

**BYLAWS  
THE CITY OF DELRAY BEACH  
BOARD OF ADJUSTMENT**

**Article I: General.**

The Board of Adjustment (hereinafter referred to as "the Board") shall be governed by Section 2.2.4 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, and the Rules of Procedure hereinafter set forth (the "Rules"), as adopted by the Board and approved by the City Commission.

**Article II: Officers.**

1. The Board shall elect a Chairperson, Vice-Chairperson and 2<sup>nd</sup> Vice-Chairperson annually in the month of September, or as soon thereafter as possible, by a majority vote of its members present and voting at the time of election.

2. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at all proceedings of the Board and shall rule on all points of order and procedure. If both the Chairperson and the Vice-Chairperson are absent at a particular hearing, the 2<sup>nd</sup> Vice-Chairperson shall preside at the proceeding of the Board and shall rule on all points of order and procedure.

3. The Board Clerk, appointed by the City Manager, shall administer oaths, record proceedings of the Board, keep minutes of proceedings, take roll calls, record votes of the Board and carry out related duties pertaining to preparation, posting, and distribution of agendas, distribution of materials to Board members and preparation of Board Orders for signature. The Board Clerk's designee shall assume the aforementioned duties in the absence of the Board Clerk.

**Article III: Hearings, Quorum, Order of Business, Conflicts.**

1. The Board shall conduct a regular meeting each calendar month in the evening hours (after 5:00 p.m.), unless there is no cause to hold such hearing or if a particular hearing coincides with a Holiday as designated by the City. The standard day of hearings shall be determined by the City Manager. Workshop meetings and special meetings may be scheduled at the mutual convenience of City staff and the Board.

2. The City Manager, or designee, may call hearings of the Board.

3. A quorum is required to conduct a hearing. A quorum shall consist of a majority of filled positions of the Board. All findings and orders of the Board require a vote of a majority of its members present and voting.

4. All hearings shall be open to the public. The Board Clerk shall administer oaths to all persons testifying before the Board.

5. The order of business at hearings shall be set by the Board and may be modified by a majority vote of the members present.

6. If all business cannot be finished, the Board may adjourn unfinished items to a future time and future date certain. Notice of the future time and future date shall be given to the respondents affected by the adjournment.

7. Conflicts: A Board member shall not abstain from voting unless the member has a conflict of interest pursuant to the requirements of Florida Statutes, Chapter 112, Section 112.3143(4)(a).

8. Board members shall comply with the rules as described in Sections 2-441 to 2-448 of the Palm Beach County Code of Ethics.

#### **Article IV. Absences, Removal from Office.**

Board members may be suspended or removed for cause according to the procedures for removal as set forth in the Code of Ordinances of the City pursuant to Sec. 37.24.

#### **Article V. Parliamentary Procedure.**

Roberts Rules of Order shall be the final authority concerning questions of parliamentary procedures.

#### **Article VI. Hearing Procedures.**

The Board shall be governed by the "*City of Delray Beach Procedures for Quasi-Judicial Hearings*" as adopted by the City Commission on March 17, 2017, or as subsequently amended by the Commission. See Exhibit "A" attached to these general rules and incorporated herein.

#### **Article VII. Adoption; Amendments; Required Review; Effective Date.**

These general rules or subsequent amendments:

1. Shall be adopted by the Board by a majority vote of members present and voting at the time of adoption.

2. May be amended by the Board by a majority of members present and voting at the time of adoption of the amendment, however, said amendments will require approval of the City Commission.

3. Shall be reviewed by the Board every two years.

4. Shall become effective upon approval by the City Commission.

5. Were adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairperson, Board of Adjustment

6. Were approved by the City Commission and became effective on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

CITY OF DELRAY BEACH, FLORIDA

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and  
legal sufficiency:

\_\_\_\_\_  
City Attorney