

## PLANNING AND ZONING BOARD MEMORANDUM STAFF REPORT

**MEETING OF:** AUGUST 15, 2016

**AGENDA NO.** VI. A

**AGENDA ITEM:** AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS BY AMENDING ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.1, "GENERAL PROVISIONS", SUBSECTION (A), "QUALIFICATIONS"; SECTION 2.2.2, "THE PLANNING AND ZONING BOARD", SUBSECTION (C), "COMPOSITION"; SECTION 2.2.3, "THE SITE PLAN REVIEW AND APPEARANCE BOARD", SUBSECTION "B", "COMPOSITION AND SPECIAL QUALIFICATIONS"; SECTION 2.2.4, "THE BOARD OF ADJUSTMENT", SUBSECTION "B", "COMPOSITION"; AND SECTION 2.2.6, "THE HISTORIC PRESERVATION BOARD", SUBSECTION "B", "COMPOSITION AND SPECIAL QUALIFICATIONS", TO PROVIDE THAT MEMBERS OF BOARDS BE ELECTORS OF THE CITY.

### ITEM BEFORE THE BOARD

The item before the Board is to recommend to the City Commission the amendment to the Land Development Regulations, Article 2.2 "Establishment of Boards Having Responsibilities for Land Development Regulations" Section 2.2.1, "General Provisions", Subsection (A), "Qualifications"; Section 2.2.2, "The Planning and Zoning Board", Subsection (C), "Composition"; Section 2.2.3, "The Site Plan Review and Appearance Board", Subsection "B", "Composition and Special Qualifications"; Section 2.2.4, "The Board Of Adjustment", Subsection "B", "Composition"; and Section 2.2.6, "The Historic Preservation Board", Subsection "B", "Composition and Special Qualifications", to provide that members of Boards be electors of the City, pursuant to LDR Section 2.4.5(M).

On July 12, 2016, the City Commission initiated an amendment to the Land Development Regulations to revise the qualification and composition requirements of the Boards having responsibilities for land development regulations. This amendment pertains to the Planning and Zoning Board, Site Plan Review and Appearance Board, The Board of Adjustment and The Historic Preservation Board. The proposed ordinance is consistent with Ordinance No. 23-16 amending Chapter 32, "Departments, Boards and Commissions" of the Code of Ordinances.

The proposed ordinance will to change the qualification requirements to prescribe that future Board members are electors as defined in Section 5.01 of the City Charter:

*Section 5.01. - ELECTORS. - Any person who is a resident of the municipality, who has qualified as an elector of this State, and who Registers in the procedural manner prescribed by general law and ordinance of the municipality, shall be a qualified elector of the municipality.*

## **Planning and Zoning Board Memorandum**

Ordinance 26-16: LDR Amendment - Article 2.2 Establishment Of Boards Having Responsibilities For Land Development Regulations.

The changes are noted below; underline indicates new language and ~~strikethrough~~ indicates text to delete.

### **Section 2.2.1(A): Qualifications**

(A) Qualifications: A member shall ~~either be a resident of, or own property on the City, and/or own a business within the City~~ an elector of, or own property on the City, as defined in Section 5.01 of the City Charter. Additional qualifications may be established for individual boards.

In order to ensure that the compositional requirements of the Boards are maintained, if there are no electors who meets the professional qualifications, the proposed ordinance allows that the City Commission to appoint a non-electer who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electer.

### **Section 2.2.2, "The Planning and Zoning Board":**

(C) Composition:

- (1) The Planning and Zoning Board shall consist of seven (7) members.
- (2) Each of four seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, engineer, developer, general contractor, land planner or land use attorney. The remaining three seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-electer who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electer.

### **Section 2.2.3, "The Site Plan Review and Appearance Board":**

(B) Composition and Special Qualifications:

- (1) The Site Plan Review and Appearance Board shall consist of seven regular members.
- (2) Each of five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, sign contractor, land planner or interior designer. The remaining two seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-electer who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electer.

## **Planning and Zoning Board Memorandum**

Ordinance 26-16: LDR Amendment - Article 2.2 Establishment Of Boards Having Responsibilities For Land Development Regulations.

### **Section 2.2.4, “The Board of Adjustment”:**

#### **(B) Composition:**

- (1) The Board of Adjustment shall consist of five regular members. In addition, there shall be two (2) alternate members. In the absence of a regular member, an alternative member shall be called to sit, and act in lieu of the regular member, by the Chairperson of the Board.
- 2) Each of three seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, engineer, developer, general contractor, or land planner. The remaining two seats shall be at large. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-electtor who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-electtor.

### **Section 2.2.6, “The Historic Preservation Board”:**

#### **(B) Composition and Special Qualifications:**

- (1) The Historic Preservation Board shall consist of seven members.
- (2) Each of five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, architectural historian, preservationist, land planner or interior designer. The appointing body shall endeavor to appoint electors of the City from as many disciplines as possible to the Board. If there are no applicants who are electors that meet the professional qualifications described above, the appointing body may appoint a non-electtor who meets the professional qualifications if, in its discretion, it determines that the City's interest would best be served by appointing a non-elector. Lay persons of knowledge, experience, and judgment who have an interest in historic preservation shall make up the balance of the Board. Lay persons may be considered if there is a lack of applicants are no applicants to fill the seats reserved for professionals. Preference should be given to professional and lay persons who own property within historic districts or whose property is individually listed in the Local Register of Historic Places.

Pursuant to LDR Section 2.4.5(M)(5), approval of an LDR amendment must be based upon a finding that the amendment is consistent with and furthers the Goals, Objectives, and Policies of the Comprehensive Plan.

The goals, objectives and policies of the Comprehensive Plan were reviewed and there are no applicable goals, objectives or policies noted. While the amendment does not specifically further the Goals, Objectives and Policies of the Comprehensive Plan it is not inconsistent with them.

**Planning and Zoning Board Memorandum**

Ordinance 26-16: LDR Amendment - Article 2.2 Establishment Of Boards Having Responsibilities For Land Development Regulations.

<b>RECOMMENDATION</b>
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By motion, recommend to the City Commission approval of Ordinance 26-16 that amends Article 2.2 "Establishment of Boards Having Responsibilities for Land Development Regulations", based upon positive findings with LDR Section 2.4.5 (M).

Attachments:

Proposed Ordinance