

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.*

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.
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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.

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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.
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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.
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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.
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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.

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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.

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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.

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139 **Section 4. Codification.** This Ordinance shall be codified in accordance with the
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 11th day of May, 2010.

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

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Mayor Roseann Minnet

First Reading Second Reading

161 Mayor Minnet

Yay _____

162 Vice Mayor Dodd

Yay _____

163 Commissioner Clotey

Yay _____

164 Commissioner Vincent

Yay _____

165 Commissioner Sasser

Yay _____

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167 Attest:

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171 _____
June White, Town Clerk

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173 (Corporate Seal)

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175 Approved as to form:

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178 _____
179 Susan L. Trevarthen, Town Attorney