



# AGENDA ITEM MEMORADUM

**Development Services**

**Linda Connors** *LC*

Department

Town Planner *LC*

<b>COMMISSION MEETING DATE (*) - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> March 13, 2012	March 2 <sup>nd</sup>

*\*Subject to Change*

- |                                       |   |                                       |   |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business         |

**FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**

**SUBJECT TITLE: Proposed Amendments to Chapter 30 establishing attendance requirements for the Planning and Zoning Board and Board of Adjustment.**

**EXPLANATION:** At the February 28, 2012 Commission meeting, the Commission appointed members to the Planning and Zoning Board and Board of Adjustment. At that time, the Commission asked staff to bring forward an amendment to the current code which would require a member to forfeit their position if three consecutive meetings were missed during a two-year term. Ordinance 2012-07 implements this request and is included as Exhibit 1 for your consideration.

Since the first reading, we have made additional changes to improve the efficiencies of these two boards. These changes include:

1. Deleting the section which allowed the chairperson of the Board of Adjustment, or vice-chair in his or her absence, to vote only in the event of a tie vote; and
2. Standardizing the language for both the Board of Adjustment's and Planning Board's meeting requirements to read that the Boards shall meet on an as-needed basis.

**RECOMMENDATION:** We recommend approval of Ordinance 2012-07.

**EXHIBIT 1:** Ordinance 2012-07

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials *CJA*



27 Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-6, "Planning and  
28 Zoning Board" as follows<sup>1</sup>:

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

30  
31 (a) *Generally.*

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

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

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

49  
50 c. No member or alternate of the Planning and Zoning Board shall be an elected  
51 official or employee of the Town. Each member or alternate of the Board shall be a  
52 resident and qualified voter of the Town.

53  
54 d. The members or alternate of such Planning and Zoning Board shall serve without  
55 compensation.

56  
57 e. A quorum shall consist of three voting members, The affirmative vote of a  
58 majority of the quorum present and voting shall be required to take any Board action.  
59 Any Board member or alternate who fails to attend three (3) consecutive meetings  
60 during a two-year term shall forfeit his or her position.

61  
62 f. The Planning and Zoning Board shall select a Chair and Vice-Chair from among  
63 the members of the Planning and Zoning Board by a majority vote, who shall serve in  
64 such capacity for the two-year term. The Chair or Vice-Chair may be replaced by  
65 another majority vote of the Planning and Zoning Board. If a Chair or Vice-Chair is  
66 reappointed to the Board following an election, he or she is eligible to be selected by  
67 a majority vote of the new Board to serve as either its Chair or Vice-Chair. The Town

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<sup>1</sup> Additions to the text are shown in underline. Text shown in double underline are additions to the text proposed between first and second reading. ~~Strikethrough~~ text is text proposed for deletion between first and second reading.

68 Manager, Town Building Inspector, Town Attorney, and other Town officials are  
69 considered staff to the Town Planning and Zoning Board, and may be called on from  
70 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 as needed ~~at times specified by the Board~~. Special meetings may be called  
75 more often as needed. Minutes of said meetings shall be kept and preserved.

76 \* \* \* \* \*

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78  
79 **Section 3. Amending Code Regarding Board of Adjustment.** Chapter 30, entitled

80 “Unified Land Development Regulations” of the Code of Ordinances of the Town of  
81 Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-7, “Board of  
82 Adjustment” as follows<sup>2</sup>:

83 **Sec. 30-7. Board of Adjustment.**

84  
85 (a) *Purpose.* It is the purpose of this section to provide procedures and guidelines for the  
86 hearing of appeals from and rendering interpretative and advisory options to applicants and  
87 the Town Commission concerning any decision of an administrative official relative to the  
88 enforcement of the requirements of the Town's zoning regulations and the authorization of  
89 variances from the requirements of the Town's zoning regulations.

90  
91 (b) *Creation and composition; qualifications and organization.* The Board of Adjustment,  
92 consisting of five members and two alternates, is hereby created.

93  
94 (1) The Town Commission shall appoint five members and two alternates to the Board,  
95 who shall serve at the pleasure of the Town Commission and may be removed by a  
96 majority vote of the Town Commission. The Town Commission shall also designate the  
97 order of priority in which the alternates shall be called to serve upon the absence of a  
98 regular member.

99  
100 (2) The Town Commission shall appoint members and alternates to the Board of  
101 Adjustment in even-numbered years to coincide with the election of the members of the  
102 Town Commission. The members and alternates shall be appointed at the second Town  
103 Commission meeting following each election. The term of office for all members and  
104 alternates shall be two years from the date of appointment expiring on the date of the  
105 election, in all even-numbered years.

106  

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<sup>2</sup> Additions to the text are shown in underline. Text shown in double underline are additions to the text proposed between first and second reading. ~~Strikethrough~~ text is text proposed for deletion between first and second reading.

107 (3) No member or alternate of the Board of Adjustment shall be an elected official or  
108 employee of the Town. Each member or alternate of the Board of Adjustment shall be a  
109 resident and qualified elector voter of the Town.  
110

111 (4) The members or alternates of such Board of Adjustment shall serve without  
112 compensation, but shall be paid for actual expenses incurred in performance of their  
113 duties as members or alternates of such Board as supported by invoices or vouchers, or  
114 such other evidence submitted in support of such expenses, to the extent permitted by  
115 law.  
116

117 (5) A quorum shall consist of three voting members. The affirmative vote of a majority  
118 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 Any Board member or alternate who fails to attend three (3) consecutive meetings during  
122 a two-year term shall forfeit his or her position.  
123

124 (6) The Board of Adjustment shall select a Chair and Vice-Chair from among the  
125 members of the Board of Adjustment by a majority vote, who shall serve in such capacity  
126 for the two-year term. The Chair or Vice-Chair may be replaced by another majority vote  
127 of the Board of Adjustment. If a Chair or Vice-Chair is reappointed to the Board  
128 following an election, he or she is eligible to be selected by a majority vote of the new  
129 Board to serve as either its Chair or Vice-Chair. The Board may create and fill such other  
130 offices as it may determine to be necessary for the conduct of its duties.  
131

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

136 \* \* \* \* \*

137  
138 **Section 4. Codification.** This Ordinance shall be codified in accordance with the  
139 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
140 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the  
141 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
142 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such  
143 intentions.

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

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

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

151           Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

152           Passed and adopted on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

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\_\_\_\_\_  
Mayor Roseann Minnet

First Reading            Second Reading

Mayor Minnet	_____	_____
Vice-Mayor Sasser	_____	_____
Commissioner Dodd	_____	_____
Commissioner Vincent	_____	_____
Commissioner Brown	_____	_____

166   Attest:

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168  
169   \_\_\_\_\_  
Town Clerk June White, CMC

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171   (Corporate Seal)

172  
173   Approved as to form:

174  
175   \_\_\_\_\_  
176   Susan L. Trevarthen, Town Attorney