

ARTICLE II. - COMMUNITY DEVELOPMENT BOARD [36]

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Sec. 14-16. - Created.

There is hereby created a community development board.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-17. - Composition; qualifications of members; officers.

The community development board shall consist of seven (7) members appointed by the city commission, none of whom shall hold any other public office or position in the city, all of whom shall be bonafide residents of the city, and where practical, each shall possess some special skill or knowledge which would assist them in the discharge of their responsibilities under this article. The community development board shall elect its chairman and vice chairman from among the appointed members. The community development director shall act as secretary to the board under the direction of the city manager.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-18. - Terms of office of members; filling of vacancies.

Following the expiration of the terms of office of current board members the term of office shall be for two (2) years and members may serve a maximum of four (4) consecutive terms. All terms shall expire on December 31 of the proper year. Any vacancy during the unexpired term of an appointed member shall be filled by the city commission for the remainder of the term.

(Ord. No. 47-86-3, § 2, 1-26-87; Ord. No. 5-03-42, § 2, 7-14-03)

Sec. 14-19. - Removal of members.

Any member of the community development board may be removed for cause by the city commission upon written charges and after public hearing. Any member who fails to attend (3) consecutive meetings without cause shall have his office declared vacant unless the member's absence is excused by a majority of the board members, and the city commission shall promptly fill such vacancy.

(Ord. No. 47-86-3, § 2, 1-26-87; Ord. No. 5-03-42, § 2, 7-14-03)

Sec. 14-20. - Powers and duties.

The community development board shall have the power, duty, responsibility and authority to:

- (1) Make recommendations to the city commission for the physical, fiscal and esthetic development of the city;
- (2) Exercise supervisory control over planning and land use within the city, following the standards established by the city commission pertaining to such planning or land use regulation as contained in the Ordinance Code of the City of Atlantic Beach, Florida;
- (3) Recommend to the city commission proposed changes in the land use regulation map of the city;
- (4) Recommend to the city commission proposed changes in the land use regulations of the code;
- (5) Submit to the city commission their recommendations covering all applications for changes in the provisions of the land use regulations of the city referred to them by the city commission;
- (6) Submit annually to the city manager, not less than one hundred and twenty (120) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the board, are necessary or desirable to be constructed. The list shall be arranged in order of preference, with recommendations as to which project shall be constructed in which year, and shall include sources of revenue;
- (7) Promote public interest in and understanding of the planning, zoning and beautification of the city;
- (8) Meet on a regularly scheduled day each month, and periodically on call, and keep a public record of all its meetings, resolutions, findings and determinations;
- (9) Require information from other departments of the city government in relation to its work, which information shall be furnished to them within a reasonable time;
- (10) Request additional assistance for special survey work of the city manager, who may, at his discretion, assign to the board members of the staff of any administrative department or direct such department to make a special study requested by the board;
- (11) Recommend to the city commission plans for the planning, replanning, improvement or redevelopment of the city;
- (12) Recommend to the city commission plans for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster;
- (13) Request the city manager to provide for the employment of sufficient personnel to enable the board to carry out its powers, duties and responsibilities;
- (14) To act as a zoning board and to make recommendations to the city commission on zoning applications and applications for exceptions filed in accordance with the land

development regulations of the Comprehensive Zoning Code of the City of Atlantic Beach, Florida;

- (15) To act as an appeals board or board of adjustment to authorize upon findings of fact minor variances from the terms of Chapter 24, the Comprehensive Zoning Ordinance of the City of Atlantic Beach, as will not be contrary to the public interest and, where owing to special conditions, not self-imposed or self-created, literal enforcement of the provisions of said Chapter 24 would result in unnecessary hardship.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-21. - Certification of board actions to the city manager.

All plans or recommendations of the community development board, in order to be accorded official cognizance by the city commission, must be certified to the city commission through the office of the city manager by the chairman of the community development board as the official act of the board, duly passed by a majority vote of the board as distinguished from the personal views or desires of any single member or group of members of the board. Such certification shall be attested to by the appropriate administrative official. This provision is not intended as prohibiting the board from submitting alternate plans or recommendations or of submitting minority plans or recommendations in certain cases when so approved by a majority vote of the board to be also certified to the city commission for consideration.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-22. - Local planning agency.

The community development board is hereby designated as the local planning agency and the local land development regulation commission as set forth in Part 2 of Chapter 163.3164, Florida Statutes as from time to time amended.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-23. - Proceedings of the board.

Four (4) members of the community development board shall constitute a quorum but a less number may adjourn from time to time until a quorum is present. The board shall adopt rules as may be required for the proper conduct of its business. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of the proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall become a public record.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-24. - Appeals.

Appeals from decisions of the community development board may be taken by any person or persons, jointly or separately, or any taxpayer or any officer of the city. Such appeals shall be taken within thirty (30) days after the decision of the board on which the appeal is based. The appeal shall be filed with the community development director on behalf of the community development board

and with the city manager for forwarding to the city commission. The appeal shall state the grounds thereof and relief sought.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-25. - Petition of illegality.

Petition may be presented to court of record within thirty (30) days after filing of decision of city commission, setting forth illegality.

Any person or persons, jointly or separately, aggrieved by any decision of the city commission rendered as a result of an appeal filed in accordance with the provisions of [section 14-24](#) herein may present the court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the city commission.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-26. - Cost.

Costs shall not be allowed against the city commission unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-27. - Enforcement; penalties for violation.

The city commission may provide by ordinance for the enforcement of this chapter and of any ordinance or regulation made thereunder, and may provide for the punishment of any violation therein by fine or imprisonment or both, and also may provide civil penalties for said violation.

(Ord. No. 47-86-3, § 2, 1-26-87)

Sec. 14-28. - Legal proceedings.

Legal proceedings may be instituted in addition to other remedies provided for violation of this chapter.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land or water is used in violation of this chapter or of any ordinance or other regulation made under authority conferred herein, the proper local authorities or the city commission, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, land or water, or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. No. 47-86-3, § 2, 1-26-87)

⁽³⁶⁾ **Cross reference**— *Administration, Ch. 2; boards and commissions generally, § 2-131 et seq.* ([Back](#))