

Discussion of Board of Adjustments Duties Being Incorporated into the Planning Board

**City Commission Conference
Agenda
May 10, 2021**



Board of Adjustments

Name	Appointed	Expires
Chairman, Vacant	Commissioner Perona 12/16/19	Resolution 19-R50
Vacant	Commissioner Alexander	Resolution 19-R50
James Crist, Vice-Chairman	Commissioner J. Johnson 12/16/19	Resolution 19-R50
Darryl-Thomas Bey	Commissioner C. Johnson 11/4/21	Resolution 21-R02
Charlie Hayek	Mayor Hudson 1/21/20	Resolution 20-R04

Planning Board

Name	Appointed	Expires
Michael Broderick Vice- Chair	8/21/2017	Resolution 17-R27 Mayor Hudson
Gloria M. Johnson Scott	11/6/2017	Resolution 18-R59 Commissioner Alexander
Robert Burdge	8/21/2017	Resolution 18-R59 Commissioner Perona
Harold Albury	1/4/2021	Resolution 21-R05 Commissioner C. Johnson
Frank Creyaufmiller Chairman	8/21/2017	Resolution 17-R27 Commissioner J. Johnson
Nichelle Clemons	8/18/2020	Resolution 20-R57 At-Large
Marcia Baker	8/17/2020	Resolution 20-R39 At- Large
Marty Sanders	SLC School	

Board of Adjustments

Sec. 125-40. Board of adjustment.

(a) *Membership.*

(1) *Regular.* The board of adjustment shall consist of five members, with one appointed by each commissioner and one appointed by the mayor.

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(c) *Meetings.* Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. All meetings shall be open to the public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public record. A majority of the board of adjustment shall constitute a quorum for the transaction of business.

(d) *Powers.* The board of adjustment shall have the power and duties specified in this section, sections 125-35 and 125-98 through 125-107.

Board of Adjustments

Sec. 125-35 and 125-98 through 125-107. Board of adjustment.

Sec. 125-35. Supplemental application information.

- (a) *General.* Application for certificates of temporary uses, site plan reviews, conditional uses, and nonconforming structures as a special exception, and variances shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the property and the size and locations of all existing and proposed structures; the intended use of each structure, the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this chapter. These applications shall also be accompanied by a legal description of the property involved and any information required by other parts of this chapter.
- (b) *Certificates of zoning compliance.* In addition to the information specified in subsection (a) of this section, the following information shall be submitted along with the applications for certificates of zoning compliance: a description of all landscape materials which will be used and plans showing the location of proposed parking spaces, driveways, other vehicular use areas and landscaped areas (including the location of sprinklers or water outlets).

Board of Adjustments

Sec. 125-35 and 125-98 through 125-107. Board of adjustment.

Sec. 125-98. Purpose.

The purpose of a variance is to allow a modification of certain zoning ordinance regulations when such modification will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant.

Sec. 125-99. Authorization to grant or disapprove variances.

The board of adjustment and city commission may authorize a variance from the regulations governing the height, area and size of structures and size of yards and open spaces only when consistent with the purpose of this article.

Board of Adjustments

Sec. 125-35 and 125-98 through 125-107. Board of adjustment.

Sec. 125-100. Criteria for granting variances.

A variance may be granted only in the event that all of the following criteria are satisfied:

- (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 provisions 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; and
- (5) The granting of the variance will be in harmony with the general intent and purpose of the ordinance codified in this section and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Board of Adjustments

Sec. 125-35 and 125-98 through 125-107. Board of adjustment.

Sec. 125-101. Application for a variance. An application for a variance may be made by the property owner of the area involved or their designated representative by filing an application with the planning department.

Sec. 125-102. Stay of proceedings. An appeal for a variance stays all proceedings in furtherance of the action appealed from, unless the planning director certifies to the board of adjustment after the notice of appeal shall have been filed, a stay would, in the director's opinion, cause imminent peril to life and property.

Sec. 125-103. Variance procedure.

Sec. 125-104. Compliance with conditions of approval.

Sec. 125-105. Time limit for variances. Authorization of a variance shall be void after one year.

Sec. 125-106. Limitations of refiling of application.

Applications for which a substantially similar application has been disapproved will be heard by the board of adjustment only after a period of six months has elapsed from the date of the final decision.

Sec. 125-107. Vested interest in approved variances. A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this chapter unless specifically provided otherwise

Planning Board

Sec. 49. City planning board.

The city commission may provide by ordinance for the establishment of a city planning board, the members of which shall serve without compensation, and it shall be the duty of such board to procure and suggest plans for the arrangement of the city with a view to its general improvement and probable growth and demands, these plans to take into consideration the extension on the city works into adjacent territory, improvement and changes in public utilities and lines of transportation, by surface and water, and the location, widths and grades of highways necessary for the best development of the city and improvement of the waterfronts, with the seawalls and wharves; the location and design of public buildings and municipal decoration and ornamentation and such further extension of and additions to the park and boulevard system as may be deemed advisable. All expenditures of funds for permanent improvements shall be restricted to such purposes as are contemplated under the plans of the city planning board which may have been approved and adopted as provided for by state statute. The members of the city commission and the city manager shall be ex officio members of the city planning board.

Planning Board

Sec. 101-21. Appointment; qualifications of members; terms.

There shall be appointed by the city commission a city planning board (referred to in this article as the board) consisting of seven members who have been residents of the city for the last two years. Each member of the city commission shall appoint one member, to serve concurrently with the appointee's term.

Planning Board

Sec. 101-23. Powers and duties.

The board shall have the following powers and duties:

- (1) *Personnel.* The board is authorized to employ personnel necessary to make surveys and compile data essential to the preparation of a plan for municipal improvements and otherwise to assist the board in the execution of its powers and duties under this article. The employment of such personnel and the amount of salary to be paid shall be approved by the city commission. The board shall not in any manner obligate the city commission without prior approval of the city commission.
- (2) *Officers.* Elect its own chairperson, vice-chairperson and secretary.
- (3) *Procedures.* Adopt procedures for its guidance, provided the same are consistent with the ordinances of the city and applicable state laws.
- (4) *Disposal of city property.*
- (5) *Official city map.* Draft an official map of the city with the assistance of the director of public works.
- (6) *Neighborhoods.* Make and adopt plans for the improvement and development of neighborhoods.
- (7) *Public relations*
- (8) *Budget.* Submit annually to the city manager, not less than 90 days prior to the beginning of the budget year, a list of recommended capital improvements which the board considers necessary.

Planning Board

Sec. 101-23. Powers and duties.

The board shall have the following powers and duties:

- (9) *Recommend public buildings and lands.* Recommend the erection and use of a building or the use of premises in any zoning district when found to be necessary for the public health, convenience, safety or welfare for the following purposes: a public utility; any municipal purpose; community center; cemetery; golf course; educational, philanthropic, charitable or religious use; public or private school (except child nurseries and kindergartens); public or private parks or playgrounds.
- (10) *Voting.* All recommendations from the planning board, for either approval or disapproval of any measure, petition, plan, program or proposal of any nature, shall be by a majority of the members serving on said board.
- (11) *Annexation.* Review applications for voluntary annexation to city and make recommendation to city commission.

Planning Board

Sec. 101-24. Evaluation and appraisal of comprehensive plan.

- (a) The board is designated as the local planning agency for purposes of the Community Planning Act (F.S. § 163.2511 et seq.). It shall prepare periodic reports on the comprehensive plan, which shall be sent to the city commission at least once every seven years after the adoption of the comprehensive plan, or element or portion thereof. Reports may be transmitted at lesser intervals, as may be required or upon request of the city commission. The report shall represent an assessment and evaluation of the success or failure of the comprehensive plan, or element or portion thereof, and shall contain appropriate statements related to:
- (1) The major problems of development, physical deterioration and the location of land uses and the social and economic effects of such uses in the area;
 - (2) The condition of each element in the comprehensive plan at the time of adoption and at date of report;
 - (3) The comprehensive plan objectives as compared with actual results at date of report;
 - (4) The extent to which unanticipated and unforeseen problems and opportunities occurred between date of adoption and date of report.
- (b) The report shall be transmitted to the state land planning agency, to the regional agency and to the St. Lucie County Planning Agency.

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