

Sec. 2-51. - Procedure for appointment and filling vacancies; qualification for membership of boards and commissions.

- (1) Except as otherwise provided in this Code, appointments on boards shall be filled by the city council in accordance with the following procedure:
 - (a) The city council may interview board members who desire reappointment, volunteers from the city manager's list, applicants and persons then in attendance regarding the vacancy to be filled.
 - (b) After the city council has completed such interviews, it shall, in public session, select the person needed to fill such vacancy. A motion appointing a person to a city board shall require an affirmative vote of not less than a majority of the city council membership for passage.
- (2) As a condition of eligibility for appointment and to serve as a member of any board, a person shall be a resident of the city and shall meet such other eligibility requirements as may be established by ordinance or resolution. The city council may waive the requirement of city residency or the requirement that a member be a qualified elector of the city if in its discretion it determines that the city's interests would best be served by appointing a nonresident or non-elect. However, residency in the city shall not be required for membership by any city employee on any of the following boards:
 - (a) Board of trustees, general employees pension plan;
 - (b) Board of trustees, police and firefighters retirement system;
 - (c) Historic preservation board.
- (3) Unless otherwise prohibited by law or ordinance, the city council may appoint a member of a board to 1 other board or commission if in the opinion of the city council such person is otherwise qualified for membership on such board or commission, and if the appointment does not result in dual membership on boards or commissions having more than advisory powers. No person may be appointed to membership on 2 or more of the following concurrently, for the whole or any part of a term:
 - (a) Board of adjustment;
 - (b) Board of trustees, general employees pension plan;
 - (c) Board of trustees, police and firefighters retirement system;
 - (d) Builders' board of adjustment and appeals;
 - (e) Civil service board;
 - (f) Community appearance board;

- (g) Contractors board;
 - (h) Planning and zoning board.
- (4) A board member may become eligible for appointment to a different board by:
- (a) Filing his/her conditional resignation with the city clerk, the effective date of which resignation shall be immediately upon appointment to a different board; or
 - (b) Filing an application to become a member of another board, and stating therein his/her intention to remain a member of the board on which the applicant is seated.
- (5) Nothing herein shall prevent the city council from appointing a member of a board to a different seat on the same board. The effect of such appointment shall be to create a new vacancy to be filled in the manner provided in this section.
- (Code 1966, § 2-152; Ord. No. 3902, § 1, 1-8-91; Ord. No. 3915, § 7, 4-23-91; Ord. No. 3989, § 2, 1-28-92; Ord. No. 4487, § 1, 1-25-00; Ord. No. 5185, § 1, 10-25-11; Ord. No. 5230, § 2, 3-28-13; Ord. No. 5283, § 1, 9-23-14)

Sec. 66-72. - Board membership.

- (a) *Qualifications.* Members of the architectural review and planning board shall be qualified electors of the town. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience in planning, law, architecture, landscape architecture, engineering, natural resource management, and related fields.
- (b) *Appointment.* The architectural review and planning board shall consist of five members and two alternate members appointed by the town commission. All members shall serve a three-year term.
- (c) *Terms of office.*
 - (1) The term of office for each member shall be three years. All qualifying members serving on the architectural review and planning board on the effective date of the ordinance from which this article derives may, at the discretion of the town commission, complete their terms according to their appointment.
 - (2) When a member is appointed to fill out the term of a departing member, that person's term will end at the time the departing member's term would have ended.
 - (3) A member may be reappointed for an additional three-year term; however, no member shall serve for more than three consecutive terms. This term limit shall also apply to alternate members. However, alternate members who are appointed to fill a full member position may serve up to three terms as a full member regardless of the number of terms served as an alternate.
- (d) *Removal from office.*
 - (1) Members shall serve at the pleasure of the town commission and may be removed by the town commission without cause at any time.
 - (2) In the event that any member is no longer a qualified elector, or is convicted of a felony, or an offense involving moral turpitude in office, the town commission shall terminate the appointment of such person as a member.
 - (3) If any member of the architectural review and planning board fails to attend three consecutive regular architectural review and planning board meetings without an excused absence, or four or more meetings within any 12-month period with or without an excused absence, the town commission shall terminate the appointment of such person as a member. Participation for less than $\frac{3}{4}$ of a meeting shall constitute lack of

attendance. A member who has been removed under this provision may be reinstated by the town commission. These provisions shall apply to alternate members only for those meetings for which they have been asked to serve.

- (4) Excused absence constitutes absence due to illness, absence from Palm Beach County, or personal hardship, if approved by a majority vote of the architectural review and planning board. Excused absence shall be entered into the minutes of the meeting.
- (5) Members removed from office shall be terminated immediately and not continue to serve until a new appointment is made by the town commission.

(e) *Vacancy.*

- (1) When a member resigns or is removed, an alternate member shall vote in the resigned or removed member's absence until a permanent member is appointed.
- (2) The town commission shall fill a vacancy within 60 days after it occurs.

(f) *Conflict of interest.*

- (1) *Generally.* No member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the architectural review and planning board.
- (2) *Implementation.* To implement this policy and strengthen the faith and confidence of the citizens of the town, members of the architectural review and planning board are directed:
 - a. Not to accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
 - b. To make known by written and oral disclosure, on the record at an architectural review and planning board meeting, any interest which the member has in any pending matter before the architectural review and planning board, before any deliberation on that matter;
 - c. To abstain from using membership on the architectural review and planning board to secure special privileges or exemptions;
 - d. To refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of confidential information acquired by membership on the architectural review and planning board not available to members of the general public, and refrain from using such information for personal gain or benefit;

- e. To refrain from accepting employment which might impair independent judgement in the performance of responsibilities as a member of the architectural review and planning board;
 - f. To refrain from accepting or receiving any additional compensation from any source other than the town for duties performed as a member of the architectural review and planning board;
 - g. To refrain from transacting business in an official capacity as a member of the architectural review and planning board with any business entity of which the member is an officer, director, agent or member, or in which the member owns a controlling interest;
 - h. To refrain from participating in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.
- (3) *Violation voids vote.* Willful violation of this subsection which affects a vote of the architectural review and planning board shall render that action voidable by the town commission.

(Ord. No. 95-1, § 1, 1-30-95)

Sec. 2. - City planning and zoning board; creation.

The city planning and zoning board is hereby created and established, consisting of five (5) members and an alternate. The five (5) members and alternate now serving on the planning and zoning board at the time of the adoption of this ordinance shall serve until the term of office to which each respectively was appointed shall expire and until their successors shall be appointed in accordance with Article II of the Charter. Said alternate shall have no voice and no vote until he is called by the city clerk to replace an absent regular member. Each member of the planning and zoning board shall be a resident and qualified elector of the City of Oakland Park. Any member of said board may be removed for cause by the affirmative vote of the city commission.

(Ord. No. O-87-9, § 3, 3-10-87)

2-67 - PLANNING AND ZONING BOARD.**2-67.1 Created.**

A Planning and Zoning Board composed of seven (7) qualified electors of the City be and the same hereby is established, as is more fully set forth in Section 104 of the Municipal Charter dealing with the terms of office of the Planning and Zoning Board in general and with the terms of office of the first Board to be appointed hereunder.

(1957 Code § 2-72; Ord. No. 843 §§ 2-4, 12, 5-6-58; Ord. No. 60-22 § 1, 7-19-60; Ord. No. 79-20 § 2, 9-4-79)

2-67.2 First Board.

Effective November 15, 2012, the Planning and Zoning Board shall consist of newly-appointed members in accordance with the intent of the City Council and the City Charter. All board members shall be newly appointed at the City Council meeting on November 6, 2012.

(1957 Code § 2-72; Ord. No. 843 §§ 2-4, 12, 5-6-58; Ord. No. 60-22 § 1, 7-19-60; Ord. No. 79-20 § 2, 9-4-79; Ord. No. 2012-28, § 2, 10-16-12)

2-67.3 Membership; Qualification of Members and Financial Disclosure.

Every member appointed to the Planning and Zoning Board shall be a qualified elector residing within the City of North Miami Beach and not an employee of the County or City. No person holding an elective office of the City shall be eligible for appointment to the Planning and Zoning Board at least one (1) year following termination of his/her elective office.

Members of the Board shall be subject to the provisions of Florida Statutes Section 286.012, relating to voting at meetings of the Board, and to the provision of Florida Statutes Sections 112.311—112.3175, inclusive, relating to financial disclosure and conflicts of interest, and to the provisions of Florida Statutes Section 112.501, relating to suspension and removal from office.

Members of the Planning and Zoning Board shall have a license in engineering or contracting, or have equivalent professional experience in the area(s) of city planning, land use planning, transportation planning, urban planning, community development, real estate, mixed-use development, statistics, public economics, construction management, general contracting, architecture, or a law degree.

Each of the seven (7) Councilpersons shall appoint one (1) member to the Planning and Zoning Board and approved by the Mayor and City Council. Each member of the Planning and Zoning Board shall sit as one particular Councilperson's appointee and shall be designated as sitting in that Councilperson's seat number.

The Planning and Zoning Board members shall be appointed for terms of two (2) years. Four (4) members, who represent seats 1, 3, 5 and 7, shall be appointed in every odd-numbered year to serve from November 15 of that year, and three (3) members, who represent seats 2, 4 and 6, shall be appointed in every even-numbered year to serve from November 15 of that year. For the new first board only, members appointed representing seats 1, 3, 5, and 7 shall be appointed for a term of three (3) years. The appointments to fill vacancies shall be for the unexpired term only. Vacancies shall be filled by the Councilperson's seat that made the appointment.

(1957 Code § 2-72; Ord. No. 843 §§ 2-4, 12, 5-6-58; Ord. No. 60-22 § 1, 7-19-60; Ord. No. 79-20 § 2, 9-4-79; Ord. No. 2012-28, § 3, 10-16-12)

2-67.4 Meetings.

The regular meeting of the Planning and Zoning Board shall be at 6:00 p.m. on the second Monday of each month, at City Hall.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, § 5, 10-16-12)

Editor's note— Ord. No. 2012-28, § 4, adopted Oct. 16, 2012, repealed Section 2-67.4, which pertained to compensation and derived from Ord. No. 843 §§ 2-4, 12, adopted May 6, 1958; Ord. No. 60-72 § 1, adopted July 19, 1960; Ord. No. 79-20 § 2, adopted Sept. 4, 1979. Sections 5—9 of said ordinance renumbered the remaining Sections 2-67.5—2-67.13 as Sections 2-67.4—2-67.12.

2-67.5 Quorum; Required Vote.

A quorum of the Planning and Zoning Board at any regular or special meeting shall consist of five (5) members. All matters of rezoning, land use variance, and variance from compliance with any of the provisions of the Code relating to building, planning or zoning, may be allowed, by the affirmative vote of two-thirds (2/3) of the members present, only for the purpose of preventing hardship or inequities not self-imposed, or for the purpose of preserving the constitutional rights

of the applicant, subject to the approval of the City Council, pursuant to the provisions of the City Charter or as elsewhere set forth in the Code of Ordinances. On all other matters, a majority vote is required.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, 10-16-12)

2-67.6 Failure to Attend Meetings.

If any member fails to attend two (2) of three (3) consecutive regular or special meetings, without due cause and without prior approval of the Chairperson, that member's seat shall be automatically vacated and thereupon the City Councilperson whose seat corresponds to the appointment shall appoint a new member to that seat for the remainder of that member's term of appointment.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, § 6, 10-16-12)

2-67.7 Agenda.

An agenda for each meeting shall be prepared not later than the Tuesday prior to the meeting. No matters may be placed on the agenda or considered after the agenda is published. The agenda shall be posted on the bulletin board of the City Hall not later than 5:00 o'clock p.m. on the Tuesday prior to each meeting.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, 10-16-12)

2-67.8 Chairperson; Call for Special Meetings.

A chairperson of the Board shall be elected annually during the meeting of each December of each year by a majority of the members. He/she shall serve as permanent chairperson for one (1) year. In his/her absence, a vice-chairperson may be named for the meeting by a majority of the members present. The chairperson, or designated representative, shall attend all regular and

special meetings of the City Council. A special meeting of the Board may be called by not less than five (5) members of the Board. The call shall be in writing and a copy shall be furnished to each member of the Board not less than three (3) days prior to the date of the special meeting.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, § 7, 10-16-12)

2-67.9 Special Meeting.

A special meeting of the Board may be called in writing. The purpose or purposes of the special meeting shall be clearly stated in the notice and no matters may be considered at the special meeting other than those stated in the notice. The notice of the special meeting shall be posted on the bulletin board of the City Hall and on the City's website for not less than three (3) days prior to the date of the meeting. An agenda of the special meeting shall be prepared not less than three (3) days prior to the special meeting and copy thereof shall be posted on the bulletin board and on the City's website, together with the notice of the special meeting.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, § 8, 10-16-12)

2-67.10 Meetings Open to Public.

All regular and special meetings of the Board shall be open to the public.

(1957 Code § 2-73; Ord. No. 843 §§ 5-10, 13, 5-6-58; Ord. No. 862 §§ 1, 2, 5-27-58; Res. No. R61-69, 8-1-61; Res. No. R76 § 1, 9-7-61; Ord. No. 73-10 § 1, 6-19-73; Ord. No. 73-14 § 1, 9-4-73; Res. No. R77-13 § 1, 2-1-77; Ord. No. 2012-28, 10-16-12)

2-67.11 Secretary Authorized; Certified Copies of Minutes to be Furnished Councilmembers by Secretary.

- a. A permanent secretary shall be assigned by the City Manager. The secretary shall receive such compensation for his/her expenses and services as the City Council may direct. The secretary shall be responsible for and shall keep permanent minutes and records of all meetings of the Board. The secretary shall file the minutes and records in the office of the City Clerk.
- b. [Reserved.]

(1957 Code § 2-74; Ord. No. 843 §§ 11, 15, 5-6-58; Ord. No. 2012-28, § 9, 10-16-12)

2-67.12 Controlling Law.

The Planning and Zoning Board shall be governed by the Zoning and Planning Code and ordinances presently in effect and hereafter adopted by the City Council. The Board shall, in accordance with Section 104 of the Charter, prepare a Planning and Zoning Code and a Building Code to be submitted for the approval of the City Council within six (6) months hereafter.

(1957 Code § 2-75; Ord. No. 843 § 14, 5-6-58; Ord. No. 2012-28, 10-16-12)

Sec. 2-300. - Board membership, terms, meetings.

The charter board shall consist of three (3) ex officio members, to wit: The city manager, the city attorney and the city clerk and five (5) additional members (each commissioner appoint one member) appointed by the city commission. The city manager, the city attorney and the city clerk shall have no vote but shall advise the other members of the board as requested. Each member so appointed shall be a qualified elector of the city with an outstanding reputation for civic pride, interest, integrity, responsibility and business or professional ability. Each member so appointed shall be appointed for a term of two (2) years from the date of appointment. The board shall meet on the first Thursday of each month or at such times as determined by a majority of its members.

(Code 1955, § 2-7.7; Ord. No. 80-19, § 2, 9-24-80; Ord. No. 81-27, § 1, 11-18-81)

2.02.02. - Board membership and officers.

1. The planning and development board shall have seven (7) members appointed by the Flagler County Commission meeting the following requirements in addition to any other overall county requirements:
 - a. Each member shall be an elector of Flagler County.
 - b. Each member shall be a full-time permanent resident of Flagler County.
 - c. Members shall be selected from one (1) of the following areas specifically, with only one (1) member selected per area. To be eligible for membership, the selectee shall be a full-time permanent resident of the area as verified by a valid homestead exemption in their name maintained throughout their term in office. The areas are:
 - i. East of the Intracoastal Waterway.
 - ii. West of US 1 and south of SR 100.
 - iii. West of US 1 and north of SR 100.
 - iv. Between US 1 and the Intracoastal Waterway, north of SR 100.
 - v. Between US 1 and I-95, south of SR 100.
 - vi. Between I-95 and the Intracoastal Waterway, south of SR 100.
 - vii. One (1) at-large member.
 - viii. Should an area be deemed by the board of county commissioners to no longer be a viable area for drawing qualified volunteers, the board may designate an additional at-large member by simple majority vote of the board.

Whenever there are competing applications for a board opening those applicants with experience in the field of planning and zoning shall receive special consideration and, whenever possible, the board should attempt to include applicants selected from each of the following fields/professions:

1. An architect, landscape architect or urban planner.
2. A neighborhood or environmental activist.
3. An agricultural interest (farmer, timber/sod, cattle).
4. A person engaged in real estate sales or development.
5. A businessman or an attorney.
6. An engineer or botanist, biologist, geologist or similar geoscience professional.

2.

Each member of the planning and development board shall not, by direct employment or otherwise, derive a substantial portion of their income from matters related to actions which come before the planning and development board and all members shall comply with all conflict of interest provisions of Chapter 112, Florida Statutes.

3. Members shall be appointed in accordance with established board of county commission policies and procedures related to the establishment of and appointment of boards and committees.
4. Members may be removed without notice and without assignment of cause by a majority vote of the county commission.
5. The members of the planning and development board shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the board deems needed.
6. The county administrator or designee shall appoint a county employee to serve as secretary of the planning and development board, who shall serve as the recorder and custodian of all board records.
7. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the county commission.
8. The county commission may appropriate funds to permit the planning and development board to perform its prescribed functions.
9. If any member fails to attend three (3) successive meetings or workshops that have been noticed, the secretary of the planning and development board shall notify the county administrator.
10. The Flagler County Commission shall serve as the land development regulation commission pursuant to Florida [Statutes] Chapter 163. The planning and development board may provide recommendations to the county commission concerning any necessary or desirable amendments to the county's land development code [this appendix].
11. The Flagler County Commission may waive the elector, full-time permanent residency, homestead, and geographic area representation limits (i.e., no more than one (1) representative selected from each area) as listed at subsection 2.02.02.1.a. through c., respectively, through a super-majority vote of the county commission.

(Ord. No. 95-06, § 1, 8-21-95; Ord. No. 97-05, § 2, 3-3-97; Ord. No. 2009-07, § 2, 9-8-09; Ord. No. 2009-10, § 2(1), 11-2-09)

Sec. 2-136. - Qualifications of persons to be appointed to any municipal board, authority or committee.

- (a) Unless otherwise provided by statute or this Code, a board member must be a resident of the city for 180 consecutive days immediately prior to the time of appointment, must be a registered **elector** of the city, and must not hold any public office or serve on any other board, authority or committee of the city or hold any other position in the city. Following appointment to any city board, a person must continue his city residency during the prescribed term in order to remain qualified, unless otherwise provided for in this Code or state statutes.
- (b) Appointments to any subcommittee or ad hoc committee are not subject to the residency provisions of subsection (a) of this section; however, such members must be registered to vote in the state.

(Code 1984, § 2-76; Ord. No. 2008-10, § 1, 3-25-2008)

Sec. 34-93. - Board membership.

- (a) *Qualifications.* Members of the board of adjustment shall be residents of the City of Jacksonville Beach for two (2) years prior to appointment, and qualified electors. No member of the city council or a city employee shall serve on the board of adjustment. Although no specific experience requirements shall be necessary as a pre-requisite to appointment, consideration shall be given to applicants who have experience in planning, the law, architecture, natural resource management, real estate and related fields.
 - (b) *Appointment.* The board of adjustment shall be composed of five (5) members appointed by the city council. The city council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternates shall serve a two (2) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member that is absent.
 - (c) *Terms of office.* All members serving on the board of adjustment on the effective date of the LDC shall complete their terms according to their prior appointments. The term of office of each member appointed under the LDC shall be four (4) years. There shall be no restraint on the number of terms any member of the board of adjustment may serve. When a member is appointed to fill out the term of a departing member, that person's term will end at the time the departing member's term ends.
 - (d) *Removal from office.*
 - (1) In the event that any member is no longer a qualified elector or is convicted of a felony, or an offense involving moral turpitude in office, the city council shall terminate the appointment of such person as a member of the board of adjustment.
 - (2) If any member of the board of adjustment fails to attend three (3) regular board of adjustment meetings without cause over a six (6) month period, the chairman of the board of adjustment shall notify the city council who shall declare the member's office vacant and fill the vacancy.
 - (e) *Vacancy.* When a member resigns or is removed, the first alternate member shall vote in his or her absence until a permanent member can be appointed. Any vacancy on the board of adjustment shall be filled by the city council within thirty (30) days.
- (Ord. No. 7500, § 5.3(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 1-82. - Planning and Zoning Board.

There is hereby created the Town of Lady Lake Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by this Code, and provide recommendations to the Town Commission on planning and land development related matters.

a) *Membership.* The Planning and Zoning Board shall consist of five (5) members appointed by, and serving at the pleasure of, the Town Commission. Members shall be qualified electors residing in the Town.

- 1) Members shall be appointed for two (2) year terms. A member whose term expires may continue to serve until a replacement is appointed.
- 2) Members shall hold office as indicated above through February of the year such member's term expires.
- 3) Members may be removed without notice or without cause by a majority vote of the Town Commission.
- 4) If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chairman, the board shall declare the position vacant and request a replacement be appointed by the Town Commission.
- 5) When a vacancy occurs prior to the expiration of a term, the Town Commission shall appoint a member to fill the vacancy for the duration of the term within thirty (30) days after the vacancy occurs.
- 6) No member of the board shall be an elected official of the Town.

b) *Organization and procedures.*

- 1) The board shall annually elect a chairman and vice-chairman from among its members in the month of March.
- 2) The board shall adopt rules of procedure in accordance with this Code and applicable law to carry out its functions and duties.
- 3) The board shall meet on the second Monday of each month, unless canceled by the board or its chairman, and at such additional times as requested by the chairman or Town Commission.
- 4) A quorum shall consist of a majority of the members of the board.
- 5) The Town shall provide a recording secretary to keep minutes of the board's meetings.

c) *General functions and duties.*

- 1) The board shall obtain and review information necessary to prepare and amend the Comprehensive Plan, Development Code of the Town, and the Official Zoning Map of the Town.
- 2) The board shall monitor the operation and effectiveness of the Comprehensive Plan and this Code, and recommend amendments to the Town Commission.
- 3) The board shall conduct public hearings and perform other duties as required by the Code.

(Ord. No. 2005-40, § I (Exh. A), 8-4-2005; Ord. No. 2008-20, § I (Exh. A), 7-21-2008; Ord. No. 2012-02, § 1(Exh. A), 2-22-2012; Ord. No. 2014-04, § 1(Exh. A), 7-7-2014)

Sec. 2.6. - Beautification and Tree Advisory Board.

- A. Establishment.** The Beautification and Tree Advisory Board is hereby established to provide attention and guidance in matters related to the natural physical features and landscaping in the City.
- B. Powers.** The Beautification and Tree Advisory Board shall have the following powers:
1. To offer advice on all plans for the beautification of City-controlled land;
 2. To formulate a beautification plan for the City and make recommendations to the Planning Board regarding beautification;
 3. To recommend procedures for the care, maintenance, pruning, fertilization, watering, planting, removal, replacement, staking, and spraying of vegetation, and for planting on private land at street intersections and other locations to prevent traffic hazards;
 4. To make recommendations regarding the beautification of any street, sidewalk, or public parking area proposed to be constructed, installed, widened, altered, or increased in size;
 5. To select recipients of a monthly citywide beautification award for commercial projects and monthly beautification awards for residential projects in each City Commission zone;
 6. To adopt rules governing its proceedings, conduct regular public meetings, call special meetings, and create committees to help carry out its powers and duties; and
 7. To carry out any other powers and duties delegated to it by the City Commission, in accordance with State law.
- C. Membership, Appointment, and Terms of Office.**
1. The Beautification and Tree Advisory Board shall consist of seven members appointed by the City Commission as a whole.
 2. Board members shall include one member nominated by each City Commissioner from among residents of the City Commission zone, plus one at-large member nominated by the Mayor who may be a resident of any City Commission zone.
 3. All board members shall be residents of the City and qualified electors.
 4. Board members shall be appointed for three-year, staggered terms, and may be appointed to successive terms. Members shall continue to serve until their successors are appointed.
 5. Vacancies occurring for reasons other than expiration of term shall be filled for the period of the unexpired term only. If a vacating member was appointed from among residents of a particular City Commission zone, the replacement member shall also be a resident of that zone.

6. Board members shall serve without compensation.
- D. **Attendance.** If a voting member of the Beautification and Tree Advisory Board fails to attend three regularly scheduled board meetings during any 12-month period, the board shall consider the cause of the absences and if it deems it necessary, may request that the member resign or that the City Commission remove the member in accordance with subsection E below. The City Commission shall fill any vacancy created by resignation or removal of the board member in accordance with Section 2.6.C.5.
- E. **Removal.** Beautification and Tree Advisory Board members may be removed for cause by a majority vote of the City Commission. If a member is removed, the City Commission shall fill the vacancy in accordance with Section 2.6.C.5.
- F. **Chair and Vice-Chair.**
 1. The Beautification and Tree Advisory Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term. No member shall serve more than two consecutive full terms as Chair. The Vice-Chair may be elected to successive terms without limitation.
 2. The Chair shall preside over all board meetings. The Vice-Chair shall perform the duties of the Chair in the absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.
- G. **Staff.** The City shall provide clerical and professional staff liaison to the Beautification and Tree Advisory Board and shall provide for notification of board members of all meetings, the keeping of the minutes of the meetings, and administrative support.
- H. **Meetings.**
 1. *Schedule.* The Beautification and Tree Advisory Board shall adopt a schedule establishing the date, time, and location of regular meetings. The Chair may cancel a regular meeting on determining that there are no agenda items for consideration, and may call special meetings.
 2. *Official Record.* The Beautification and Tree Advisory Board shall keep a written record of its recommendations, transactions, and determinations. Such record shall include minutes of meetings in accordance with State law and shall be a public record. The record shall be filed with the City Clerk and shall be available for inspection by the public during normal business hours.
 3. *Notice of Meetings.* Notice of all Beautification and Tree Advisory Board meetings and public hearings shall be provided to the public in accordance with State law and the public hearing requirements in Section 3.3.E.3, Public Hearing Notice, as appropriate.

4. *Open Meetings.* All meetings of the Beautification and Tree Advisory Board shall be open to the public.
- I. **Quorum and Necessary Vote.**
 1. *Quorum.* Four members of the Beautification and Tree Advisory Board shall constitute a quorum. No official business of the board shall be conducted without a quorum present.
 2. *Voting.* The affirmative vote of a majority of Beautification and Tree Advisory Board members present and voting is required to approve any item.
- J. **Voting Conflicts.** All board members shall comply with State law regarding voting conflicts.
- K. **Rules of Procedure.** The Beautification and Tree Advisory Board may adopt rules of procedure governing its procedures and operations.
- L. **Sunshine Law Requirements.** All meetings and decisions of the board shall comply with State Sunshine Law requirements.

Sec. 8.01. - City Planning and Zoning Board.

There shall be a City Planning and Zoning Board consisting of five (5) members and two (2) alternate members appointed by the City Council for a term of one (1) year. Said appointments will be made from the electors of the city.

The duties of the City Planning and Zoning Board shall be as follows:

- (a) To act in an advisory capacity to the City Council on questions relating to zoning and on matters of proposals to change zoning regulations, and to report its findings and recommendations on such proposals to the City Council;
- (b) To study any existing City plan, with the view to improving same so as to provide future growth of the City, and from time to time, make recommendations to the City Council for changes in the existing City plan so as to incorporate new developments, for the adoption of a new City plan;
- (c) To investigate and make recommendations on all new plats to be presented to the City Council; to review all plans for subdivision, condominium projects and any other projects substantially impacting the City to insure their compliance with the comprehensive plan, zoning, subdivision and other environmental regulations.
- (d) To assume all of the duties and responsibilities previously assigned by the Charter to the Annexation Board.
 - (1) Pursue the logical annexation of contiguous lands.
 - (2) Prepare a program to present to property owners the reasons why they should annex to the City.
 - (3) Develop an annexation timetable and five (5) year plan.
- (e) To perform such other duties as may from time to time be assigned to such board by the City Council.

State Law reference— Comprehensive planning, F.S. § 163.3161 et seq.

Sec. 14-17. - Fire control board—Election; terms; compensation.

The Boca Grande Fire Control Board, hereinafter referred to as the board, shall have three (3) members. Each member must be a qualified elector who resides within the district, shall be elected on a nonpartisan basis by the qualified electors residing in the district, and shall serve a term of four (4) years. Board members shall receive no compensation.

(Sp. Acts 1943, Ch. 22372, § 2; Sp. Acts, Ch. 75-419, § 1; Sp. Acts, Ch. 87-447, § 1)

Section 7-2. - Planning and zoning board.

- (a) The city shall have authority to create by ordinance a city planning and zoning board which shall be comprised of not less than five members who shall be appointed by at least a majority of the city commission.
- (b) Each member of the planning and zoning board shall be a qualified elector and a freeholder of the city.
- (c) The members of the planning and zoning board shall serve for a term of two years from the date of appointment.
- (d) Vacancies in the membership of the planning and zoning board shall be filled for the unexpired term in the same manner as original appointments are made.
- (e) The planning and zoning board shall have such powers and authority and shall perform such duties concerning, relating to, or connected with city planning and zoning as shall be defined and prescribed by ordinance.
- (f) The city may provide planning and zoning authority to a special master in lieu of a planning and zoning board. The special master shall have the same authority as a planning and zoning board.

(Ord. No. 411, § 8, 10-13-03, approved at referendum 12-2-03)

Section 6.02. - Planning and zoning board.

There shall be a planning and zoning board consisting of five members appointed by the city council for a term of three years. Said appointments will be made from the electors of the city. Members of the board shall hold no other city office or appointment.

The duties of the planning and zoning board shall be as follows:

- (a) To act in an advisory capacity to the city council on petitions relating to zoning and on matters of proposal to change zoning regulations, and to report its findings and recommendations on such proposals to the city council.
- (b) To study and existing comprehensive land use plan, with the view to improving same as to provide future growth of the city, and from time to time, make recommendations to the city council for changes in the plan.
- (c) To investigate and make recommendations on all new real estate plats and their compliance to the comprehensive land use plan to be presented to the city council.
- (d) To assume such other duties as may be assigned to the planning and zoning board by the city council.