ORDINANCE NO. 09-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE ARTICLE II, ADMINISTRATION, DIVISION I, SUBDIVISION III, BOARD OF ADJUSTMENT OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO AUTHORIZE APPOINTMENT OF ALTERNATE MEMBERS TO THE TALLAHASSEE/LEON COUNTY BOARD OF ADJUSTMENT AND APPEALS PROVIDING QUALIFICATIONS AND TERM LIMITS FOR ALTERNATE MEMBERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Tallahassee-Leon County Board of Adjustments and Appeals is currently a seven-member board made up of volunteer citizens appointed by both the City of Tallahassee and Leon County; and

WHEREAS, the work of the Board is necessary to provide flexibility in implementation of certain specified land development regulations in the City; and

WHEREAS, the Board meets routinely once a month to consider variances and other matters within the City as provided in the Land Development Code; and

WHEREAS, to assist the Board in meeting the required quorum requirements, the City and Leon County are willing to provide for two alternate members to attend meetings when necessary to make up a Board quorum.

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. Section 10-2.341 of Chapter 10, Land Development Code of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-2.341. Appointment.

(a) There is hereby created the Tallahassee-Leon County Board of Adjustment and Appeals which shall consist of three members appointed by the Board of County Commissioners and three members appointed by the city commission and a seventh member whose position shall alternately be appointed by the city and the county. The City Commission and the Board of County Commissioners may each appoint an alternate board member who shall serve at Board of Adjustment and Appeals meetings in the event that their presence is needed to constitute a quorum.

(b) The terms of members of the board of adjustment and appeals including alternative members shall be three years. The terms shall extend from July 1 in the year in which the appointment is made. Vacancies may be filled at any time for the unexpired term of a member by the appropriate governmental unit. Absence of any member from three consecutive meetings of the board, unless approved by the chairman shall, at the discretion of the governmental unit making the appointment, render any such member liable for immediate removal from office by the governmental unit having made the appointment.

Sec. 10-2.343. General procedure.

(a) The board of adjustment and appeals shall elect a chairman from its membership, appoint a secretary and adopt rules for the conduct of its affairs and procedures not inconsistent with the provisions of law. Alternate members may not serve as chairperson. The board shall hold regular meetings at least once in each calendar month. Special meetings may be held upon the call of the chairman or upon the written request of any two members of the board other than alternate members. The 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 its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions which shall be immediately filed in the office of the board.
(b) No provisions in this article shall be construed so as to require the board to be strictly bound by the rules of evidence in the review of any matters that may be considered.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over

any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. **Severability.**

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. **Effective Date.**

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 25th day of August, 2009.

LEON COUNTY, FLORIDA

By:_____
Bryan Desloge, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By:_____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney