

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: 5:00 p.m. Public Hearing to Consider Ordinance to Amend Section 13-203 of the Sumter County Code to Amend Membership and Quorum and Voting Requirements of the Zoning and Adjustment Board (Staff recommends approval).

REQUESTED ACTION: Approve ordinance.

Work Session (Report Only) **DATE OF MEETING:** 6/14/11
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: Termination Date: _____
Managing Division / Dept: Planning _____

BUDGET IMPACT: Potential reduction in Per Diem by \$600 per month.
 Annual **FUNDING SOURCE:** General Fund
 Capital **EXPENDITURE ACCOUNT:** 001-140-515-4000
 N/A

HISTORY/FACTS/ISSUES:

At the Board meeting on May 24, 2011, the Board set the public hearing to consider an ordinance to amend Section 13-203 of the Sumter County Code to revise the membership of the Zoning and Adjustment Board from eleven (11) regular members and two (2) alternate members to five (5) regular members and (2) alternate members and to provide greater flexibility in the appointment of the members.

Staff prepared the attached ordinance for the Board's consideration Staff recommends approval

On June 6., 2011, the Zoning & Adjustment Board reviewed the proposed ordinance and approved the following motion by a vote of 9-1 "Recommend adoption of Ordinance to amend Section 13-203 of the Land Development Code as presented However, the ZAB wishes to express the formal concern of a majority of the ZAB regarding the change of membership from by District to At-Large."

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AMENDING SECTION 13-203 OF THE SUMTER COUNTY CODE, TO AMEND THE MEMBERSHIP AND QUORUM AND VOTING REQUIREMENTS OF THE ZONING AND ADJUSTMENT BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 13-203, of the Sumter County Code establishes a Zoning and Adjustment Board to serve as the County’s local planning agency and to review, recommend, or approve zoning applications, and to provide review and recommendations regarding amendments to the Land Development Code, and

WHEREAS, the Zoning and Adjustment Board is currently comprised of eleven (11) regular members and two (2) alternate members; and

WHEREAS, the Zoning and Adjustment Board and its members serve at the pleasure of the Board of County Commissioners of Sumter County, Florida, and

WHEREAS, the Board of County Commissioners of Sumter County, Florida, desire to amend the membership and quorum and voting requirements of the Zoning and Adjustment Board to reduce the number of members and to provide for greater flexibility in the appointment of regular and alternate members of the Zoning and Adjustment Board.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

Section 1. Section 13-203 of the Sumter County Code is hereby amended as shown in Exhibit “A” attached hereto.

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective on July 1, 2011

PASSED this _____ day of June, 2011

**ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT**

**BOARD OF COUNTY
COMMISSIONERS
SUMTER COUNTY, FLORIDA**

DEPUTY CLERK

DON BURGESS, CHAIRMAN

EXHIBIT "A"

~~Red strikethrough text is deleted.~~

Blue underlined text is added.

Sec. 13-203. Zoning and adjustment board.

(a) *Establishment and purpose.* There is hereby established, pursuant to and in accordance with the provisions of Chapter 163, F.S., a zoning and adjustment board (herein referred to as ZAB) whose principle functions shall be as specified in subsection (b).

(b) *Duties and authority.* The ZAB's duties and authority shall be as follows:

(1) *Local planning.* To sit as the local planning agency in performing the following duties:

- a. Conduct studies and develop recommendations to the commission concerning goals, objectives and policies related to comprehensive planning for the growth, development and re-development of the county
- b. Conduct studies and develop recommendations to the commission concerning policies, ordinances, administrative procedures, and other means for carrying out planning in a coordinated and efficient manner

(2) *Zoning and adjustments*

- a. To sit as the zoning board and hold public hearings for the purpose of recommending to the commission on applications for re-zoning or other amendments to this chapter
- b. To sit as an adjustment board and hold public hearings for the following purposes:
 - 1 To recommend or approve/disapprove applications for special, conditional and temporary use permits, all as specified in Table 13-104A.
 2. To approve/disapprove applications for variances, as specified in section 13-237

(3) *Development policies.* To review development regulations, policies and problems, and make recommendations to the commission on amendments to this chapter

- (4) *Other.* To perform any other related duties assigned by the commission.
- (c) *Membership.*
- (1) *Appointment.* The ZAB shall consist of ~~eleven (11)~~ five (5) regular members and two (2) alternate members, appointed by the commission. Each member shall be a resident of Sumter County, ~~and meet all other appointee requirements established by the commission. No more than three (3) regular members may represent any one (1) occupation, business interest or profession, and n~~ No member shall be a paid employee or elected official of Sumter County or any municipality located therein. ~~There shall be two (2) regular members appointed from and representing each county commission district and one (1) regular member and two (2) alternate members (alternate No. 1 and alternate No. 2) appointed at large.~~
- (2) *Terms.*
- a. The terms of regular and alternate members shall be for four (4) years from the date of appointment. ~~representing county commission districts shall run concurrently with the term of the commissioner representing that district. The term of the regular member appointed at large shall run concurrently with commission districts 1, 3 and 5 and the terms of the two alternate members shall run concurrently with commission districts 2 and 4.~~ Members may continue to serve until their successors have been appointed and may be appointed to successive terms without limitation. Board members serve at the pleasure of the commission and may be removed by action of the majority of same. Failure to attend hearings, as prescribed in the commission's appointment policy, or any other good cause related to performance or qualifications are grounds for dismissal. A member who ceases to be a resident of Sumter County shall be automatically dismissed.
- b. Vacancies occurring during the unexpired term of a member shall be filled within thirty (30) days after the vacancy occurs.
- (3) *Organization.* At its initial meeting and at its first meeting in each year thereafter, the ZAB shall elect, by majority vote of its membership, one of its regular members to serve as chairman and preside over the board's meetings, and one regular member to serve as vice-chairman, ~~except that both offices shall not be held by members representing the same commission district.~~ Those persons so elected shall serve for terms of one (1) year. Vacancies in these offices may be filled for the unexpired terms only, by majority vote of the membership. The chairman and vice-chairman may take part in all deliberations and shall vote on all issues, unless prohibited by law. The director, or his designee, shall serve as

secretary to the ZAB.

- (4) *Advisory members or committees.* Pursuant to Florida Statutes, a representative of the Sumter County School District shall serve as an ex-officio member of the ZAB. As necessary, the commission may appoint one or more individuals or committees to assist the ZAB in performing its planning and zoning responsibilities with respect to a particular subject area. Individuals and members of such advisory committees shall sit as nonvoting members on the ZAB when such issues are being considered and lend their talents, energies, and expertise to it. However, all formal recommendations and other actions to the commission shall be made by the ZAB.
- (d) *Meetings.*
 - (1) *Schedule.* The ZAB shall establish a regular meeting schedule and shall meet frequently enough to expeditiously perform its duties in conformity with public notice and other applicable laws.
 - (2) *Conduct.* All ZAB meetings shall be open to the public and conducted in accordance with the provisions set forth in this chapter. The ZAB shall adopt rules and regulations governing its procedures and operations not inconsistent with those provisions and Florida law.
 - (3) *Record.* All actions of the ZAB shall be public record. All meetings shall be audio-recorded and written minutes shall be prepared of all proceedings. The director shall keep a properly indexed record of its actions, which shall be a public record.
 - (4) *Joint meetings.* The ZAB and the commission may, if they so desire, hold combined public hearings and meetings on any application or other matters. Such combined meetings shall not prevent the ZAB and/or the commission from holding additional hearings if deemed necessary.
- (e) *Quorum and voting.*
 - (1) *Quorum.* A quorum for the ZAB shall consist of a majority of the total regular positions on the board. If a majority of regular members are not present, then an alternate member shall qualify for the determination of a quorum. A quorum is necessary for any official action.
 - (2) *Voting.* Voting shall be conducted as follows:
 - a. All regular members shall vote on each motion unless a regular member abstains because of a conflict of interest, or unless otherwise prohibited by law. Conflict of Interest forms shall be

filed with the ZAB secretary when applicable. An alternate member shall only vote if needed to establish a quorum as previously defined.

- b. All actions shall be taken by majority vote, a quorum being present.
 - c. A roll call vote shall be taken upon the request of any member
- (f) *Compensation, legal counsel, administrative staff*
- (1) *Compensation.* Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the commission, or as otherwise provided by law
 - (2) *Legal counsel* The commission shall appoint legal counsel to the ZAB.
 - (3) *Administrative staff* The commission shall provide clerical and administrative personnel, including a secretary, to the ZAB as may be reasonably required for the proper performance of its duties.