Item No. 14k

# TOWN OF LAUDERDALE-BY-THE-SEA

## AGENDA ITEM REQUEST FORM

**Town Attorney**
Department Submitting Request

**Susan Trevarthen**
Dept Head's Signature

| | Commission Meeting Dates | Last date to turn in to Town Clerk's Office | | Commission Meeting Dates | Last date to turn in to Town Clerk's Office | | Commission Meeting Dates | Last date to turn in to Town Clerk's Office |
|---|---|---|---|---|---|---|---|---|
| ☐ | Nov 10, 2009 | Oct. 30 (5:00 p.m.) | ☐ | Jan 26, 2010 | Jan 15 (5:00 p.m.) | ☐ | March 23, 2010 | Mar 12 (5:00 p.m.) |
| ☐ | Dec 1, 2009 | Nov 20 (5:00 p.m.) | ☐ | Feb 9, 2010 | Jan 29 (5:00 p.m.) | ☒ | April 13, 2010 | April 2 (5:00p.m.) |
| ☐ | Dec 8, 2009 | Nov 25 (5:00 p.m.) | ☐ | Feb 23, 2010 | Feb 12 (5:00 p.m.) | ☐ | April 27, 2010 | April 16 (5:00p.m.) |
| ☐ | Jan 12, 2010 | Dec 31 (5:00 p.m.) | ☐ | Mar 4, 2010 | Feb 19 (5:00p.m.) | ☐ | May 11, 2010 | April 30 (5:00p.m.) |

**NATURE OF AGENDA ITEM**

☐ Presentation ☐ Resolution ☒ New Business
☐ Report ☐ Ordinance ☐ Manager's Report
☐ Consent Agenda ☐ Public Hearing ☐ Attorney's Report
☐ Bids ☐ Old Business ☐ Other

**EXPLANATION:** Discussion regarding Ordinance 2010-05 amending Chapter 30, United Land Development Regulations of the Code of Ordinances by amending the provisions applicable to the Planning and Zoning Board and the Board of Adjustments.

**STAFF RECOMMENDATION:**

**BOARD/COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT AND APPROPRIATION OF FUNDS:**

☐ Amount $_____ ☐ Acct # _____
☐ Transfer of funds required ☐ From Acct #_____
☐ Bid ☐ Grant ☐ Amount represents matching funds

RECEIVED
APR 2 2010
9:00 a.m.

Town Attorney review required
☒ Yes ☐ No

Town Manager's Initials: _____

Revised 1/14/2010

# ORDINANCE 2010-05

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING THE PROVISIONS APPLICABLE TO THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

**WHEREAS,** the Town Commission has held a properly advertised public hearing pursuant to Chapter 166, Florida Statutes; and

**WHEREAS,** the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, finds that it is in the best interest of the Town's citizens and residents to approve the proposed amendments to the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct, and are made a specific part of this Ordinance.

**Section 2.** **Amending Code Regarding Planning and Zoning Board.** 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 30-6, "Planning and Zoning Board" as follows:

**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~~ that is at least thirty (30) days 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 that their successors have been appointed, in 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~~ Planning and Zoning Board 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 until replaced by another majority vote of the Planning and Zoning Board. ~~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.

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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 Town Commission meeting ~~in May~~ that is at least thirty (30) days 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 that their successors have been appointed, 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

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~~ Board of Adjustment 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 until replaced by another majority vote of the Planning and Zoning Board. ~~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.

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

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

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

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

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

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

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150 _____
151 Mayor Roseann Minnet
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| | First Reading | Second Reading |
|---|---|---|
| 154 Mayor Minnet | _____ | _____ |
| 155 Vice Mayor Dodd | _____ | _____ |
| 156 Commissioner Clottey | _____ | _____ |
| 157 Commissioner Vincent | _____ | _____ |
| 158 Commissioner Sasser | _____ | _____ |

159 Attest:

160 _____
161 Town Clerk, June White

162 (CORPORATE SEAL)

163 Approved as to form:

164 _____
165 Susan L. Trevarthen, Town Attorney
166