEC. 30.6

ARTICLE I. IN GENERAL

Secs. 30-1—30-4. Reserved.

Sec. 30-5. Comprehensive Plan adopted.

Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq., the Town of Lauderdale-By-The-Sea Comprehensive Plan, as hereby prepared by the local planning agency, and including but not limited to:

- (1) Goals, objectives, and policies for ten elements, including coastal management; conservation; intergovernmental coordination; capital improvements; economic development and redevelopment; infrastructure; housing; future land use; traffic circulation; and recreation and open space;
- (2) Procedures for monitoring and evaluation of the comprehensive plan;
- (3) Requirements for capital improvements implementation;
- (4) The future traffic circulation map; and
- (5) The future land use map, all as adopted by Ordinance No. 311, is incorporated by this reference and is the official Comprehensive Plan for the Town.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2008-01, § 3(Exh. A), 9-12-08)

*** Sec. 30-6. Planning and Zoning Board.**

(a) *Generally.*

- (1) *Established; composition, terms, qualifications of members; organizations; noncompensatory service; meetings.* The Planning and Zoning Board, consisting of five members and two alternates, is hereby created.
 - a. The Town Commission shall appoint five members and two alternates to the Board who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.
 - b. The Town Commission shall appoint members and alternates to the Planning and Zoning Board in even numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the first Town Commission meeting in May following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on May 1 of all even-numbered years.
 - c. No member or alternate of the Planning and Zoning Board shall be an elected official or employee of the Town. Each member or alternate of the Board shall be a resident and qualified voter of the Town.

- d. The members or alternate of such Planning and Zoning Board shall serve without compensation.
 - e. A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action.
 - f. The Town Commission shall select a Chairman and Vice-Chairman from among the members of the Planning and Zoning Board by a majority vote who shall serve in such capacity at the pleasure of the Town Commission and may be removed from such position by a majority vote of the Town Commission. The Town Manager, Town Building Inspector, Town Attorney, and other Town officials are considered as staff to the Town Planning and Zoning Board, and may be called on from time to time to meet with said Board.
 - g. All meetings of the Planning and Zoning Board shall be held according to Florida Statutes and shall be open to the public. Regular meetings of the Board shall be held monthly at times specified by the Board. Special meetings may be called more often as needed. Minutes of said meetings shall be kept and preserved.
- (2) *Rules, regulations and procedures.*
- a. The Town Commission may by ordinance fix and determine procedure before the Town Planning and Zoning Board. Such Board shall adopt reasonable rules and regulations for the presentation of matters before such Board, may appoint committees to assist in research work or planning work, and may call in advisors or assistants from time to time as needed, which are not inconsistent with any ordinance relating thereto.
 - b. From time to time the Board shall have the right to recommend to the Town Commission that stenographers, typists, and clerical help be employed from time to time within the limits of the funds provided.
 - c. The Board shall have the right to incur miscellaneous expenses from time to time in preparing Town plans or amendments thereto and zoning provisions and amendments thereto.
 - d. However, no expenses shall be incurred prior to approval of the Town Commission and no member of the Board shall draw any compensation for his services.
- (3) *Clerk of the Board.* Upon recommendation of the Town Planning and Zoning Board, the Town Commission shall designate a Clerk of the Town Planning and Zoning Board, who shall receive such compensation as may be fixed and determined. It shall be the duty of the Clerk to keep an accurate record of the minutes of the meetings of the Board and to keep and preserve any and all records of the Board.
- (4) *Duties of the Board generally.* The Town Planning and Zoning Board shall have the following duties:
- a. To act in an advisory capacity to the Town Commission on questions relating to zoning and on matters of proposals to change zoning regulations, and to report its findings and recommendations on such proposals to the Town Commission;

- b. To study any existing Town plan, with the view to improving same as to provide for the development, general improvement, and probable future growth of the Town, and from time to time, make recommendations to the Town Commission for changes on the existing Town plan so as to incorporate new developments, for the adoption of a new Town plan;
 - c. To investigate and approve or disapprove all new plats to be presented to the Town Commission for approval;
 - d. To perform such other duties as may from time to time be assigned to such Board by the Town Commission.
- (5) Failure of Planning and Zoning Board to establish a quorum.
- a. In the event a meeting of the Planning and Zoning Board is scheduled and the Planning and Zoning Board fails to establish a quorum to consider an appeal or a variance, the applicant shall have the option to either:
 - 1. Reschedule the pending application to the next available date that the Planning and Zoning Board can be convened; or
 - 2. Waive hearing by the Planning and Zoning Board and elect to have the Town Commission consider the application at the next regularly scheduled Town Commission meeting, at which time the Town Commission shall exercise all of the powers and duties of the Planning and Zoning Board in disposing of the pending application.
 - b. The Town Administration shall promulgate appropriate forms and notices to insure that both the applicant and all interested parties effected by the application for review is placed on notice that an application may be disposed of by either the Planning and Zoning Board, or in the event the applicant elects to proceed to the Town Commission, by the Town Commission.
- (b) *Local Planning Agency.*
- (1) *Board-designated Local Planning Agency.*
- a. Authority. This section is enacted pursuant to, and in accordance with, provisions of F.S. ch. 163, (Local Government Comprehensive Planning Act of 1975).
 - b. Designation, establishment of local land planning agency. Pursuant to, and in accordance with, F.S. § 163.3174, (Local Government Comprehensive Planning Act of 1975), the Town Planning and Zoning Board for the Town of Lauderdale-By-The-Sea, Florida, is hereby designated and established as the Local Planning Agency for the Town of Lauderdale-By-The-Sea, Florida.
- (2) *Duties and responsibilities.* The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, F.S. §§ 163.3161 through 163.3211, shall:
- a. Conduct the comprehensive planning program and prepare the Comprehensive Plan or elements or portions thereof for the Town of Lauderdale-By-The-Sea, Florida, in accordance with the requirements provided by law;

- b. Coordinate said Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida as may be required by law;
 - c. Recommend said Comprehensive Plan or elements or portions thereof to the Town Commission of the Town of Lauderdale-By-The-Sea, Florida for adoption;
 - d. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, such changes in the Comprehensive Plan as may be required from time to time.
- (3) *Organization, rules, procedures of the Agency.* Members of the Local Planning Agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in Article VII of the Town Charter of the Town of Lauderdale-By-The-Sea, Florida.
- (4) *Public meetings and records.* All meetings of the Local Planning Agency shall be public meetings and all agency records shall be public records. The Local Planning Agency shall encourage public participation.
- (5) *Funding of Local Planning Agency.* The Town Commission of the Town of Lauderdale-By-The-Sea, Florida shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums so appropriated and other sums made available for use from fees, gifts, State or Federal grants, State or Federal loans, and other sources provided acceptance of loans or grants must be approved by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida.
- (c) *Applications, procedure and decision of the Board.*
- (1) *Decision of Board; copies required in triplicate; disposition.* The decision of the Town Planning and Zoning Board in every case submitted to it for consideration shall be in writing and shall set out with sufficient clarity and succinctness the exact recommendation and the findings upon which its recommendation is made, and the specific recommendation made by the Board and all such recommendations shall be on an appropriate form in triplicate so that one copy shall be kept by the Town Planning and Zoning Board, one copy shall be forwarded to the applicant.
 - (2) *Hearings before Board.* In all hearings before the Town Planning and Zoning Board, Robert's Rules of Order Revised, most recent edition, shall be followed, except when procedure outlined herein is inconsistent therewith, this procedure shall be followed:
 - a. The Presiding Officer of the Board shall open the hearing by announcing the purpose thereof, reading the application presented to the Board. He shall determine and state the length of time permitted each person discussing the subject. Following this, the applicant or his legal representative shall be

recognized and invited to amplify the details outlined in the application, pointing out the change desired, the purpose of this appeal and his opinion of the result to be attained for the good of the community if this request is granted. Supporting proponents of the request, after giving their names and address, shall be recognized and given the opportunity to speak in its behalf.

- b. Following the presentation of the applicant's proposal, property owners and residents of Lauderdale-By-The-Sea, having objection to the proposal, shall have the opportunity to register their disapproval in the same manner as outlined above for the applicant and his supporters.
 - c. After all parties desiring to do so have had the opportunity to express their opinions, the Presiding Officer shall then read all correspondence received pertaining to the case both in support of it and against it.
 - d. Throughout the hearing, members of the Board shall, for their own information, be at liberty to question any person on any phase of the subject; however, Board members shall reserve their personal opinions for or against the subject during the subject discussion.
 - e. A period of rebuttal to positions taken by both sides of an issue shall be provided for those interested, following which the Board's Presiding Officer shall declare the discussion period terminated. The members of the Board will then counsel among themselves, studying maps, plats and associated data and reviewing the previous testimony, in an effort to arrive at a recommendation which will be determined by a voice vote on the roll call of the Board and be carried by majority. The Board shall have the privilege of deferring a decision to a later date to be specified at the hearing by the Board Chairman. No further notice by publication shall be necessary.
- (3) *Application; fee.*
- a. All applications which require review by the Town Planning and Zoning Board pursuant to this chapter shall be made on an application form prescribed and furnished by the Clerk of the Town Planning and Zoning Board and shall be numbered and preserved as a permanent record.
 - b. Upon the filing of such an application, the applicant shall pay the sum of \$900.00 to cover the costs of application, preparation of necessary information, publication of notice, and similar in-house employee expenses, plus any additional costs incurred by the Town for third-party contractors (such as the Town Attorney, the Town Planner and/or the Town Engineer). For any application which pertains to single-family residence, the application fee shall be \$350.00, plus any additional costs incurred. Payment shall be made to the Clerk of the Town Planning and Zoning Board. Unless such application fee is paid and notice of application filled out in proper form, the Clerk shall not transmit the same to the Town Planning and Zoning Board for consideration.