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Division 1. – Planning and Zoning Board

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Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

(1) Membership/quorum: The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:

(a) Zoning matters: The planning and zoning board shall consist of five members and a first alternate member and a second alternate member. One board member and or one alternate member appointed shall have education and/or experience in sustainability and resiliency, which may include environmental science (“resiliency member”). At least three of the members or alternates must be one of the following:

- 1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a construction project manager, construction superintendent or construction estimator;
- 2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience;
- 3. Certified planner (AICP) or a planning professional with a graduate degree in planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor's degree in planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience;
- 4. Florida-licensed landscape architect with at least three years of professional experience;
- 5. Registered interior designer with at least three years of professional experience;
- 6. Florida-licensed attorney with at least three years of professional experience;
- 7. Florida-licensed architect; or
- ~~8. Real estate developer with three years of professional experience, either as the principal or executive.~~

Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

86 (b) Alternate participation: Alternates shall be subject to the same attendance and  
87 participation requirements as members. Alternates may participate in all board  
88 discussions but may not vote unless sitting as a substitute for a member. In the event a  
89 member is absent or unable to participate in an item before the board, the first alternate or  
90 if the first alternate is unavailable, the second alternate, shall fill the absent or recused  
91 member's position for the duration of that member's absence. ~~Board members that are~~  
92 ~~absent or unable to participate in a board meeting shall be substituted for the duration of~~  
93 ~~the board member's absence by:~~

94  
95 1. the first alternate board member, or, if the first alternate board member is  
96 unavailable, by the second alternate board member, if the absent board member is  
97 not the resiliency member; or

98  
99 2. if the absent board member is also the resiliency member, an alternate that is a  
100 resiliency member, or, if no alternate board member is a resiliency member, any  
101 available alternate board member.

102  
103 (c) All board matters: One town commissioner shall be a liaison, non-voting  
104 representative without a vote at all planning and zoning board meetings.

105  
106 (2) Minimum board member qualifications: All board members must have been a town resident  
107 for a minimum period of one year, ~~except for the licensed architects, including the Florida-~~  
108 ~~licensed landscape architect, if applicable, who must have been a town residents for a minimum~~  
109 ~~period of six months.~~

110  
111 (3) Officers: The board shall elect one of its members as chairman and one of its members as  
112 vice-chairman, at its first regular meeting in April of each year. In the event of the resignation,  
113 removal, or inability of the chairman to serve, the vice-chairman shall succeed to the chairman  
114 position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-  
115 chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's  
116 absence, the vice-chairman shall preside. The chairman shall submit all board reports and  
117 recommendations to the town commission, by and through the chairman, vice-chairman or the  
118 town commission liaison member. The town shall provide a secretary for the board and the town  
119 clerk shall be custodian of all records, books and journals of the board.

120  
121 (4) Board member term(s): Each commissioner shall be responsible for one board member  
122 appointment. The first and second alternates shall be appointed at-large by the majority vote of  
123 the Commission present at the meeting. The term of each board member and alternate  
124 appointment shall begin on the last Thursday of April of the year in which the board member or  
125 alternate is appointed and end when a successor is appointed or on the last Thursday in April,  
126 whichever dates comes first. The term of any board member or alternate filling a vacancy created  
127 on the board as provided in paragraph (5) shall begin at the time of the appointment and end the  
128 last Thursday in April or whenever a replacement is appointed.

129  
130 (5) Vacancies: A vacancy shall exist: (1) on the date that any member or alternate ceases to  
131 possess the minimum required membership qualifications provided herein; (2) when a board

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132 member or alternate has been absent from three consecutive regularly convened board meetings  
133 or has been absent from five regularly convened board meetings within a board year; or (3) for  
134 members if the appointing commissioner resigns or his position otherwise becomes vacant  
135 during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term  
136 in the same manner as original appointments are made provided however, if the seat shall remain  
137 vacant longer than a three-month period for any reason, the town commission may collectively,  
138 by majority vote, appoint a temporary member until such commission position is filled in  
139 accordance with the Town Charter and Code.

140  
141 (6) General regulations governing members: Board members and alternates shall be appointed in  
142 accordance with all applicable state, county and town ethics laws, rules and regulations.  
143 Appointed members and alternates of the board shall not, during their term, hold any other public  
144 office, paid position or serve on any other board under town government, except as a temporary  
145 board member, or that of a voluntary fireman.

146  
147 (7) Expenditures; indebtedness: The town commission may authorize the expenditure by the  
148 planning and zoning board of such funds as the town commission may deem necessary to  
149 perform the requirements of this chapter. The town commission may appropriate from the  
150 general fund as set up in the annual budget and such sums as it may from time to time authorize  
151 the board to expend. The board may not incur indebtedness without prior commission approval.

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154  
155 **Section 3. Codification.** That it is the intent of the Town Commission that the provisions  
156 of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that  
157 the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be  
158 changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to  
159 accomplish such intentions.

160  
161 **Section 4. Severability.** That the provisions of this Ordinance are declared to be severable  
162 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be  
163 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,  
164 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the  
165 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

166  
167 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
168 resolutions, in conflict herewith, are repealed to the extent of such conflict.

169  
170 **Section 6. Effective Date.** That this Ordinance shall become effective on second reading.

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172 **PASSED** on first reading on the 26<sup>th</sup> day of May 2020.

173  
174 **PASSED AND ADOPTED** on second reading on the 9th day of June 2020.

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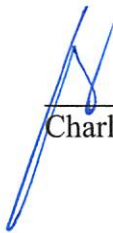
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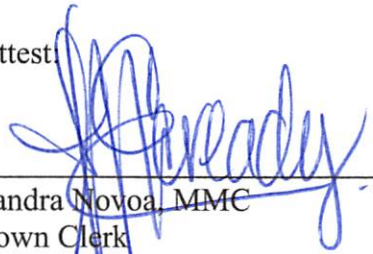
178 **First Reading:**  
179 Motion by: Commissioner Salzhauer  
180 Second by: Commissioner Velasquez  
181


182 **Second Reading:**  
183 Motion by: Vice Mayor Paul  
184 Second by: Commissioner Salzhauer  
185

186 **FINAL VOTE ON ADOPTION**  
187 Commissioner Nelly Velasquez Yes  
188 Commissioner Eliana Salzhauer Yes  
189 Commissioner Charles Kesl Yes  
190 Vice Mayor Tina Paul Yes  
191 Mayor Charles Burkett Yes  
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Charles Burkett, Mayor

198 Attest:   
199  
200  
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202 Sandra Novoa, MMC  
203 Town Clerk  
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205 Approved as to Form and Legal Sufficiency:  
206  
207   
208  
209 Weiss Serota Helfman Cole & Bierman, P.L.  
210 Town Attorney

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