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City of Port St. Lucie Text Amendment  
Amendments to Section 32.54 and Section 32.57 of the Code of Ordinances

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**SUMMARY**

Applicant's Request:	An amendment to the appointment process of the City's Planning and Zoning Board
Applicant:	City of Port St. Lucie
Application Type:	Amendment to City's Code of Ordinances
Project Planner:	Stephen Mayer, Planner III

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**Background**

The proposed amendment is to Chapter 32 of the Code of Ordinances regarding the placement of members of the Planning and Zoning Board due to vacancy. The City Council has expressed a desire to modify the appointment process for the City's Planning and Zoning Board at several public meetings. Currently, Chapter 32.54 provides the following process for appointment of members to the Board:

**Sec. 32.54. - Filling of vacancies.**

Upon any vacancy on the planning and zoning board created either by action of the council or for any other reason, the planning and zoning board shall recommend to the city council, by a majority vote of the board, a replacement to fill the vacancy subject to the approval of the members of the city council.

Additionally, section 32.57(b) of the Code grants the Board the power to adopt rules and regulations for its guidance. That provision currently states, "Rules and regulations. Adopt rules and regulations for its guidance, provided the same are consistent with the ordinances of the city and applicable state laws."

**Analysis**

In order to ensure that Council has ultimate authority over the governance of the Board, staff recommends that Section 32.54 of the Code is modified to remove the requirement that the Board interview potential Board members prior to City Council appointment, and that City Council will directly appoint new members of the board. Staff also recommends modifying section 32.57(b)3 to require that any rules or regulations adopted by the Board are subject to City Council approval.

The City Council has also expressed a desire to amend the City's Charter, which may result in corresponding modifications to the Charter provisions relating to the Planning and Zoning Board.

## **Proposed Amendment**

See attached Exhibit A. Changes to Section 154.03 are shown in ~~strikethrough~~ and underline format.

Section 32.54 of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

### **Sec. 32.54. Filling of vacancies.**

Upon any vacancy on the planning and zoning board created either by action of the council or for any other reason, the City Council will appoint new members to the Planning and Zoning Board. ~~planning and zoning board shall recommend to the city council, by a majority vote of the board, a replacement to fill the vacancy subject to the approval of the members of the city council.~~

Section 32.57 of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

### **Sec. 32.57. Powers and duties.**

- (a) It shall be the duty of the planning and zoning board to produce and suggest plans for the zoning and arrangement of the city with a view to its general improvement and probable growth and demands, those plans to take into consideration the extension of the city works into adjacent territory, improvements and changes in public utilities and lines of transportation, by surface and water, and the location and road widths necessary for the best development of the city, and improvement of the water fronts; the location and design of public buildings, and further extension of and additions to the park and boulevard system as may be deemed advisable.
- (b) The planning and zoning board shall have the following powers and duties:
  - (1) *Personnel.* The board may recommend to employ additional personnel necessary to make surveys and compile data essential to the preparation of a plan for municipal improvements and otherwise to aid and assist the board in the execution of its powers and duties under this subchapter. The board shall not in any manner obligate the city council.
  - (2) *Officers.* Elect its own chairperson, vice-chairperson, and secretary.
  - (3) *Rules and regulations.* Adopt rules and regulations for its guidance, provided the same are consistent with the ordinances of the city and applicable state laws, and subject to City Council approval.
  - (4) *Financing.* Make recommendations for the financing of improvements; but those recommendations for financing shall in no way be binding on the city council.
  - (5) *Comprehensive plan.* The comprehensive plan shall be adopted and may be amended from time to time. The plan, together with accompanying maps, charts, and explanatory matters shall show the recommendations of the Board for the development of the city and, among other things, may include recommendations as to the general location, character and extent of streets, bridges, parks, water ways, or other public ways, the general location of public buildings and other public property, and general location and extent of public utilities, the removal,

relocation, widening, extension, narrowing, abandonment or change of use of existing or future public ways, grounds, spaces, buildings, or utilities.

- (6) *Procedure for adoption of comprehensive plan.* The adoption of any future comprehensive plan or any part thereof, or any amendment, extension, or addition to the current comprehensive plan as set forth in F.S. Chapter 163.
  - (7) *Disposal of city property.* If requested by the city council, the board may make recommendations on the leasing or disposition of real property. However, the city council shall have authority to overrule the recommendation of the board on any proposal.
  - (8) *Neighborhoods.* Make recommendations for the improvement and development of neighborhoods.
  - (9) *Public relations.* Promote public interest in, and understanding of, the *comprehensive plan* and other proposals submitted by the board.
  - (10) *Budget.* The board shall make recommendations on the annual update to the capital improvements element of the comprehensive plan.
  - (11) *Voting.* The planning and zoning board shall make recommendations to the city council pertaining to all items relating to planning and zoning before any council action may be taken. There is required a vote of four-fifths of the established city council to override a decision of the planning and zoning board as to all recommendations pertaining to rezoning. All other matters require a simple majority.
- (c) All recommendations from the planning and zoning board, for either approval or disapproval of any measure, petition, plan, program, or proposal of any nature, shall be by a majority of the members serving on the board. Those recommendations from the board shall be in writing and shall indicate thereon the names of the members of the board present at the meeting where the recommendations were made and the disposition of the votes of the members of the board, which writing can consist of a copy of the minutes of the board's meeting. If the board is unable to arrive at or make any recommendations hereunder, then that inaction shall also be reported in writing in the same manner above prescribed.

## STAFF RECOMMENDATION

The Planning and Zoning Department staff recommends approval of the proposed amendment based on the analysis and findings, as noted in the staff report.

### **CITY COUNCIL ACTION OPTIONS: \***

- Motion to approve
- Motion to approve with changes
- Motion to deny

\* Should the City Council need further clarification or information from staff it may exercise the right to table or continue the hearing or review to a future meeting.