

CHAPTER 19. COMMISSIONS; BOARDS

TABLE OF CONTENTS

ARTICLE 1. PLANNING COMMISSION 2

 Sec. 19.1.1. ESTABLISHMENT; COMPOSITION; APPOINTMENT; TERM OF OFFICE..... 2

 Sec. 19.1.2. RULES; MEETINGS; RECORDS..... 2

 Sec. 19.1.3. DISQUALIFICATION; APPEARANCE BEFORE CITY COMMISSION; BOARD OF ADJUSTMENT OR PLANNING COMMISSION AS AGENT OR ATTORNEY FOR ANY PERSON. 3

 Sec. 19.1.4. APPROPRIATIONS, FEES AND OTHER INCOME..... 3

 Sec. 19.1.5. FUNCTIONS, POWERS AND DUTIES; GENERAL..... 4

 Sec. 19.1.6. OBTAINING INFORMATION; ADDITIONAL POWERS. 5

ARTICLE 2. BOARD OF ADJUSTMENT. 5

 Sec. 19.2.1. ESTABLISHMENT; COMPOSITION; APPOINTMENT, TERM OF OFFICE..... 5

 Sec. 19.2.2. ELECTION OF CHAIR AND VICE-CHAIR; RULES; RECORDS AND PROCEDURES..... 6

 Sec. 19.2.3. APPROPRIATIONS AND FEES. 6

 Sec. 19.2.4. POWERS AND DUTIES; APPEALS; SPECIAL EXCEPTIONS; VARIANCES. 7

CHAPTER 19. COMMISSIONS; BOARDS

ARTICLE 1. PLANNING COMMISSION.

Sec. 19.1.1. ESTABLISHMENT; COMPOSITION; APPOINTMENT; TERM OF OFFICE.

- 19.1.1.1 A Planning Commission is hereby established, which shall consist of 7 members to be appointed by the City Commission, each for a term of 3 years, alternated so that at least one planning commission seat is vacated yearly. No person shall be appointed to the Planning Commission unless said person is a resident of the City.
- 19.1.1.2. No member of the Planning Commission shall hold any other public position or office in the government of the City; except, that one member of the Planning Commission may also be a member of the Board of Adjustment and that the Planning Commission members shall serve as members of the Local Planning Agency. Members shall be from among persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest.
- 19.1.1.3. Vacancies in Planning Commission membership shall be filled by appointment by the City Commission within 30 days of the vacancy for the unexpired term of the member affected. It shall be the duty of the chairman of the Planning Commission to notify the City Commission within 10 days after any vacancy shall occur among members of the Planning Commission.
- 19.1.1.4. Members of the Planning may be removed from office for cause by the affirmative votes of 3 members of the City Commission upon written charges and public hearing, if the member so affected requests such public hearing.
- 19.1.1.5. Members of the Planning Commission shall receive no salaries or fees for service on the Commission but may receive actual and necessary expenses incurred in the performance of their duties of office.
- 19.1.1.6. Absence from three (3) consecutive regular meetings of the Planning Commission shall operate to vacate the seat of a member, unless such absence is excused by the Commission setting forth the fact of such excuse duly entered upon the minutes.

Sec. 19.1.2. RULES; MEETINGS; RECORDS.

- 19.1.2.1. The Planning Commission shall select a Chair and a Vice-chair from among its members and may create such other officers at it may determine.

The Administrative Official shall be the permanent secretary of the Commission, and is authorized to delegate the administrative work to another. All regular members shall be entitled to vote in matters before the Planning Commission. Terms of all officers shall be for one year, with eligibility for reelection.

19.1.2.1. The Planning Commission shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the City Charter, Laws of Florida, the Land Development Regulations, and other pertinent City Codes. Such rules of procedure shall be available in a written form to persons appearing before the Planning Commission and to the public.

19.1.2.2. Meetings shall be held at the call of the chairman and at such other times as the Planning Commission may determine; provided, that the Commission shall hold at least one regularly schedule meeting each month, on a day to be determined by the Planning Commission unless there is no business to require such a meeting. Meetings that are not regularly scheduled shall not be held without at least 48 hours notice to each member.

19.1.2.3. The Planning Commission shall keep records of its proceedings showing the vote of each member, including the chairman or vice-chairman, or if absent or failing to vote indicating such fact. The Planning Commission shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the office of the Administrative Official.

19.1.2.4. A quorum for the transaction of business shall consist of 4 members.

Sec. 19.1.3. DISQUALIFICATION; APPEARANCE BEFORE CITY COMMISSION; BOARD OF ADJUSTMENT OR PLANNING COMMISSION AS AGENT OR ATTORNEY FOR ANY PERSON.

If any member of the Planning Commission called on to sit on a particular matter, shall find that his private or personal interests are involved in the matter coming before the Planning Commission, they shall disqualify themselves from all participation in that matter; or they may be disqualified by the votes of 4 members of the Planning Commission, not including the member about whom the question of disqualification has been raised. No member of the Planning Commission shall appear before the Planning Commission as agent or attorney for any person. No member of the Planning Commission shall appear before the Board of Adjustment or City Commission as agent or attorney for any person regarding any matter governed by the Land Development Regulations.

Sec. 19.1.4. APPROPRIATIONS, FEES AND OTHER INCOME.

The City Commission shall make available to the Planning Commission such appropriations as it may see fit for salaries, fees and expenses necessary in the conduct of Planning Commission work. The City Commission shall establish a schedule of fees to be charged by the Commission. The Commission shall have the authority to expend all sums so appropriated and other sums made available for its use from fees and other sources for the purpose and activities authorized by the Land Development Regulations.

Sec. 19.1.5. FUNCTIONS, POWERS AND DUTIES; GENERAL.

The functions, powers and duties of the Planning Commission in general shall be:

- 19.1.5.1. To acquire and maintain such data and analysis as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in the conditions in the City. Such data and analysis will include maps and photographs of man-made and natural physical features of the City, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important in determining the amount, direction and kind of development to be expected in the City and will further the purposes of the Elements of the Comprehensive Plan.
- 19.1.5.2. To prepare, adopt and recommend to the City Commission for adoption and from time to time amend and revise the Comprehensive Plan or Elements thereof for meeting present and future growth management requirements as may be forecast and/or necessary.
- 19.1.5.3. To establish principles and policies for guiding action affecting development in the City and its environs.
- 19.1.5.4. To prepare and recommend to the City Commission ordinances, land development regulations and other proposals promoting orderly development in compliance with the provisions of the Comprehensive Plan.
- 19.1.5.5. To determine whether specific proposed developments are consistent with the principles and requirements of the Comprehensive Plan.
- 19.1.5.6. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Elements of the Comprehensive Plan and any ordinances, codes and regulations adopted to implement the Plan, and to recommend establishment of public committees when deemed necessary for the purpose of collecting

and compiling information necessary for the Plan, or for the purpose of promoting and accomplishment of the Plan in whole or in part.

19.1.5.7. To make or cause to be made any necessary special studies on the location, adequacy and conditions of specific facilities in the City. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and the like.

19.1.5.8. To keep the City Commission and public informed and advised on these matters.

19.1.5.9. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the implementation of or amendments to the Comprehensive Plan.

19.1.5.10 To review and recommend action on special exceptions to the Board of Adjustment as set out in the Land Development Regulations.

Sec. 19.1.6. OBTAINING INFORMATION; ADDITIONAL POWERS.

All City employees shall, upon request and within a reasonable time, furnish to the Planning Commission or its employees or agents such available records or information as may be required in its work. The Planning Commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning Commission.

ARTICLE 2. BOARD OF ADJUSTMENT.

Sec. 19.2.1. ESTABLISHMENT; COMPOSITION; APPOINTMENT, TERM OF OFFICE.

19.2.1.1. A Board of Adjustment is hereby established, which shall consist of 7 members, to be appointed by the City Commission, each for a term of 3 years alternated so that one member seat is vacated yearly. No person shall be appointed to the Board of Adjustment unless said person is a resident of the City.

19.2.1.2. No member of the Board shall be an official or employee of the City.

19.2.1.3. Vacancies shall be filled by the City Commission within 30 days after the vacancy occurs for the unexpired term of the member affected. It shall be the duty of the Chair to notify the City Commission within 10 days after any vacancy shall occur among members of the Board.

19.2.1.4. Members of the Board of Adjustment may be removed from office for cause by the City Commission upon written charges and public hearing, if the member affected request such public hearing.

19.2.1.5. Members of the Board of Adjustment shall receive no salaries or fees for service on the Board but may receive actual and necessary expenses incurred in the performance of their duties of office.

Sec. 19.2.2. ELECTION OF CHAIR AND VICE-CHAIR; RULES; RECORDS AND PROCEDURES.

19.2.2.1. The Board of Adjustment shall elect a Chair and a Vice-chair from among its members and may create such other officers as it may determine. The Administrative Official shall be the permanent secretary of the Board, and is authorized to delegate the administrative work to another. All regular members, shall be entitled to vote in matters before the Board. Terms of all officers shall be for one year, with eligibility for reelection.

19.2.2.2. The Board shall adopt rules for transaction for its business, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.

19.2.2.3. Meetings of the Board shall be held at the call of the Chair and at such times as the Board may determine. Minutes of the Board shall be filed promptly in the office of the City Clerk. Copies of each application and appeal, notice of public hearing and resolution of the Board shall be forwarded to each member of the City Commission and Planning Commission.

Sec. 19.2.3. APPROPRIATIONS AND FEES.

The City Commission shall make available to the Board such appropriations as it may see fit for salaries, fees and expenses necessary in the conduct of the work of the Board. The City Commission shall establish a schedule of fees to be charged by the Board. The Board shall have the authority to expend all sums so appropriated and other sums made available for its use from fees and other sources for the purpose and activities authorized by the Land Development Regulations.

Sec. 19.2.4. POWERS AND DUTIES; APPEALS; SPECIAL EXCEPTIONS; VARIANCES.

- 19.2.4.1. The Board of Adjustment shall have the authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the applicable provisions of the Land Development Regulations. Appeals of this class may be taken by any person aggrieved or by any officer or bureau of the City so affected.
- 19.2.4.2. The Board of Adjustment shall have the authority to hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the Land Development Regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under the Land Development Regulations, or to deny special exceptions when not in harmony with the purpose and intent of the Land Development Regulations and the Comprehensive Plan.
- 19.2.4.3. The Board of Adjustment shall have the authority to authorize upon appeal in specific cases such variance from the terms of Chapter 5, Zoning and Subdivisions in Chapter 13 of the Land Development Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the applicable Land Development Regulations would result in unnecessary and undue hardship.