

## **ORDINANCE NO. 2019-01**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, RELATING TO VILLAGE BOARDS AND COMMITTEES; AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 2, "ADMINISTRATION," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 2-1, "BOARDS AND COMMITTEES," TO INCREASE THE NUMBER OF MEMBERS AND ELIMINATE ALTERNATE MEMBERS, MANDATE THE START TIME OF MEETINGS, AND CLARIFY PROVISIONS REGARDING VACANCIES, REMOVAL, APPOINTMENT AND MEETINGS; AMENDING DIVISION 2, "AUDIT COMMITTEE," OF ARTICLE III, "ADMINISTRATIVE CODE," OF CHAPTER 2 OF THE VILLAGE CODE TO REVISE THE MEMBERSHIP AND TERMS AND REMOVE REDUNDANT LANGUAGE; AMENDING ARTICLE IV, "WATERWAYS BOARD," OF CHAPTER 5, "BOATS, DOCKS AND WATERWAYS," OF THE VILLAGE CODE OF ORDINANCES TO REVISE THE MEMBERSHIP AND TERMS AND REMOVE REDUNDANT LANGUAGE; AMENDING ARTICLE II, "MINIMUM CONSTRUCTION STANDARDS," OF CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO REPEAL SECTION 6-18, "CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS;" AMENDING ARTICLE II, "GOLF ADVISORY BOARD," OF CHAPTER 9, "COUNTRY CLUB," OF THE VILLAGE CODE OF ORDINANCES TO REVISE THE MEMBERSHIP AND TERMS AND REMOVE REDUNDANT LANGUAGE; AMENDING ARTICLE VIII, "BUSINESS ADVISORY BOARD," OF CHAPTER 17, "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES TO REVISE THE MEMBERSHIP AND TERMS AND REMOVE REDUNDANT LANGUAGE; AMENDING ARTICLE III, "RECREATION ADVISORY BOARD," OF CHAPTER 20, "PARKS, PLAYGROUNDS AND RECREATION," OF THE VILLAGE CODE OF ORDINANCES TO REVISE THE MEMBERSHIP AND TERMS AND REMOVE REDUNDANT LANGUAGE; AMENDING CHAPTER 21, "PLANNING AND DEVELOPMENT," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE II, "PLANNING COMMISSION," TO REVISE THE MEMBERSHIP AND TERMS, REMOVE REDUNDANT LANGUAGE, AND PROVIDE FOR ADDITIONAL DUTIES AND BY AMENDING ARTICLE III, "BOARD OF ADJUSTMENT," TO PROVIDE THAT THE PLANNING COMMISSION SHALL SERVE THIS FUNCTION AND REQUIRE THAT A CONCURRING VOTE OF A MAJORITY OF ALL MEMBERS IS REQUIRED TO GRANT A VARIANCE; CREATING A NEW ARTICLE IV OF CHAPTER 24, "STREETS, SIDEWALKS AND PUBLIC PLACES," OF THE VILLAGE CODE OF ORDINANCES TO CREATE AN ENVIRONMENTAL COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP AND DUTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council wishes to revise the requirements applicable to Village boards and committees, dissolve the Construction Board of Adjustment and Appeals, have the Planning Commission assume the duties of the Board of Adjustment and create a new Environmental Committee; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Village of North Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. The Village Council hereby amends Article I, "In General," of Chapter 2, "Administration," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 2-1. Boards and committees.**

(a) *Purpose.* The purpose of this section is to establish procedures for village boards and committees. Except as specifically provided by law or ordinance, all boards and committees are advisory only and the existence of such advisory boards and committees does not diminish or alter the statutory or constitutional authority of the village council.

(b) *Scope.* The provisions of this section shall apply to all village boards and committees and shall govern the conduct of all members of such boards.

(c) *Creation of advisory boards.* The village council may, by ordinance, create a board or committee in connection with any function of the village. The ordinance creating such board shall specify the purpose, powers, and duties of the board. Nothing set forth herein shall prevent the village council from creating ad hoc committees of limited duration by resolution.

(d) *Records.* Each board and committee shall maintain attendance records and voting records of each member and shall forward such information to the village clerk. The records shall include the reason given by the board or committee member for any absence.

(e) *Compensation of members.* Board and committee members shall serve without compensation except as may be provided by ordinance or resolution of the village council.

(f) *General provisions.* Members of village boards and committees:

- (1) Shall serve at the pleasure of the village council and may be removed with or without cause by a vote of the village council;
- (2) Shall be a resident of the village and maintain residency in the village during the term of appointment (unless waived by the village council) and meet such other eligibility requirements as may be established by the village council;
- (3) Shall not hold any employment or office in village government or any contractual relationship with the village;

- (4) Shall serve on only one village board or committee where membership on two boards or committees would violate the constitutional dual office-holding prohibition;
- (5) Shall not appear before the board or committee on which they serve or the village council as an agent or attorney on behalf of any person or entity;
- (6) Shall not have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between their private interests and the performance of their public duties or that would impede the full and faithful discharge of their public duties;
- (7) Shall not initiate any grievance or complaint against any person appearing before the board or committee on which they serve without the approval of the village manager; and
- (8) Shall attend all meetings in person and shall not participate as a member of any board or committee or vote on any matter by telephone, video conferencing, or any other electronic means.

(g) *Number of members.* Unless otherwise provided by law or ordinance, each advisory board or committee shall have ~~five~~ seven regular members and ~~two~~ alternative members, designated as the first alternate and the second alternate. ~~At the beginning of each meeting, the chairperson of the board or committee shall publicly announce whether first alternate and/or the second alternate will be participating in votes taken by the board or committee.~~

(h) *Terms of members.*

- (1) The terms of members shall be established in the ordinance creating the board or committee. Notwithstanding the foregoing, the village council may, at the time of appointment, modify the term of any member in order to provide for staggered terms.
- (2) Members whose terms have expired shall continue to serve until their successors are appointed.
- (3) Board and committee members may be reappointed to successive terms.
- (4) Appointments to fill vacancies on any board or committee shall be for the remainder of the unexpired term.

(i) *Officers.*

- (1) All boards and committees shall, at a meeting during the month of May, elect a chairperson, a vice-chairperson, and any other officers as the board deems necessary. The chairperson shall preside at board meetings and shall be the official spokesperson for the board.
- (2) The vice-chairperson shall assume the duties of the chairperson in the absence of the chairperson. At any meeting where the chairperson and the vice-chairperson are absent, the board or committee shall appoint a chairperson pro tempore to assume the duties of the chairperson.

(j) *Rules.* Each board and committee shall adopt rules and regulations regarding the manner of conducting its meetings, which shall be consistent with the rules and regulations prescribed by the village council. Each board and committee shall adhere to the basic rules of parliamentary procedure, which require that:

- (1) All items of business and motions that are properly before the board or committee are fully and freely discussed;
- (2) Only one issue or motion be considered at a time;
- (3) All members direct their remarks to the chairperson and wait to be recognized by the chairperson;
- (4) While majority rules, the rights of the minority are protected by assuring them the ability to speak and vote; and
- (5) All members refrain from making personal remarks or otherwise attacking the motives of other members.

(k) *Meetings.*

- (1) All village boards and committees shall endeavor to schedule a regular meeting once per month. Meetings shall be held at the call of the chairperson, at such other times as the board or committee may determine, or as otherwise provided by law or ordinance. Special meetings may be called by the chairperson or by written notice signed by a majority of all members and shall not be held unless at least 48 hours notice is given to each member and to the village clerk.
  - (2) Members shall notify the chairperson if they are unable to attend a meeting. If a quorum will not be present, the scheduled meeting shall be cancelled.
  - (3) Minutes shall be kept of the proceedings at each meeting and shall record the official acts taken by the board or committee. Minutes shall be transmitted to, and maintained by, the village clerk.
  - (4) All meetings and public hearings of village boards and committees shall be open to the public. All meetings shall be governed by Government-in-the-Sunshine Law, as set forth in section 286.011, Florida Statutes, as may be amended.
  - (5) Absent exigent circumstances, no board or committee meeting shall begin prior to 5:30 p.m. and all meetings shall be adjourned on or before 11:00 p.m. on the date when the meeting convened.
- (l) *Quorum and required vote.*
- (1) Unless otherwise provided by law or ordinance, a quorum for the transaction of business shall consist of ~~three~~ four members.
  - (2) The affirmative vote of a majority of those present shall be necessary to take official action. If any motion fails to achieve the affirmative vote of a majority of those present, then such petition or other matter shall be deemed denied.

(m) *Removal of members.*

(1) Unless waived by the village council, any member who no longer resides within the village during his or her term shall automatically cease to be a member of the board or committee and shall inform the village clerk's office.

(2) If any member of a board or committee is absent from three consecutive regular meetings or 25 percent of the regular meetings within any 12-month period (from May 1<sup>st</sup> to April 30<sup>th</sup>), the ~~chairperson~~ village clerk shall notify the village council of such absences in writing. Upon consideration of the circumstances pertaining to the member's absences, the village council may retain the member or declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.

(n) *Resignation of members.* Members of boards or committees may resign at any time, by submitting a written letter of resignation to the village clerk.

(o) *Clerical/technical support.* The village manager may furnish the board or committee necessary clerical services and technical assistance.

(p) *Dissolution of boards.* Unless otherwise provided by law or ordinance, the village council may dissolve a board or committee if the village council determines that the board is no longer needed to meet the purposes for which it was established.

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**~~Sec. 2-3. Adjournment of meetings of boards and committees.~~**

~~All regular meetings, special meetings and workshop meetings for village boards and commissions shall be adjourned on or before 11:00 p.m. on the date when the meeting convened~~

Section 3. The Village Council hereby amends Division 2, "Audit Committee," of Article III, "Administrative Code," of Chapter 2, "Administration," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 2-51. Created.**

An audit committee (hereinafter referred as the committee) for the village is hereby created.

**Sec. 2-52. Composition; terms; vacancies.**

(a) *Composition.* The audit committee shall consist of ~~five (5)~~ seven (7) members and ~~two (2) alternate members~~. The membership of the audit committee shall consist of ~~five (5)~~ village residents with educational and/or practical experience in the fields of finance or business.

(b) *Terms.* The village council shall appoint ~~the council members~~ on an annual basis during April of each year to take effect the following May 1 of each year. ~~At the first appointment of the four (4) resident members, one (1) member shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and two (2) members shall be appointed for one (1) year. Thereafter, resident members shall be appointed for staggered terms of three (3) years as determined by the village council. Alternate members shall be appointed on the same day that regular members are appointed and on an annual basis during April of each year to take effect the following May 1 of each year and shall have the duty to sit for any regular member that is absent, including the member councilman. Alternate members shall be appointed as first alternate and second alternate and shall serve in that order when required. The members shall serve at the pleasure of the village council.~~

(c) ~~*Vacancies.* An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.~~

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#### **Sec. 2-55. Removal.**

~~If a member of the audit committee or a designated alternate of the committee is absent from three (3) regularly scheduled meetings of the committee within any twelve consecutive month period without such absence being excused by majority vote of the committee, the chairman shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.~~

Section 4. The Village Council hereby amends Article IV, "Waterways Board," of Chapter 5, "Boats, Docks and Waterways," of the Village Code of Ordinances as follows (additional language underlined and deleted language stricken through):

#### **Sec. 5-102. Created.**

A waterways board (hereinafter referred as the "board") for the village is hereby created.

#### **Sec. 5-103. Composition; terms; vacancies.**

- (a) *Composition.* The waterways board shall consist of ~~five (5)~~ seven members ~~and two (2) alternate members~~ who shall be village residents.
- (b) *Terms.* ~~At the first appointment of the five (5) members, one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. Thereafter, resident members shall be appointed for terms of three (3) years. The terms of all members appointed subsequent to November 1, 2005, that have terms ending in November shall be shortened to April 30 of the last year of the appointed term;~~

~~thereafter, terms of all members shall expire on April 30. Alternate members shall be appointed on the same day that regular members are appointed and on an annual basis during April of each year to take effect the following May 1 of each year and shall have the duty to sit for any regular member that is absent. Alternate members shall be appointed as first alternate and second alternate and shall serve in that order when required. The members shall serve at the pleasure of the village council. The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 of each year for staggered terms of three (3) years as determined by the village council.~~

- (c) ~~*Vacancies.* An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.~~

#### **~~Sec. 5-104. Organization.~~**

~~At the first organizational meeting of the board, the members shall elect a chairman and vice chairman from among its members. Subsequent to the initial organizational meeting where officers are elected, the members shall elect the officers from among its members at the first regular meeting in may of each year. The presence of three (3) members shall constitute a quorum, and motions shall be approved by a majority of members present. The members shall serve without compensation. All meetings of the waterways board shall be held at Village Hall, 501 U.S. Highway One, North Palm Beach, Florida, and shall be open to members of the public.~~

#### **~~Sec. 5-1054. Duties.~~**

The waterways board shall have the following missions and responsibilities:

- (1) The mission of the waterways board is to ensure that the waterways located within the Village of North Palm Beach and the marina located at Anchorage Park are maintained, operated and improved to provide the safest, most efficient, economical and environmentally-sound water transportation route in the village and to provide sound use of village waterways that serve business, commercial fisheries and recreation.
- (2) The board shall identify, analyze, address and publicize issues that affect the village waterways, village citizens and users.
- (3) The board shall endeavor to build a growing community of support through education of its members, prospective members, community groups and relevant government officials.
- (4) The board shall make recommendations to the village council as to recommended improvements and establishment of policies.

**~~Sec. 5-106. Removal.~~**

~~If a member of the waterways board or a designated alternate of the board is absent from three (3) regularly scheduled meetings of the board within any twelve (12) consecutive month period without such absence being excused by majority vote of the board, the chairman shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.~~

Section 5. The Village Council hereby amends Article II, "Minimum Construction Standards," of Chapter 6, "Buildings and Building Regulations," of the Village Code of Ordinances by deleting Section 6-18 in its entirety (deleted language stricken through):

**~~Sec. 6-18. Construction board of adjustment and appeals.~~**

- ~~(a) — *Appointment.* There is hereby established a construction board of adjustment and appeals, which shall consist of seven (7) members and two (2) alternate members appointed by the village council.~~
- ~~(b) — *Membership.* To the extent possible, the board's membership shall be composed of individuals with knowledge and experience in the technical codes and shall include an architect, an engineer, a general contractor, an electrical contractor, an HVAC contractor, a plumbing contractor, and any other licensed contractor category.~~
- ~~(c) — *Terms.* The term of office of the board members shall be three (3) years. The alternate members, if appointed, shall serve one-year terms.~~
- ~~(d) — *Quorum and voting.* A simple majority of the board shall constitute a quorum. Notwithstanding the foregoing, any variance to the building code requirements shall require three (3) affirmative votes and any modification to the decision of the building official shall require four (4) affirmative votes.~~
- ~~(e) — *Secretary to the board.* The building official or the building official's designee shall act as secretary to the board.~~
- ~~(f) — *Powers.* The board shall have the power to hear appeals of decisions and interpretations of the building official and consider variances to the building code.~~
  - ~~(1) — *Appeals.* The owner of a building, structure or service system, or the owner's duly authorized agent, may appeal a decision of the building official to the board whenever any one of the following conditions are claimed to exist:~~
    - ~~a. — The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system;~~
    - ~~b. — The provisions of the building code do not apply to a specific case;~~



- e. ~~An equally good or more desirable form of installation can be employed in a specific case; or~~
- d. ~~The true intent and meaning of the building code have been misconstrued or incorrectly interpreted.~~

~~A notice of appeal shall be filed in writing with the community development department within thirty (30) calendar days after the building official renders his or her decision. If the appeal involves a building, structure or service system that, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may shorten the time in which an appeal may be filed. In no event shall such appeal period be less than five (5) calendar days.~~

(2) ~~*Variances.* The board shall have the power to vary the application of the building code to any particular case if the board determines that the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the building code, and also finds that each of the following criteria are met:~~

- a. ~~That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others;~~
- b. ~~That the special conditions and circumstances do not result from the action or inaction of the applicant;~~
- e. ~~That granting the variance request will not confer on the applicant any special privilege that is denied by the code to other buildings, structures or service system;~~
- d. ~~That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system; and~~
- e. ~~That the grant of the variance will be in harmony with the general intent and purpose of the code and will not be detrimental to the public health, safety and general welfare.~~

~~In granting a variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of the building code and shall be subject to code enforcement proceedings.~~

(g) ~~*Procedures.*~~

- ~~(1) The board shall meet as necessary to consider appeals of the decisions and interpretations of the building official and consider variances to the building code.~~
- ~~(2) The board's decision shall be set forth in a written order. An order involving the building official's interpretation of the building code shall be reviewed utilizing the procedure set forth in F.S. § 553.775, as amended. All other orders entered by the board shall be appealed through the filing of a petition for writ of certiorari in the circuit court within thirty (30) days after rendition of the order. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board.~~

Section 6. The Village Council hereby amends Article II, "Golf Advisory Board," of Chapter 9, "Country Club," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 9-17. Composition and terms.**

(a) *Composition.* The village council shall appoint ~~five (5)~~ seven (7) regular members and ~~two (2)~~ alternate members to serve on the advisory board. The council shall appoint one (1) regular advisory board member from the village men's golf association and one (1) regular advisory board member from the village women's golf association, each of whom shall be golf members of the country club. Each association shall recommend a person to serve as its representative on the board; however, such recommendation shall not be binding on the council. If no association member wishes to serve in this capacity, the association members may be replaced with golf members of the country club. As to the remaining ~~three (3)~~ five (5) regular advisory board members, one (1) shall be a resident golf member of the country club and ~~one (1)~~ three (3) shall be either a resident or non-resident golf member of the country club. There is no membership or residency requirement for the ~~third~~ fifth regular non-association representative member. ~~Each of the alternate board members shall be golf members.~~

(b) *Terms.*

- ~~(1) Upon initial appointment of the advisory board members, the~~ The ~~two (2) association representatives shall serve until April 30, 2009. Thereafter, these members shall serve terms of one (1) year.~~
- ~~(2) The remaining advisory board members shall serve staggered terms of two (2) years. Upon initial appointment of the advisory board members, the three (3) remaining regular members shall serve until April 30, 2010. Thereafter, these members shall serve terms of two (2) years.~~
- ~~(3) Upon initial appointment of the advisory board members, the two (2) alternate members shall serve until April 30, 2009. Thereafter, these members shall serve terms of one (1) year.~~

- (4) ~~Any appointment to fill any vacancy of an advisory board member shall be for the remainder of the unexpired term.~~

~~(e) *Officers.* At the first organizational meeting, the advisory board shall elect a chairperson, vice chairperson and a secretary from among its members to serve until May 2009. Thereafter, officers shall be selected as provided in subsection 2-1(j) of this Code.~~

Section 7. The Village Council hereby amends Article II, "Library Board," of Chapter 16, "Library," of the Village Code of Ordinances as follows (additional language underlined and deleted language stricken through):

## **ARTICLE II. LIBRARY ADVISORY BOARD**

### **Sec. 16-16. Established.**

There is hereby established a library advisory board for the village.

### **Sec. 16-17. Composition; appointment; term of office.**

- (1) The library advisory board shall consist of ~~five~~ (5) seven (7) members, and two (2) alternates who shall be appointed by the village council. Upon the effective date of this ordinance, the three (3) members then serving on the board and whose term expires April 30, 1996, and the two (2) members then serving on the board and whose term expires April 30, 1997, shall continue and not be affected by this ordinance. Thereafter, regular The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 of each year members of the board shall be appointed for a staggered terms of two (2) years as determined by the village council or until their successors have been appointed and qualified.
- (2) The two (2) alternates shall each serve one (1) year terms. Alternate members of the board shall be appointed on the same day that regular members are appointed. Alternate members shall be appointed as first alternate and second alternate and shall serve in that order when required.

### **Sec. 16-18. Vacancies.**

~~In the case of vacancy on the library board by resignation, removal or otherwise, the village council shall fill such vacancy for the unexpired term.~~

### **Sec. 16-19. Qualifications.**

~~Members of the library board shall be residents of the village; however, neither the mayor nor any member of the village council shall be eligible to be a member of the board.~~

**~~Sec. 16-20. Service without compensation.~~**

~~No member of the library board shall receive any pay or compensation for any services rendered as a member of such board.~~

**~~Sec. 16-21~~18. Organization.**

~~The members of the library board shall, immediately after their appointment, meet and organize by electing one (1) of their members as chairman and such other officers as the board may deem necessary. Three (3) members of the board shall constitute a quorum. The board may make and adopt such bylaws, rules and regulations for their own guidance and for the government and operation of any municipal library and reading room in the village as they may deem expedient, subject to the approval, supervision and control of the village council and not inconsistent with law.~~

**~~Sec. 16-22~~19. Powers and duties.**

- (1) The board shall serve in an advisory capacity to the village council and make recommendations as to present and future activities, planning, programs, capital improvements and facilities and other matters relating to the overall function and operation of the municipal library of the village. The board is not charged with the duty of ascertaining costs or method of implementation of their proposed plans; however, the board should consider the needs of all residents of the village. The board shall have the power to call upon the village manager, or his designee, for information and advice. The board's recommendations to the village council shall be in writing and shall state the basis or reasons for such recommendations.
- (2) The board shall also perform any other duties which may be assigned to it by the village council and the board shall act within thirty (30) days of the date of reference, unless the village council otherwise states.

**~~Sec. 16-23. Meetings.~~**

~~The board shall meet and shall schedule a regular meeting at least once per month. In addition, the chairman may call special meetings and special meetings may be called by written notice signed by at least three (3) members of the board. Minutes shall be kept of all meetings. Notice of all meetings shall be posted in accordance with the procedures established by the village council. All meetings shall be open to the public. The board shall enact or adopt rules for the conduct of its meeting. All members shall be apprised of the applicability of the "Sunshine Law" to the board and its members.~~

**~~Sec. 16-24. Removal from office.~~**

~~If a member of the advisory board or a designated alternate of the board is absent from three (3) regularly scheduled meetings of the board within any twelve (12) consecutive month period without such absence being excused by majority vote of the board, the chairman of the board shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.~~

Section 8. The Village Council hereby amends Article VII, "Business Advisory Board," of Chapter 17, "Licenses and Miscellaneous Business Regulations," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 17-71. Created.**

A business advisory board (hereinafter referred to as board) is hereby created.

**Sec. 17-72. Composition; terms; ~~vacancies.~~**

- (a) *Composition.* The board shall be appointed by the village council and shall consist of ~~five (5)~~ seven (7) members and ~~two (2)~~ alternate members. The board members shall be comprised primarily of owners or operators of store-front businesses along the village's main commercial corridors, namely, Northlake Boulevard, U.S. Highway One and Alternate A1A. Members shall not be required to be residents of the village and shall, to the extent practicable, consist of: a representative from a retail business, a professional services business and a personal services business; a commercial realtor or business broker; and a commercial property owner.
- ~~(b) *Initial terms.* The initial appointments to the board shall take effect upon the effective date of this article with the terms of the members expiring as follows: (1) The terms of two (2) members shall expire on April 30, 2015; (2) The terms of two (2) members shall expire on April 30, 2014; and (3) The term of one (1) member shall expire on April 30, 2013.~~
- (c) *Subsequent terms* Terms. Upon expiration of the terms set forth above, each subsequent appointment to the board shall be for a term of three ~~(3) years.~~ ~~(d) Alternate members. Alternate members shall serve for a term of one (1) year, with the initial term expiring on April 30, 2013. Alternate members shall be appointed as first alternate and second alternate, and shall serve on the board in that order in the event a regular member is absent~~ The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 of each year for staggered terms of three (3) years as determined by the village council.

**Sec. 17-73. Organization.**

~~At the first organizational meeting of the board, the members shall elect a chairman and vice chairman from among the regular members. Subsequent to the initial organization meeting, the board shall appoint a chairman and vice chairman from among its members at the first regular meeting in May of each year.~~

**Sec. 17-74 73. Mission; duties.**

- (a) *Mission.* The board shall serve in an advisory capacity to the village council, and its mission shall be to promote business development and to support and sustain existing businesses within the village by identifying business opportunities and acting as a liaison between the owners of businesses within the village and the village council.

- (b) *Duties.* The board's duties shall consist of the following:
- (1) Advise the village council as to recommended improvements to, and the establishment of, village policies and procedures impacting the business community;
  - (2) Review and recommend appropriate communication strategies to disseminate village information to the business community;
  - (3) Solicit and facilitate business input in matters of significance to the village;
  - (4) Endeavor to build an expanding community of support through education of its members, prospective members, community groups and government officials;
  - (5) Advise the village council and village administration on business development opportunities within the village;
  - (6) Identify, analyze and address legislative issues that may impact the business community; and
  - (7) Any additional duties as may be assigned by the village council.

Section 9. The Village Council hereby amends Article III, "Recreation Advisory Board," of Chapter 20, "Parks, Playgrounds and Recreation," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 20-61. Created.**

A recreation advisory board (hereinafter referred to as board) for the village is hereby created.

**Sec. 20-62. Composition; terms; ~~vacancies~~.**

- (a) *Composition.* The board shall be appointed by the village council and shall consist of ~~five (5)~~ seven (7) members and ~~two (2)~~ alternates who shall be residents of the village.
- (b) *Terms.* ~~The initial appointments to the five (5) member board shall take effect upon the effective date of this article with the respective terms expiring as follows: (1) The terms of two (2) members shall expire on May 1, 1992. (2) The terms of three (3) members shall expire on May 1, 1993~~ The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 of each year for staggered terms of two (2) years as determined by the village council.
- (c) ~~*Subsequent terms.* Upon expiration of the terms set forth above, each appointment shall be for two-year terms. Appointments shall hereafter be made by resolutions of the village council.~~

- ~~(d) — Vacancies. An appointment to fill any vacancy shall be for the remainder of the unexpired term of office.~~
- ~~(e) — Alternates. The two (2) alternates shall each serve one (1) year terms. Alternate members of the board shall be appointed on the same day that regular members are appointed. Alternate members shall be appointed as first alternate and second alternate and shall serve in that order when required.~~

#### **~~Sec. 20-63. Removal.~~**

~~If a member of the advisory board or a designated alternate of the board is absent from three (3) regularly scheduled meetings of the board within any twelve (12) consecutive month period without such absence being excused by majority vote of the board, the chairman of the board shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.~~

#### **~~Sec. 20-64. Officers' quorum; compensation.~~**

~~At the first organizational meeting of the board, the members shall elect a chairman, vice president and secretary from among its members. Subsequent to the initial organizational meeting where officers are elected, the members shall elect the officers from among its members at the first regular meeting in May of each year. The presence of three (3) members shall constitute a quorum and motions shall be approved by a majority of members present. The members shall serve without compensation.~~

#### **~~Sec. 20-65. Meetings.~~**

~~The board shall meet and shall schedule a regular meeting at least once per month. In addition, the chairman may call special meetings and special meetings may be called by written notice signed by at least three (3) members of the board. Minutes shall be kept of all meetings. Notice of all meetings shall be posted in accordance with the procedures established by the village council. All meetings shall be open to the public. The board shall enact or adopt rules for the conduct of its meeting. All members shall be apprised of the applicability of the "Sunshine Law" to the board and its members.~~

#### **~~Sec. 20-66 63. Duties.~~**

- ~~(a) The board shall serve in an advisory capacity to the village council and make recommendations as to present and future recreation activities, planning, recreation programs, capital improvements and facilities and other matters relating to the overall recreational activity of the village other than its waterways. The board is not charged with the duty of ascertaining costs or method of implementation of their proposed plans; however, the board should consider the needs of all residents of the village. The board shall have the power to call upon the village manager, or his designee, for information and advice. The board's recommendations to the village council shall be in writing and shall state the basis or reasons for such recommendations.~~

- (b) The board shall also perform any other duties which may be assigned to it by the village council and the board shall act within thirty (30) days of the date of reference, unless the village council otherwise states.

Section 10. The Village Council hereby amends Article II, "Planning Commission," of Chapter 21, "Planning and Development," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 21-11. - Composition; conduct generally.**

- (a) *Created.* A planning commission for the village is hereby created.
- (b) *Membership; terms.*

- (1) ~~*Terms; vacancies; alternate members.*~~ The planning commission shall consist of five ~~(5)~~ seven (7) members ~~who shall serve for two-year terms.~~ The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 of each year for staggered terms of two (2) years as determined by the village council. and two ~~(2)~~ alternates ~~who shall serve for one-year terms.~~ At the first appointment of members to the planning commission, ~~three (3) regular members shall be appointed for a term of two (2) years, two (2) regular members shall be appointed for a term of one (1) year, and thereafter each appointment shall be for two-year terms. All terms shall take effect on the first day of May of each year. Alternate members of the commission shall be appointed on the same day that regular members are appointed. The planning commission shall consist of one (1) land use planner or architect, one (1) architect, one (1) civil engineer, one (1) person engaged in business within the corporate limits of the village, and a fifth~~ three (3) members who need not be engaged in any particular business or profession. ~~All vacancies on the planning commission shall be filled within thirty (30) days so as to maintain the composition of the commission as set forth above. Alternate members of the planning commission shall be appointed as first alternate and second alternate and shall serve in that order when necessary. The members shall serve at the pleasure of the village council.~~
- (2) ~~*Chairman; quorum; compensation.*~~ The members of the planning commission shall elect a chairman from among its members. ~~The presence of three (3) or more members shall constitute a quorum of the planning commission. The members shall serve without compensation.~~
- (c) *Meetings.* The planning commission shall meet at least once each month on a date to be determined by the planning commission.
- (d) *Powers, duties.* The planning commission shall have the following powers and duties:



- (1) Perform any duties which lawfully may be assigned to it by the village council.
  - (2) Perform any other duties which may be assigned to it under this Code.
  - (3) The planning commission of the village is hereby designated as the governmental entity to act as the "local planning agency" in accordance with chapter 163, Florida Statutes.
  - (4) The planning commission shall serve as the village's board of adjustment to consider variances and administrative appeals.
- (e) ~~Removal.~~ If a member of the advisory board or a designated alternate of the board is absent from three (3) regularly scheduled meetings of the board within any twelve (12) consecutive month period without such absence being excused by majority vote of the board, the chairman of the board shall promptly notify the village council. The council may thereafter declare the member's office vacant and promptly fill such vacancy for the unexpired term of office.

Section 11. The Village Council hereby amends Article III, "Board of Adjustment," of Chapter 21, "Planning and Development," of the Village Code of Ordinances as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 21-21. Composition; conduct generally.**

- (a) *Created.* A board of adjustment for the village is hereby created.
- (b) ~~Membership; terms; alternates; compensation.~~ The members of the planning commission shall serve as the board of adjustment shall consist of five (5) persons who shall serve for three year terms and two (2) alternates who shall serve for one year terms. At the first appointment of members to the board of adjustment, two (2) regular members shall be appointed for a term of three (3) years, two (2) regular members shall be appointed for a term of two (2) years, and one (1) regular member shall be appointed for a term of one (1) year. Thereafter, each appointment shall be for a three year term. All terms shall take effect on the first day of May of each year. Alternate members of the board of adjustment shall be appointed on the same day that regular members are appointed. Alternate members of the board of adjustment shall be appointed as first alternate and second alternate and shall serve in that order when necessary. The members shall serve at the pleasure of the village council. Members shall serve without compensation. The board of adjustment shall meet as often as the demand necessitates.
- (c) *Powers, duties.* The board of adjustment shall have the following powers and duties:

- (1) *Appeals.* To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any ~~zoning ordinance or~~ land development regulation adopted pursuant to this part.
- (2) *Variances:*
- a. To authorize ~~upon appeal~~ such variances from the terms of ~~the ordinance~~ this code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. In order to authorize any variance ~~from the terms of the ordinance,~~ the board of adjustment must find:
1. That 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. That the special conditions and circumstances do not result from the actions of the applicant;
  3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district;
  4. That literal interpretation of the provisions of the subject 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 work unnecessary and undue hardship on the applicant;
  5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
  6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- b. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ~~part [chapter] and any ordinance enacted under its authority~~ code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of ~~the ordinance~~ this code.

- c. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be ~~begun or~~ completed or both.
- d. Under no circumstances, except as permitted above, shall the board of adjustment grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
- e. The concurring vote of a majority of all members of the board shall be necessary to grant a variance pursuant to this section.

(d) *Review of administrative orders.* In exercising its powers, the board of adjustment may, upon appeal and in conformity with provisions of this {chapter}, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to this part, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

(e) *Appeals to board from decision of administrative official.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board or bureau of the governing body affected by any decision of an administrative official under any zoning ordinance enacted pursuant to this part. Such appeal shall be taken within thirty (30) days after rendition of the order, requirement, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

- (f) *Stay of work and proceedings on appeal.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (g) *Hearing of appeals.* The board of adjustment shall fix a reasonable time for the hearing of the appeal and decide the same within a reasonable time. Public notice of all hearings shall be provided as required by section 21-3 of this Code. Upon the hearing, any party may appear in person, by agent or by attorney. Appellants may be required to assume such reasonable costs in connection with appeals as may be determined by the governing body through action in setting of fees to be charged for appeals.
- (h) *Judicial review of decisions of board.* Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board, commission or bureau of the governing body, may apply to the circuit court in the judicial circuit where the board of adjustment is located for judicial relief within thirty (30) days after rendition of the decision by the board of adjustment. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board of adjustment.

Section 12. The Village Council hereby amends Chapter 24, "Streets, Sidewalks and Public Places," of the Village Code of Ordinances by adopting a new Article IV, "Environmental Committee," to read as follows (additional language underlined):

#### **ARTICLE IV. ENVIRONMENTAL COMMITTEE**

##### **Sec. 24-61. Created.**

An environmental committee for the village is hereby created.

##### **Sec. 24-62. Composition; terms.**

- (a) *Composition.* The committee shall consist of seven (7) members.
- (b) *Terms.* The village council shall appoint members on an annual basis during April of each year to take effect the following May 1 for staggered terms of two (2) years as determined by the council. In order to provide for staggered terms, the initial terms of four (4) members may be extended by one (1) year.

**Sec. 24-63 Duties.**

The committee shall have the following duties and responsibilities:

- (1) The committee shall act in an advisory capacity to the village council and recommend programs and activities to promote and conserve the village's natural environment and enhance the overall appearance of the village, including, but not limited to, public facilities, swales, open spaces and rights-of-way;
- (2) The committee shall ensure that the existing and future village programs and public improvements are, to the fullest extent practicable, environmentally friendly and utilize and promote native, drought-tolerant plant species;
- (3) The committee shall identify, analyze and address issues relating to the overall aesthetics of the village and recommend methods to encourage and recognize the beautification of privately owned commercial and residential properties; and
- (4) Any other duty or responsibility assigned by the village council.

Section 13. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach.

Section 14. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 15. All Ordinances or parts of Ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. This Ordinance shall take effect April 1, 2019.

PLACED ON FIRST READING THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2019.

PLACED ON SECOND, FINAL READING AND PASSED THIS 14<sup>TH</sup> DAY OF MARCH, 2019.

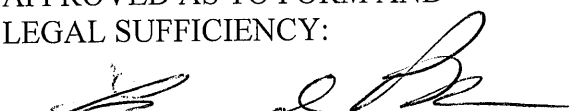
(Village Seal)

  
MAYOR

ATTEST:

  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY