

INTRODUCED BY:
MAYOR PRUETTE



ORDINANCE NO. 2009-01

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 unless another motion is made by the board.
- (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 unless another motion is made by the board.
- (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	Yes
Vice Mayor John Weldon	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Absent

Passed on First Reading this 2nd day of March, 2009.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this 6th day of April, 2009.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney