

**ORDINANCE NO. O-3-09**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2. ADMINISTRATION. ARTICLE III. BOARDS AND COMMISSIONS. DIVISION 1 PLANNING AND ZONING BOARD. BY AMENDING THE APPOINTMENT PROCESS FOR MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to revise the appointment process for members of the Town's Planning and Zoning Board; and

WHEREAS, the Town Commission believes these revisions to its Code of Ordinances will be in the best interests of the citizens of the Town of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA:

Section 1: Chapter 2. Administration. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Boards and Commissions. Division 1. Planning and Zoning Board. to revise the appointment process for Planning and Zoning Board membership; providing that Division 1. shall hereafter read as follows:

**ARTICLE III. BOARDS AND COMMISSIONS**

**DIVISION 1. PLANNING AND ZONING BOARD**

**Sec. 2-51. Planning and zoning board created; composition; appointment; terms; vacancies. ~~Seat designations; staggered term and term limits; appointment procedures, removal and vacancies.~~**

(a) In accordance with Sec. 3.10 of the Town Charter, there is hereby created a Planning and Zoning Board which shall consist of five regular members and two alternate members. The regular members and alternate members of the Planning and Zoning

~~Board shall be qualified electors and residents of the Town who are not members of the Town Commission. All Planning and Zoning Board members shall serve without compensation. The five members of the planning and zoning board appointed by the town commission will be further designated as seat numbers one through five. The planning and zoning board members who are currently seated as of the date of the adoption of this section will be randomly assigned a seat number by the town clerk in conformance with this section.~~

~~(b) The Town Commission shall appoint the Planning and Zoning Board regular members and alternate members during its annual organizational meeting on the last Monday in March. All Planning and Zoning Board regular members and alternate members shall serve for a term of one year, and until their successors are appointed. Each seat number, one through five, shall serve two successive one year terms subject to appointment or reappointment annually as follows: Seat numbers one through three shall serve retroactively, from March 31, 2003 to the last Monday in March 2004 with re-appointment proposed to the town commission for a successive one year term to extend until the last Monday in March 2005; Seat numbers four and five shall be appointed to a one year term commencing on the last Monday in March 2004 to the last Monday in March 2005 with re-appointment proposed to the town commission for a successive one year term to extend until the last Monday in March 2006. Thereafter, the two successive one year terms shall remain staggered, with seat numbers one through three beginning and ending their two successive one year terms during an odd numbered calendar year and seat numbers four and five beginning and ending their two successive one year terms during an even numbered calendar year. Two alternate members to the planning and zoning board may be appointed annually at the discretion of the town commission.~~

~~(c) Planning and Zoning Board members and alternate members serve at the pleasure of the Town Commission. During the annual reorganization meeting of the town commission on the last Monday in March, the town commission will either initially appoint or reappoint for the second year each member seat, including the two alternate members, of the planning and zoning board as set forth in subsection (b) hereinabove subject to the following: The Town Commission expressly reserves the right to remove any Planning and Zoning Board regular member or alternate member pursuant to the provision for removal as set forth at Section 3.17 of the Town Charter or to deny reappointment to a current member for the proposed successive one year term for such member's seat, for any reason whatsoever. Should a vacancy appear for any reason in any regular member seat on the Planning and Zoning Board, an alternate member to the Planning and Zoning Board shall be appointed by the Town Commission to fill the vacancy designated seat until the next, annual reorganization meeting of the Town Commission, at which time that same person, or a different person, may be appointed as a regular member. Should a vacancy appear for any reason in any alternate member seat on the Planning and Zoning Board, a successor may be appointed at the discretion of the Town Commission, to begin a new term or to fill any remaining portion of the one year term existing for that seat number.~~

## **Sec. 2-52. Application and town commission action.**

~~(a) Beginning January 1 of each year, the Town Clerk shall provide an application to any qualified resident of the town who requests to be considered for appointment to for~~

any regular or alternate seat on the Planning and Zoning Board ~~or for appointment as an alternate member to the board~~. The deadline for the filing of such applications with the clerk shall be one week before the last Monday in March. Current regular or alternate members who desire to serve an additional term shall likewise inform the Town Clerk so that their names may be considered for reappointment.

(b) Whenever possible, applicants who possess experience or expertise in the fields of architecture, planning, land use or related fields will be given highest consideration.

(c) The clerk ~~shall is then directed to~~ provide all submitted the applications to the Town Commission, which will take action regarding the requests at the annual reorganization meeting subject to the provisions as set forth hereinabove. Each member of the Town Commission shall consider all submitted applications. At the discretion of the Town Commission, applicants may be required to make a brief oral presentation. The Town Commission shall select five (5) applicants to serve on the Planning and Zoning Board. Each Commissioner's first choice shall be awarded 5 points, and the second through fifth choices of each Commissioner shall be awarded 4 points through 1 point, respectively. The five (5) applicants receiving the most points collectively shall be appointed. If necessary, a tie vote may be resolved by motion. Alternate members shall then be appointed in the same manner as regular members. Alternatively, at its discretion, the Town Commission may choose to appoint an agreed upon slate of applicants by motion.

(d) ~~Current members who desire to serve the second year of their successive one-year terms shall inform the Town Clerk at least one month prior to the annual reorganization meeting in March so that their names may be considered for reappointment to such member seats as set forth hereinabove.~~ Should there not be sufficient applications submitted to the town necessary to fill the available regular member seats or alternate member seats positions, the Town Commission may then accept nominations from the floor for such seats positions at or following the reorganization meeting and act on such nominations accordingly.

**Secs. 2-53--2-65. Reserved.**

Section 2: Each and every other section and subsection of Chapter 2. Administration. of the Code of Ordinances of the Town of Palm Beach Shores, Florida shall remain in full force and effect as previously enacted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 15<sup>th</sup> day of June, 2009.

SECOND AND FINAL READING this 20<sup>th</sup> day of July, 2009.

TOWN OF PALM BEACH SHORES

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
VICE MAYOR

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
COMMISSIONER

ATTEST:

(Seal)

\_\_\_\_\_  
TOWN CLERK

Approved as to form and  
legal sufficiency.

\_\_\_\_\_  
TOWN ATTORNEY

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