

**RULES OF PROCEDURE  
for the  
FORT PIERCE BOARD OF ADJUSTMENT**

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1. **Definitions:** The following words, when used herein, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

"Board" shall refer to the Fort Pierce Board of Adjustment.

"Code" shall refer to the Code of Ordinances of the City of Fort Pierce.

"Department" shall mean the City of Fort Pierce department presently titled the Department of Development or as such department may be hereafter renamed.

2. **Interpretation:** These rules shall be interpreted so as to be consistent with the Code and other applicable law.

3. **Membership:**

- A. Regular. Pursuant to the applicable provisions of the Code, the Board shall consist of five (5) members appointed by the City Commission.
- B. Alternate. Pursuant to the applicable provisions of the Code, there shall also be two (2) alternate members appointed by the City Commission. An alternate member shall sit on the Board in the absence or disqualification of a regular member.

4. **Officers:**

- A. Chair. The Chair shall preside at all meetings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.
- B. Vice Chair. The Vice Chair shall act in the absence or disqualification of the Chair and, in such an event, shall exercise or perform all the duties and be subject to all the responsibilities of the Chair. In the absence or disqualification of the Chair and Vice Chair, a majority of the Board members present may designate a temporary Chair to serve during such absence or disqualification.
- C. Secretary. The Secretary for the Board shall be provided by the Department and shall maintain a record of the Board proceedings, maintain all records pursuant to those proceedings, prepare and deliver meeting agendas, and, in general, serve as the liaison between the Board

and the City of Fort Pierce and perform those duties more specifically provided in these rules.

- D. Board Attorney. The Office of the Fort Pierce City Attorney shall provide counsel for the Board to serve as a legal adviser.

## 5. Election of Officers.

The Chair and the Vice Chair of the Board shall be elected by and from its membership once per year during a regular meeting of the Board as declared by the Chair or as the Board may determine. Nominations for office shall be made from the floor and the election shall be held immediately thereafter. Candidates receiving a majority vote shall be declared elected and shall serve a term of one (1) year, or until a successor shall take office. Vacancies shall be filled by the election procedure as described in this part at any regular scheduled meeting when a vacancy is declared.

## 6. Meetings.

- A. Scheduling. Meetings of the Board shall be held at such times as the Chair may declare, upon consultation with the Department, and at such other times as the Board may determine. Such meetings shall begin at 6:00 P.M. in the Fort Pierce City Hall Commission Chambers on the first floor of City Hall, unless the Chair shall declare a different time or place.
- B. Notice. Notice of all meetings shall be given to the Board members by the Secretary at least twenty-four (24) hours in advance of the meeting, and the notice of all meetings shall be provided by the Secretary to the City Clerk for inclusion in the City's schedule of meetings and events.
- C. Attendance. The Secretary shall maintain a record of the attendance of the Board members at meetings. Each regular and alternate member who has knowledge of the fact that he or she will be unable to attend a scheduled meeting shall notify the Secretary at the earliest possible opportunity prior to 12:00 pm the date of the meeting. The Secretary shall notify the Chair in the event that projected absences will produce the lack of a quorum.
- D. Quorum and Supermajority Requirements.
- (1) Pursuant to the applicable provisions of the Code, a majority of the five (5) member Board shall constitute a quorum for the transaction of business; provided, however, that pursuant to the applicable provisions of the Code, the concurring vote of four (4) members of the Board shall be necessary to grant an application for a variance, to approve any enlargement or alternation of a nonconforming

structure as a special exception, and to reverse any decision of an administrative official of the City.

- (2) In the event only four (4) members of the Board attend a meeting at which items are to be addressed by the Board which, under the applicable provisions of the Code, require the concurring vote of all four (4) such members, the Chair shall notify the applicant or other affected party that he or she has the option to either proceed with such matter at such meeting or to have such matter continued to a meeting at which five (5) members of the Board may attend.

E. Participating, Voting, and Abstaining.

- (1) Voting on the disposition of matters before the Board shall be by either voice vote or roll call vote; provided, however, that if the vote on any such matter is less than unanimous, then, in order to show the vote of each member upon the matter and to otherwise preserve clarity in the record, the Chair shall require the vote to be conducted by roll call.
- (2) Procedures involving a voting conflict for a member of the Board shall be governed by applicable Florida law, including §112.3143, Florida Statutes.
- (3) Pursuant to §286.012, Florida Statutes, no member of the Board who is present at a meeting may abstain from voting on any matter to be taken or adopted by the Board except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of §112.3143, Florida Statutes.
- (4) An alternate member may participate in any matters to be addressed by the Board, except that such alternate member may not vote unless certified by the Chair as a replacement for a regular Board member at the meeting which such regular Board member fails to attend, or has recused himself/herself from voting on a particular issue.

**7. Order of Business:**

Matters to be addressed by the Board at its meetings will be called in the order in which such matters appear on the meeting agenda; provided, however, that the Chair may take such matters out of order as necessary or appropriate for the expeditious conduct of business.

The following order of business will generally be used for the meeting agenda and will generally be observed at such meeting:

- A. Call to order.
- B. Prayer and/or Pledge of Allegiance.
- C. Roll call.
- D. Administrative business.
  - (1) Consideration of absences.
  - (2) Minutes of previous meeting
  - (3) Certification of alternate member voting status
  - (4) Other administrative matters.
- E. Variance applications.
- F. Special exception applications.
- G. Appeals.
- H. Discussions/reports.
- I. Other business (new business or old or unfinished business).
- J. Next meeting date.
- K. Adjournment.

## **8. Procedures at Meetings.**

- A. Procedural Rules. Generally accepted parliamentary procedures shall prevail at meetings of the Board except as may otherwise be provided for in these roles.
- B. Applications for Variances and Special Exceptions. The following procedures will normally be observed for applications for variances and special exceptions:
  - (1) The Department's staff presents report and makes recommendations.
  - (2) Members of the Board may ask questions regarding the Department's staff report and recommendations.
  - (3) The applicant makes presentation.
  - (4) Proponents of the application make presentation.
  - (5) Opponents of the application make presentation.
  - (6) The applicant makes rebuttal of any point not previously raised.
  - (7) Members of the Board may ask questions of the applicant, the proponents of the application, the opponents of the application, or the Department's staff.

- (8) The Chair entertains a motion regarding the application and the Board votes on the motion.

C. Appeals from Rulings of Administrative Officials.

- (1) Time for Filing Appeals from Rulings of Administrative Officials. Pursuant to the provisions of 22-140(a) of the Code, an appeal to the Board by any person aggrieved or by any officer or bureau of the City affected by any decision of an administrative officer of the Department regarding a provision of Chapter 22 of the Code shall be made within thirty( 30) calendar days of the date of such decision by filing with the officer from whom the appeal is made and with the Board within such period of time a written notice of appeal specifying the grounds thereof.
- (2) The following procedures will normally be observed for appeals from rulings or decisions of administrative officials of the City:
  - (a) The Board's attorney, the Board's secretary, or an appropriate member of the Department's staff presents a report regarding the appeal.
  - (b) The appellant makes presentation, and the Board may ask questions of the appellant.
  - (c) Proponents of the appeal makes presentation.
  - (d) The appellee makes presentation, and the Board may ask questions of the appellee.
  - (e) Opponents of the appeal make presentation.
  - (f) The appellant makes rebuttal presentation.
  - (g) The Board may ask questions of the appellant, the appellee, the proponents of the appeal, the opponents of the appeal, or staff.
  - (h) The Chair entertains a motion from the Board regarding the appeal and the Board votes on such motion.

**9. Amendments.** These rules may be amended from time to time upon majority vote of the Board.

(Amended 5/24/07)