

## 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

### A. Establishment

The Architectural Appearance Committee (AAC) is hereby established in accordance with state law.

### B. Powers and Duties

The AAC 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 Building Design (Sec. 155.2408); and
- b. Appeal of a decision of the Development Services Director on an application for Minor Building Design (Sec. 155.2424).

#### 2. Other Powers and Duties

- a. To review and decide applications for Sign Permits within the Atlantic Boulevard Overlay district (AOD) in accordance with Chapter 156 ( Sign Code ) of the Code of Ordinances ; and
- b. 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 AAC shall consist of six regular voting members and two alternate members, appointed by resolution of the City Commission as a whole.
- b. Each regular voting member and alternate member shall be either a resident of the city or a practicing architect whose principal place of business is within the city.
- c. At least two regular voting members shall be architects registered in the State of Florida, and at least one regular voting member shall be a landscape architect registered in the State of Florida. Remaining regular voting members shall be a Florida-registered architect, Florida-registered landscape architect, Florida-registered professional engineer, planner, building contractor, Florida-registered real estate sales person or broker, or a person possessing a background similar to the occupations listed above.
- d. If feasible, at least one alternate member shall be a Florida-registered architect.
- e. Regular voting members and alternate members shall serve without compensation.

#### 2. Terms

- a. Regular voting members of the AAC shall be appointed for three-year, staggered terms. Of the six members first appointed, two members shall be appointed for a term of one year; two members shall be appointed for a term of two years; and two members shall be appointed for a term of three years.
- b. Alternate members shall be appointed for three-year concurrent terms.
- c. Regular voting members and alternate members shall continue to serve until their successors are appointed.

#### 3. Alternate Members

The Chair of the AAC shall be authorized to assign one of the two 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 between the alternate members unless the unavailability of an alternate member makes such rotation impossible.
- b. No alternate member may serve as a substitute member for a period of more than three months.
- c. 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.
- d. 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 AAC 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 155.2205.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 committee member.

##### b. Removal for Poor Attendance

Any member of the AAC 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 AAC 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.

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

1. The AAC shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.

2. The Chair shall preside over all committee meetings. The Vice-Chair shall preside over committee meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the AAC 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 AAC, provide the AAC with administrative support, and serve as its Secretary, notifying committee members of all meetings and keeping the minutes of the meetings.

### **F. Meetings**

#### **1. Schedule**

The AAC shall adopt a schedule establishing the date, time, and location of regular meetings, provided that the AAC 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 AAC 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 with the Development Services Director.

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

a. The Development Services Director shall provide notice of AAC meetings to each committee member at least 48 hours before the meeting.

b. Notice of all AAC 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 AAC shall be open to the public.

#### **5. Procedure**

In conducting its meetings, the AAC shall follow rules of procedure adopted in accordance with Section 155.2205.I, Rules of Procedure.

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

#### **1. Quorum**

Four members of the AAC shall constitute a quorum. No official business of the committee shall be conducted without a quorum present.

#### **2. Voting**

An affirmative vote of the majority of committee members present and constituting a quorum is required for all decisions of the AAC.

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

1. A member of the AAC shall not participate in the review of, or vote on, an application 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 committee 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 committee 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 committee member is disqualified on a regular and continuing basis due to a conflict of interest (as defined in subsection 1 above), the Chair 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 155.2205.C.4, Removal and Replacement; Attendance.

### **I. Rules of Procedure**

The AAC 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. 2014-16, passed 1-28-14)