

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-527

DATE: November 29, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*
Jennifer Gomez, Assistance Director of Development Services *JG*

FROM: Karen Friedman, Principal Planner *KBF*

RE: Proposed Revisions to §155.2203 related to Zoning Board of Appeals

The Zoning Code empowers four advisory boards to administer and review applications for a development permit. Each of the Boards has a specific number of regular voting members and alternate members. Additionally the nomination of the members varies per Board. Below are the four board and the *regular* membership as specified by the Zoning Code:

1. Zoning Board of Appeals (ZBA)
 - Five regular members total
 - One member nominated by each City Commissioner
2. Planning and Zoning Board (P&Z)
 - Seven regular members total
 - One member nominated by the Mayor
 - One member nominated by each City Commissioner
 - One member appointed by the City Commission as a whole
3. Architectural Appearance Committee (AAC)
 - Six regular members total
 - Six members appointed by the City Commission as a whole
4. Historic Preservation Committee (HPC)
 - Seven regular members total
 - Seven members appointed by the City Commission as a whole

As can be seen above, except for the ZBA, all of the City's elected officials are able to equally participate in the membership of the advisory boards. In the case of the ZBA, the Mayor is the only elected official who is not entitled to nominate a regular voting member.

The proposed text amendment, therefore, seeks to remedy this inequity by granting the Mayor the power to nominate one regular member of the ZBA. In conjunction with the increase of one regular member, the text amendments also propose to increase the quorum requirement from four to five members and the concurring vote from four to five members in order to grant a

Special Exception, Major Temporary Use Permit, or Interim Use Permit, grant any Variance, or approve any appeal reversing or modifying a decision.

Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

§ 155.2203. ZONING BOARD OF APPEALS (ZBA)

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C. MEMBERSHIP, APPOINTMENT, AND TERMS OF OFFICE

1. Membership and Appointment

- a. The ZBA shall consist of ~~five~~ six regular voting members and three alternate members, appointed by resolution of the City Commission as a whole.
- b. Appointed regular voting members shall include one ~~person~~ member nominated by the Mayor and one member nominated by each City Commissioner from among residents of the City Commissioner's district-provided, however, that a 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.

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G. QUORUM AND NECESSARY VOTE

1. Quorum

~~Four~~ Five members of the ZBA shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

2. Voting

The concurring vote of ~~four~~ five members of the ZBA shall be necessary to approve a Special Exception, Major Temporary Use Permit, or Interim Use Permit, grant any Variance, or approve any appeal reversing or modifying a decision. An affirmative vote of the majority of board members present and constituting a quorum shall be required for all other decisions.

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