

## 155.2204. PLANNING AND ZONING BOARD (P&Z)

### **A. Establishment**

The Planning and Zoning Board (P&Z) is hereby established in accordance with state law.

### **B. Powers and Duties**

The P&Z shall have the following powers and duties under this Code:

#### **1. Decide Applications for Development Permit**

To review and decide the following applications for a development permit:

- a. Major Site Plan (Sec. [155.2407](#)); and
- b. Major Administrative Adjustment (Sec. [155.2421](#)).

#### **2. Make Recommendations on Applications for Development Permit**

To review and make a recommendation on the following applications for a development permit:

- a. Text Amendment (Sec. [155.2402](#));
- b. General Map Amendment (Rezoning) (Sec. [155.2403](#));
- c. Site-Specific Map Amendment (Rezoning) (Sec. [155.2404](#));
- d. Planned Development (Sec. [155.2405](#));
- e. Plat (Sec. [155.2410](#));
- f. Interim Use Permit (Sec. [155.2415](#));
- g. Development Agreement (Sec. [155.2427](#));
- h. Takings or Vested Right Determination (Sec. [155.2429](#)) [placeholder]; and
- i. Right-of-Way of Easement Vacation or Abandonment (Sec. [155.2431](#)).

#### **3. Other Powers and Duties**

- a. To act as the city's local planning agency and assume general responsibility for conduct of the city's comprehensive planning program;
- b. To work in conjunction with the Development Services Director and other city staff to prepare the city's comprehensive plan and plan amendments, and to make final recommendations to the City Commission regarding the adoption or amendment of the plan;
- c. To monitor and oversee the effectiveness and status of the comprehensive plan, make recommendations to the City Commission regarding necessary changes to the plan, work with the Development Services Director and other city staff to prepare periodic evaluation and appraisal reports assessing the city's progress in implementing its comprehensive plan in accordance with Florida Statutes (Sec. 163.3191, Fla. Stat.), and make recommendations to the City Commission regarding adoption of the report;
- d. To promote public interest in an understanding of the comprehensive plan and the city's planning, development regulation, and community development programs;
- e. To annually submit to the City Commission, not less than 90 days before the beginning of the budget year, a prioritized list of recommended capital improvement projects deemed necessary or desirable in the next five years;
- f. To work with the Development Services Director and other city staff to prepare the official city map of streets and changes to such map, and to make recommendations to the City Commission regarding adoption or amendment of the map;
- g. To request city staff assistance in the preparation of special studies;
- h. To seek through the City Manager information from other city agencies that is pertinent to the board's work; and

i. To carry out any other powers and duties delegated to it by the City Commission, consistent with state law.

### **C. Membership, Appointment, and Terms of Office**

#### **1. Membership and Appointment**

a. The P&Z shall consist of seven regular voting members and three alternate members appointed by resolution of the City Commission as a whole.

b. Appointed regular voting members shall include:

i. One member nominated by the Mayor;

ii. One member nominated by each City Commissioner from among residents of the Commissioner's district-provided, however, that a City Commissioner may nominate a person who does not reside in the City Commissioner's district on determining such person would better serve the public interest; and

iii. One member appointed by the City Commission as a whole.

c. Alternate members shall be appointed by the City Commission as a whole.

d. Each regular voting member and alternate member shall be a resident of the city.

e. The P&Z shall also include one nonvoting member appointed by the Broward County School Board, to attend those meetings at which the board considers applications for a comprehensive plan amendment (See [Chapter 154](#) (Planning) of the Code of Ordinances .), General Zoning Map Amendment (Rezoning) (See Section [155.2403.](#)), Site-Specific Zoning Map Amendment (Rezoning) (See Section [155.2404.](#)), or Planned Development (See Section [155.2405.](#)) that proposes increasing the residential density of land.

f. Regular voting members and alternate members shall serve without compensation.

#### **2. Terms**

a. Regular voting members of the P&Z shall be appointed for a term which shall run concurrently with the term of the member of the City Commission who appointed them.

b. Alternate members shall be appointed for three-year, concurrent terms.

c. Regular and alternate members shall continue to serve until their successors are appointed.

#### **3. Alternate Members**

The Chair of the P&Z shall be authorized to assign one of the three alternate members to serve as a substitute for a regular voting member who is temporarily absent or disqualified, in accordance with the following:

a. The Chair shall rotate assignments among the alternate members unless the unavailability of alternate members makes such rotation impossible.

b. No alternate member may serve as a substitute member for a period of more than three months.

c. No more than two alternate members may serve as substitute members at any one time.

d. No alternate member may take action as a substitute member unless the Chair first announces assignment of that role and the assignment is recorded in the official minutes of the meeting.

e. When substituting for regular voting members, alternate members shall have the same powers and duties as the regular voting member they replace.

#### **4. Removal and Replacement; Attendance**

##### **a. Removal for Good Cause**

The City Commission may, by majority vote of a quorum present, remove and replace any member of the P&Z at any time for good cause, including, but not limited to, poor attendance (See subsection b below.), lack of participation, unfitness, malfeasance, and conflict of interest (See Section [155.2204.H.](#)). Any allegation of cause for removal shall be in writing, and the City Commission shall hold a public hearing on such an allegation before taking action to remove a board member.

##### **b. Removal for Poor Attendance**

Any member of the P&Z who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a. above. The Chair of the P&Z shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

#### **5. Vacancies**

Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only, in accordance with the following:

a. A vacancy in the term of a regular voting member nominated by the Mayor or by an individual City Commissioner shall be filled with a person nominated by the Mayor or the City Commissioner, respectively.

b. A vacancy in the term of the regular voting member and alternate members appointed by the City Commission as a whole shall be filled by the City Commission as a whole.

#### **D. Chair and Vice-Chair**

1. The P&Z shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term. The Chair and Vice-Chair may be elected to successive terms without limitation.

2. The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the P&Z shall vote to determine who shall serve as acting Chair for the meeting.

#### **E. Staff**

The Development Services Director shall serve as the professional staff liaison to the P&Z, provide it with administrative support, and serve as its Secretary, notifying board members of all meetings and keeping the minutes of the meetings.

#### **F. Meetings**

##### **1. Schedule**

The P&Z shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the ZBA shall meet at least once in a calendar month. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call special meetings.

##### **2. Official Record**

The P&Z shall keep a written record of its recommendations, transactions, findings, and determinations. Such record shall include minutes of meetings in

accordance with state law (Sec. 286.011, Fla. Stat.) and shall be a public record and filed with the Development Services Director.

### **3. Notice of Meetings**

a. The Development Services Director shall provide notice of P&Z meetings to each board member at least 48 hours before the meeting.

b. Notice of all P&Z meetings and public hearings shall be provided in accordance with state law and the public hearing requirements in Section [155.2305.C](#), Public Hearing Notice, as appropriate.

### **4. Open Meetings**

All meetings of the P&Z shall be open to the public.

### **5. Procedure**

In conducting its meetings, the P&Z shall follow rules of procedure adopted in accordance with Section [155.2204.I](#), Rules of Procedure.

## **G. Quorum and Necessary Vote**

### **1. Quorum**

Four voting members of the P&Z shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

### **2. Voting**

An affirmative vote of the majority of P&Z members present and constituting a quorum is required for all decisions of the P&Z.

## **H. Disqualification from Participation and Voting Based on Conflict of Interest**

1. A member of the P&Z shall not participate in the review of, or vote on, an application for a development permit if the action proposed by the application creates a conflict of interest—that is, if the action proposed by the application would inure to the special private gain or loss of the member, any principal or corporation (or a parent organization or subsidiary of such corporation) that employs or otherwise retains the services of the member, or a close relative (e.g., parent, sibling, spouse, or parent- or sibling-in-law) or business associate of the member.

2. If an objection is raised to a board member's participation in a matter based on a conflict of interest (as defined in subsection 1 above), and that member does not recuse himself or herself, the remaining members of the board present shall, by majority vote of a quorum present, determine whether the member is or is not disqualified from participating in and voting on the matter.

3. If a board member is disqualified on a regular and continuing basis due to a conflict of interest (as defined in subsection 1 above), the Chair of the board may request, in writing, that the member resign. If the member does not resign in response to such a request, the Chair shall report the conflict of interest to the Mayor and City Commission, who may consider whether to remove and replace the member in accordance with Section [155.2204.C.4](#), Removal and Replacement; Attendance.

## **I. Rules of Procedure**

The P&Z shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the Development Services Department.

(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2014-16](#), passed 1-28-14)