

INTRODUCED BY:



ORDINANCE NO. 2009-xx

A BILL TO BE ENTITLED

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2 PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-41 VOTING AND QUORUM AND DIVISION 3 BOARD OF APPEALS, SECTION 27-50 VOTING AND QUORUM AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to be amend the following:

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida:

**Section 1.** Chapter 27 Unified Land Development Regulations, Article II Administrative and Enforcement Bodies, Division 2 Planning and Development Review Board, Section 27-41 Voting and quorum is hereby amended as follows:

**Sec. 27-41. Voting and quorum.**

- (a) Four (4) members shall constitute a quorum.
- (b) Each decision of the board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. If a call to vote for a motion ends in a tie, the motion dies for a lack of a majority. It will be considered the final action and the tie vote is a denial.
- (c) Abstentions and disqualification from voting shall occur in accordance with Florida Law.

**Section 2.** Chapter 27 Unified Land Development Regulations, Article II Administrative and Enforcement Bodies, Division 3 Board of Appeals, Section 27-50 Voting and quorum is hereby amended as follows:

**Sec. 27-50. Voting and quorum.**

- (a) Four (4) members shall constitute a quorum.
- (b) Each decision for each board action of the board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the event of a tie, the motion shall die for lack of a majority. It will be considered the final action and the tie vote is a denial.
- (c) Abstention and disqualification from voting shall occur in accordance with Florida law.

- (1) The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
- (2) The member owns property within the area entitled to receive mailed notice of the hearing; or
- (3) Other applicable law.
- (d) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

**Section 3.** The Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette  
Vice Mayor John Weldon  
Councilor Fred Lee  
Councilor Eric Pardee  
Councilor Kara Tucker

Passed on First Reading this day of \_\_\_\_\_, 2009.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette  
Vice Mayor John Weldon  
Councilor Fred Lee  
Councilor Eric Pardee  
Councilor Kara Tucker

Passed on Second and Final Reading this day of \_\_\_\_\_, 2009.

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Harriet Pruette  
Mayor

ATTEST:

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Lisa Volpe, CMC  
City Clerk

Approved as to form and correctness:

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Christopher A. White  
City Attorney