

BOARD OF ADJUSTMENT AGENDA

Board of Adjustment Regular Meeting - Thursday, December 3, 2020 - 2:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
 - a. Absence from the August 27, 2020 meeting
5. **APPROVAL OF MINUTES**
 - a. Minutes from the August 27, 2020 meeting
6. **NEW BUSINESS**
 - a. Variance to Exceed Lot Coverage - Colleran Residence - 1675 Thumb Point Drive
 - b. Updated Board of Adjustment Rules of Procedure
7. **DISCUSSION / OTHER BUSINESS**
8. **COMMENTS FROM THE PUBLIC**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3737, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board of Adjustment - 2:00 PM

Meeting Date: 12/03/2020

Information

REQUESTED ACTION

Minutes from the August 27, 2020 meeting

LOCATION

N/A

RESPONSIBLE STAFF

N/A

RECOMMENDATION

N/A

Attachments

Board of Adjustment Minutes 8/27/20

Form Review

Form Started By: Alicia Rosenthal

Started On: 08/31/2020 01:40 PM

Final Approval Date: 09/30/2020

DRAFT



CITY OF FORT PIERCE
BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **AUGUST 27, 2020, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: **Stanley Hula; Charles Hayek; William Nunn**

Absent: **James Crist**

Staff Present: **Peter Sweeney, City Attorney**
Rebeca Guerra, Assistant Planning Director
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant

4. CHAIR AND VICE-CHAIR ELECTIONS

Motion was made by William Nunn, and seconded by Charles Hayek to appoint Mr. Nunn as Chair and Mr. Crist as Vice-Chair.

AYE: Stanley Hula, Charles Hayek, William Nunn

Passed

5. CONSIDERATION OF ABSENCES

Motion was made by Charles Hayek and seconded by Stanley Hula to table the absence of Mr. Crist until the next Board of Adjustment meeting.

AYE: Charles Hayek, Stanley Hula, William Nunn, Chairman

Passed

6. APPROVAL OF MINUTES

- a. Minutes from the August 29, 2019 meeting

Motion was made by Charles Hayek and seconded by Stanley Hula to approve the minutes from the August 29, 2019 meeting.

AYE: Charles Hayek, Stanley Hula, William Nunn, Chairman

Passed

7. PUBLIC HEARINGS

- a. **Variance - 3030 South US Highway 1 - Savannah Ridge**

The clerk introduced the Variance for Savannah Ridge located at 3030 South US Highway 1.

Chairman Nunn asked the City Attorney, Pete Sweeney, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Pete Sweeney, City Attorney, explained to the Board of Adjustment that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal Board meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence. Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

Chairman Nunn called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Chairman Nunn inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Hayek– yes

Mr. Hula – no

Chairman Nunn - no

Chairman Nunn opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Brandon Creagan, Planner, stated the applicant is requesting the Board of Adjustment approve four (4) Variances to deviate from City Code to construct a manufactured home community. This property was formally a mobile home park in the mid 2000's, however due to extensive

hurricane damage, the park was forced to close. All that remains of the park are the concrete pads, roads, a few trees, and an accessory building that is located adjacent to US Highway 1. Staff recommends that the Board of Adjustment approve the following four (4) Variances, subject to two (2) Conditions of Approval:

1. A Variance from Section 125-246(2)(b) to allow for internal streets to be twenty (20) feet wide in lieu of thirty (30) feet wide.
2. A Variance from Section 125-246(3)(c) to remove the requirement to provide laundry facilities in a service building.
3. A Variance from Section 125-246(11)(a) to remove the requirement to provide a centralized storage area for boats, campers, camping trailers, and/or automobiles.
4. A Variance from Section 125-319(4) to remove the requirement to provide a storage building for each lot or mobile home space or at least one common storage facility.

The two (2) Conditions of Approval are as follows:

1. No storage of boats, campers, or camping trailers on site.
2. Each manufactured home shall have or provide for a washing machine & dryer unit.

Board questions for Staff: None

Applicant questions for Staff: None

Applicant presentation:

Brian Nolan, Applicant Representative from Lucido and Associates, sworn, stated Yes Communities purchased the parcel and also owns the manufactured home park, Sandhill Shores, immediately to the south. An application is in with the planning department to redevelop the site which includes clean up, re-doing the club house facilities and bringing in new manufactured homes. We ran into an antiquated code that is not applicable in today's manufactured homes. Overly wide streets were meant to accommodate the frequent locating and relocating of manufactured homes. New sidewalks will be installed for safe pedestrian access. Each manufactured home unit will have its own washer and dryer. Storage of boats and campers is not preferred and there are several storage facilities nearby. Residence can have a shed on their property if they prefer.

Board questions for Applicant: Will the existing roads be paved? Will the developer or city be responsible for policing storage of boats and campers on site? Is the site tied into city sewer? Is there stormwater on site? What is the price range of the modular homes?

Henry Vorpe, Civil Engineer from AVA Engineering, sworn, stated the road system is in good shape and they will be doing a full milling and resurfacing. The drainage is in and we will be re-doing some of the water and sewer to bring it up to current Department of Environmental Protection standards. There is some stormwater treatment on site and there is very little impervious area.

Babu Hawlader, Regional Manager for Yes Communities of Florida, sworn, stated the 202 manufactured homes will be selling from \$60,000 to \$75,000 and the owner will pay rent for the land because it belongs to Yes Communities. The landscape will be brought up to current standards.

Mr. Sweeney asked Mr. Hawlader to clarify enforcement due to the structure of the ownership. Mr. Hawlader said there will be guidelines and community rules that the owners will have to sign with the lease. If they are violating the lease, legal action will take place.

Public comment: None

Chairman Nunn, seeing no one else, closed the public hearing.

Comments by the Board: None

Motion was made by Charles Hayek and seconded by Stanley Hula to approve the following four (4) Variances, subject to two (3) Conditions of Approval:

- 1. A Variance from Section 125-246(2)(b) to allow for internal streets to be twenty (20) feet wide in lieu of thirty (30) feet wide.**
- 2. A Variance from Section 125-246(3)(c) to remove the requirement to provide laundry facilities in a service building.**
- 3. A Variance from Section 125-246(11)(a) to remove the requirement to provide a centralized storage area for boats, campers, camping trailers, and/or automobiles.**
- 4. A Variance from Section 125-319(4) to remove the requirement to provide a storage building for each lot or mobile home space or at least one common storage facility.**

The two (3) Conditions of Approval are as follows:

- 1. No storage of boats, campers, or camping trailers on site.**
- 2. Each manufactured home shall have or provide for a washing machine & dryer unit.**
- 3. Landscape will be brought up to city code.**

AYE: **Charles Hayek, Stanley Hula, William Nunn, Chairman**
Passed

8. DISCUSSION / OTHER BUSINESS

Ms. Guerra explained the Board of Adjustment meetings will now take place at 2:00 PM on the 4th Thursday of the month.

9. COMMENTS FROM THE PUBLIC

There were no comments from the public.

10. ADJOURNMENT

Planning Board of Adjustment - 2:00 PM

Meeting Date: 12/03/2020

Information

REQUESTED ACTION

Variance to Exceed Lot Coverage - Colleran Residence - 1675 Thumb Point Drive

LOCATION

1675 Thumb Point Drive

RESPONSIBLE STAFF

Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Director of Planning

RECOMMENDATION

Approval.

Attachments

Staff Report

TRC Comments

Response Letters

Form Review

Form Started By: Rebeca Guerra

Started On: 11/19/2020 05:04 PM

Final Approval Date: 11/20/2020



TO: Members of the City of Fort Pierce Board of Adjustment

FROM: Rebeca Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: **Application for Variance**
Exceed Allowable Lot Coverage
1675 Thumb Point Drive

MEETING DATE: December 3, 2020

STAFF REPORT

Owner/Applicant: Francis W Colleran
 1236 Southeast 24th Avenue
 Pompano Beach, FL 33062-7047

Requested Action: Variance from Section 125-24(b)(3) to allow for a lot coverage of twenty-nine (29) percent in lieu of the Code-required twenty-five (25) percent.

Location: 1675 Thumb Point Drive

Parcel ID: 2401-605-0040-000-6

Zoning: Single Family Low Density (R-1)

Future Land Use: Low Density Residential (RL)

Parcel Size: .30 acres/13,000 Square Feet

Proposed Lot Coverage: 29%

Surrounding Zoning:

North	East	South	West
R-2	R-1	Indian River	R-1

Staff Analysis:

In accordance with Article II, Division 3 of Section 125 of the City Code, the applicant is requesting the Board of Adjustment approve a Variance to deviate from Section 125-24(b)(3) of the City Code to construct a single-family home which will exceed the permitted lot coverage by approximately 4%.

The subject site has a lot size of 13,000 or .30 acres. The proposed single-family home and other structures on the lot will encompass approximately 3,705 square feet. The gross total building area equates to a total lot coverage of 28.5%. City Code Section 125-24(b)(3) states that single-family home structures within the R-1 zone shall not cover more than twenty-five (25) percent of the lot area.

The proposed single-family home and structures, as presented, will exceed the established lot area restrictions noted unless the Variance is granted. The proposed home will meet the yard (setback) and height standards of the district. With the exception of the proposed jacuzzi and decking, the site plan provided meets all other applicable codes contained in Chapter 125 of the Land Development Code. The location of these two structures shall be addressed as part of the building permit review process. However, the applicant has been made aware of the issue and will be looking for alternative locations on the property that meet Code. The proposed site plan and conceptual design are provided for review. If the Variance is approved, the additional lot coverage will not adversely affect traffic flow, safety and control, pedestrian safety, and convenience or visibility at any street intersections, drives, rights-of-way, curb cuts, or crosswalks.

Variance Criteria:

The following criteria are specified in City Code 125-100, which must be satisfied in order for a variance to be granted:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant.
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The owner's response to the above criteria is attached to the submittal pack with the application.

Property Owner Response Survey:

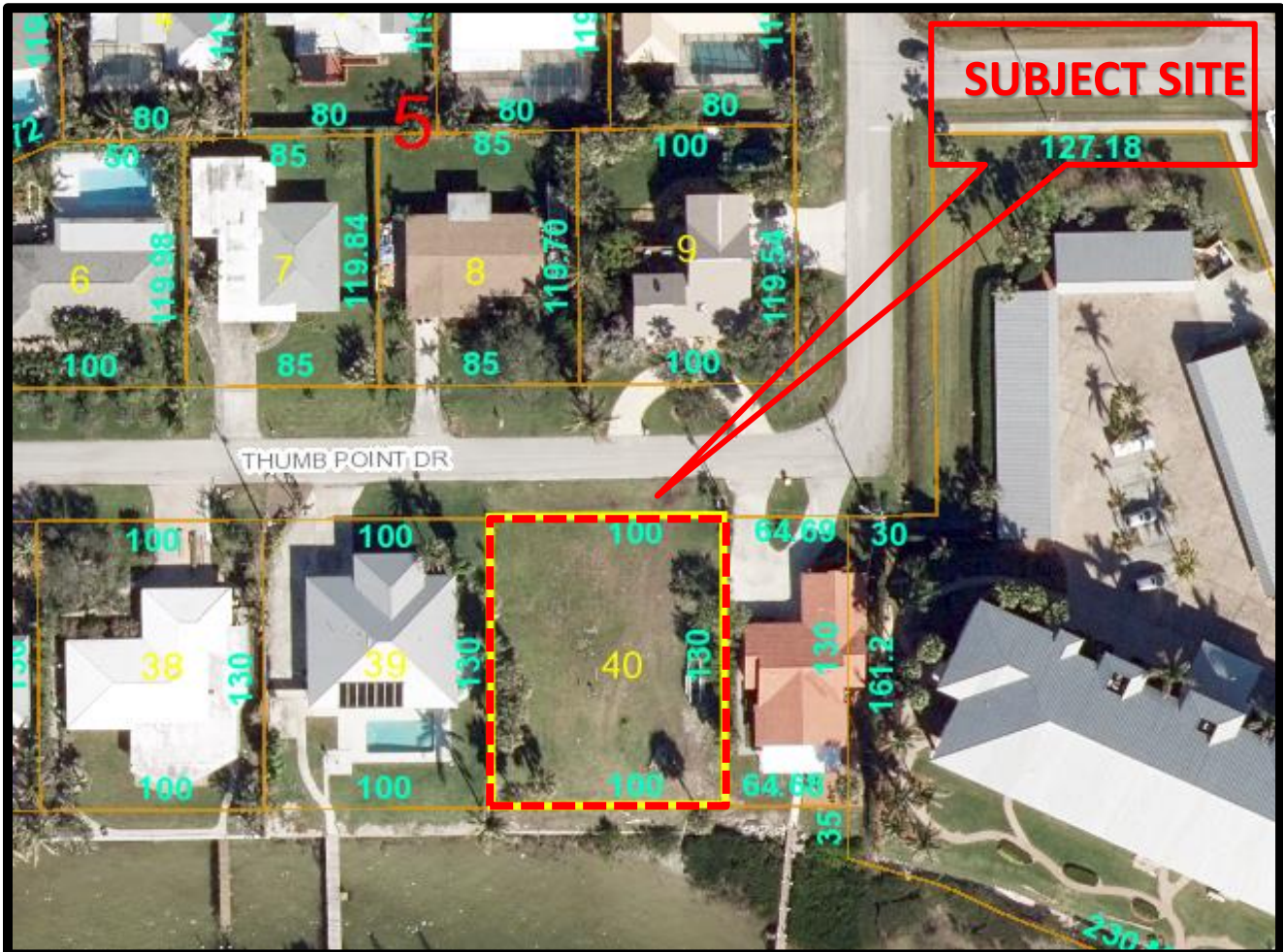
A total of four (4) notifications were mailed to abutting property owners. As of November 20, 2020, two (2) letters have been received- one (1) in support and one (1) in objection. They are attached for your review. An update will be provided at the Board of Adjustment meeting.

Staff Recommendation:

Staff recommends that the Board of Adjustment APPROVE a Variance from Section 125-24(b)(3) to allow for a lot coverage of twenty-nine (29) percent in lieu of the Code-required twenty-five (25) percent.

Aerial Map

1675 Thumb Point Drive



Application for Variance
1675 Thumb Point Drive
Aerial Map



From: Rebeca Guerra
Sent: Thursday, November 19, 2020 4:43 PM
To: Brandon Creagan
Subject: FW: 1675 Thumb Point Drive

From: WBoyer@slcfd.org <WBoyer@slcfd.org>
Sent: Tuesday, November 10, 2020 10:39 AM
To: Rebeca Guerra <rguerra@cityoffortpierce.com>
Subject: 1675 Thumb Point Drive

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

Hello,

The Fire District has no comments on this project.

Take care,



Captain Wayne Boyer, M.S., FO, MIFireE, CFEI
Water Supply Officer
Community Risk Reduction Division
St. Lucie County Fire District
Office: 772-621-3322|Mobile: 772-631-8877
5160 NW Milner Drive
Port St. Lucie, FL 34983



Fort Pierce Utilities Authority
Water/Wastewater Engineering
1701 South 37th Street
Fort Pierce, FL 34947
772.466.1600 x3473

Technical Review Committee Meeting

November 19, 2020

TECHNICAL REVIEW PROJECT # 20-12000001 (COLLERAN RESIDENCE)

Variance – Colleran Residence – 2401-605-0040-000-6

Comments

FPUA W/WW Engineering: Approved as Noted

- Water and Wastewater Service is available to the subject property. Water - Applicant is required to visit 206 South 6th Street (FPUA's Customer Service Building) to set up a utility account and address the required fees. Fees will include (but not limited to) the installation of a residential water service from the existing water main to the subject site. The water meter must be on private property and must be freely accessible from the public right-of-way for maintenance and billing purposes. Wastewater – Applicant is required to Call 811, Florida's Official BEFORE YOU DIG hotline, to have the wastewater service located in the field to ensure effective and efficient connection.
- The Applicant's plumber is responsible for contacting Robert Eschmann @ (772) 466-1600 ext. 5520 to schedule a sewer tap inspection. The plumber must be present for the inspection with the connection fully exposed for inspection purposes. Ferncos are not allowed to be used for connection of applicant's private lateral to FPUA's point of service. Ensure that FPUA Detail S-4A is strictly adhered to when restoring the excavation after the inspection is complete.
- FPUA Electric & Gas Engineering: Approved. Below are comments in reference to FPUA electric service availability and requirements:
Electric service is available from the NE corner (FPI 11683) of the parcel. Please provide electric load information for the new service and AutoCAD drawing. Customer will be responsible for all conduits. For more information and project coordination, please contact Sal Scimeca @ 772-466-1600 ext. 6957



Our mission is to provide our customers with economical, reliable, and friendly service in a continuous effort to enhance the quality of life in our community.

www.fpu.com





THE SUNRISE CITY
FORT PIERCE
 ENGINEERING
 DEPARTMENT

Florida

RECEIVED

To : Rebeca Guerra, Assistant Director of Planning

NOV 17 2020

FROM : John R. Andrews, P.E., City Engineer

JRA

CITY OF FORT PIERCE
 PLANNING & ZONING

**RE : Colleran Residence Variance – 1675 Thumb Point Drive
 TRC No. 20-12000001**

DATE : November 12, 2020

This is to advise you that we have completed the review of the following documents as received by this office on November 6, 2020:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Variance Application | <input type="checkbox"/> Building Construction Plans |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local, State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local, State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we

- | | | |
|---|---|------------------------------|
| <input checked="" type="checkbox"/> Recommend | <input type="checkbox"/> Do Not Recommend | |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Building Permit | <input type="checkbox"/> C/O |

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- See attached for advisory comment

The application included two different plot plans. This approval is based on the plot plan shown on the "Boundary Survey and Elevations with Proposed Residence" as prepared by A.B. Survey Supplies Enterprises, Inc. and not the sketch prepared by Summit Design and Forensics, Inc. The two plot plans differentiate from one another as the Summit plan reflects jacuzzi and decking construction continuing to the western property line with no setbacks proposed. This construction would not be recommended due to the possibility of adverse drainage impacts to the property situated to the west.

JRA/TST/tst
TST



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT *Florida*

November 10, 2020

Dear Property Owner(s):

The property owner, Francis Colleran, is requesting approval of a Variance to construct a single-family home that will exceed the lot coverage in the R-1, Single Family Low Density Zoning district. The maximum lot coverage is 25% for single family homes, but the proposed home will cover approximately 29% of the lot. The property is located at 1675 Thumb Point Drive in Fort Pierce, Florida. The property is zoned Single Family Low Density (R-1). The Parcel ID is 2401-605-0040-000-6.

Legal Description:
THUMB POINT BLK 1 LOT 40 (OR 3968-85)

A public hearing is scheduled before the Board of Adjustment of the City of Fort Pierce, Florida, at their meeting on **Thursday, December 3, 2020**, which begins at **2:00 p.m.** in the City Hall Commission Chambers, 100 North U.S. 1, Fort Pierce, Florida. You are provided the opportunity to attend the public hearing and to speak in favor of, or in opposition to, the requested **Variance**. Whether you attend the meeting or not, it is requested that you please complete the form below and return it so it is received by **1 p.m. on Thursday, December 3, 2020**. Methods of returning your ballot are identified below. Each ballot returned will be tabulated and reported to the Board of Adjustment. If you have any inquiries, or would like to review the complete application, please contact Rebeca Guerra at (772) 467-3739 or at rguerra@cityoffortpiece.com. Furthermore, published agenda packets for each Board of Adjustment meeting are provided a few days in advance at the following web address: <http://cityoffortpiece.com/223/Agendas-Minutes>.

Thank you for your contribution.

Sincerely,

Rebeca A. Guerra, AICP, LEED-AP, CPD
Assistant Planning Director

Variance - 1675 Thumb Point Drive (Colleran Residence)

I approve

I disapprove

No.

Comments:

The neighborhood is firmly established as one that is not (primarily) over built. The exceptions that have exceeded the limits look out of place & diminish the quality of the neighborhood

Lucy Light

Signature

11/17/2020

Date

Please complete and return ballot to: **Please turn over for information on returning the ballot.**

Mail
City of Fort Pierce
Planning Department
100 N. US Hwy 1
Fort Pierce, FL 34950

or

Fax
(772) 466-5808

or

Email
rguerra@cityoffortpiece.com



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT *Florida*

RECEIVED

NOV 18 2020

CITY OF FORT PIERCE
PLANNING & ZONING

November 10, 2020

Dear Property Owner(s):

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Thank you for your contribution.

Sincerely,

[Signature]
Assistant Planning Director

Variance - 1675 Thumb Point Drive (Colleran Residence)

I approve

I disapprove

No...

Comments:

[Signature]
Signature

11-17-20
Date

Please complete and return ballot to: **Please turn over for information on returning the ballot.**

Mall
City of Fort Pierce
Planning Department
100 N. US Hwy 1
Fort Pierce, FL 34950

Fax
(772) 466-5808

Email
rguerra@cityoffortpierces.com

Planning Board of Adjustment - 2:00 PM

Meeting Date: 12/03/2020

Information

REQUESTED ACTION

Updated Board of Adjustment Rules of Procedure

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Board of Adjustment Rules of Procedure

Form Review

Form Started By: Alicia Rosenthal

Started On: 09/01/2020 12:04 PM

Final Approval Date: 11/18/2020

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

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~~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~~10:00 ~~pm~~am 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)~~three (3) 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)~~three (3) 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)~~three (3) 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)~~four (4) 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~~other business.
- ~~I. Other business (new business or old or unfinished business).~~Comments from the public
- ~~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)~~125-108 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 ~~22-125~~ 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~~9/1/2020)