



CITY OF
MARGATE
Together We Make It Great

Board and Committee Members Orientation

Welcome

- Welcome and thank you for serving your city!



Responsibilities

- Attend all meetings, as a quorum is necessary
- Notify your Staff Liaison, Alexia Howald:
 - When you cannot attend a meeting
 - If you have any change in address or other contact information
- Review your agenda and supporting documents prior to the meeting
- Ask questions if you do not understand an item or need more information

City Board & Rules of Conduct and Procedure

Exhibits A and B

- Exhibit A is a list of all the Boards in the City of Margate
- The Board Chair runs the meeting and is the Presiding Officer
- Political Campaigning is not permitted
- Cellphones should be turned to silent
- Respect everyone: the Board, Staff, Petitioners and Residents

FS Chapter 286 – The Sunshine Law

Exhibit C

- Review the copy provided in your guide book or online
- All Official Public Meetings must be noticed (F.S. 286.0105)
 - Margate posts on Bulletin Board outside of City Hall and on the website
 - Margate posts agendas no later than 48 hours in advance of a meeting
 - Meeting must be open to the public and Minutes must be taken
 - Meetings and records must be available for Public Inspection (F.S. 286.011)

FS Chapter 286 – The Sunshine Law Exhibit C (continued)

- Access to local public officials; quasi-judicial proceedings on local government land use matters (F.S. 286.0115)
 - Covers disclosure of discussions with public officials
 - Site visits must be disclosed and made part of the record
- Voting Requirement at Meetings (F.S. 286.012) or Abstaining from Voting (Form 8B)

Sunshine and Ethics

Exhibit D

- Florida Commission on Ethics
 - Guide to the Sunshine Amendment
 - Code of Ethics
 - Gifts Law

Voting Conflicts

Exhibit E

- * Voting at meetings will be done by roll call with each member voting individually by responding with his/her vote when the secretary calls each name
- * Voting Conflicts – a private gain or loss or the appearance of one (FS 112.3143)
- * Each member present at a meeting must vote (AGO 87-17)
- * Voting for oneself as a member of a board or committee (CA Memo dated: 10/26/92)

Voting Conflicts

Exhibit E (continued)

- * Form 8B – Memorandum of Voting Conflict
- * Must state the nature of the conflict
- * Must file form 8B within 15 days with Staff Liaison and a copy is filed with the official minutes
- * Copies of the form are included in your guidebook

Chapter 119

The Public Records Law

Exhibit F

- Definition of Public Records
 - Defined as: all documents, papers, letters, maps books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of any agency
- Email as Public Records (Informal Opinion of AG dated 6/8/07)

Parliamentary Procedure

Exhibit G

- Roberts Rules of Order
 - Summarized version in guidebook
 - Parliamentary Procedure at a Glance

Brigadier General
Henry Martyn Robert



Parliamentary Procedure

Exhibit G (continued)

- **“Main Motion”, “Amendment” and “Amend the Amendment”**
- **Main Motion** always started with “I move....”
- “Is there a second?”
- If yes, then you can have a focused discussion on the motion
- **Amendment** always changes the Main Motion
- **Amend the Amendment** always changes the Amendment

Parliamentary Procedure

Exhibit G (continued)

- **MAIN MOTION** – “I move to purchase one (1) cheese pizza.”
- **AMENDMENT** – “I move to make an amendment to strike out the quantity of one (1) and insert three (3).”
- **AMEND THE AMENDMENT** – “I move to amend the amendment by striking out the quantity of three (3) and inserting six (6).”
- Key is focused, orderly and efficient discussion

Quasi Judicial Proceedings

Exhibit H

(BOARD OF ADJUSTMENT ONLY)

- Article I, section 2-15 of the City's code - Covers the rules and procedures of local government land use matters
- Memorandums of Determination made by the City Attorney included in the guide book
- Examples of quasi-judicial matters include:
 - Special exceptions
 - Variances
 - Conditional uses

Public Disclosure

Statement of Financial Interests - Form 1

Exhibit I

- Form 1 is due annually by July 1
- Delinquent if not filed by September 1 and fines are charged
- Initial form submitted to the City Clerk within 30 days of appointment
- Annual forms get mailed to the SOE with a copy to the City Clerk
- Amendments to Form are done on the Form 1X
- If you leave a board, a Form 1F must be filed within 60 days.
- Delinquent names and agencies are publicly disclosed on the Ethics Commission Website

Format of Agendas and Minutes

Exhibit J

- Action Minutes
- Audio Recordings – kept for 2 years from approval of minutes
- F.S. 286.011 requires recording of meeting
- Verbatim Transcripts – AGO 82-47, State v. Adams, etc.

Conclusion

Exhibits K, L & M

- Glossary of Terms
- List of Municipal Officials
- City Clerk's Office 954-935-5326
- Elizabeth "Liz" Taschereau, Development Services Director, 954-884-3686
- Andrew Pinney, Senior Planner, Development Services 954-884-3684
- Alexia Howald, Planner, Development Services 954-884-3685

Board of Adjustment

- ❖ Sec. 2-76 Created; appointment; terms; officers; advisors
 - 5 member board, 1-year terms
 - Officers: Chair, vice-chair, and secretary
 - Advisors: City Manager, City Building Inspector, City Attorney, and other such officials

- ❖ Sec 2-76.2 Rules of procedure; meetings to be public; minutes
 - BoA “Rules of Order and Procedure”
 - Must be consistent with City ordinances

Nature of BoA

❖ Quasi-Judicial

- All parties sworn in before providing testimony
- Decisions based on competent substantial evidence
- Guided by case law
- No precedents for variances
- Disclose ex parte communication
- Must be present during entire hearing of item
- Recuse when there is conflict of interest

❖ Rulings generally final, unless appealed to City Commission*

BoA Items

❖ Variance to the terms of the Zoning Code (2-78)

- Excluding use variances
- Parking modifications (33.7)
- Sign Code Waiver (39.19)
- Color Palette (40.5)
- Landscape variance (23-13 and 23-27)

❖ Appeal of administrative decision or order in implementing the Zoning Code (2-78)

- Appeal of administrative order for tree preservation (23-27)

BoA Purpose

❖ What is a variance?

❖ 1922- Standard State Zoning Enabling Act

- Administrative remedy for inverse condemnation
- Fifth Amendment: No person shall be “deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Criteria (2-78)

- * Special conditions and circumstances -> Hardship or practical difficulty in use of the property
- * Variance request is not contrary to public interest or general purposes sought to be accomplished by the zoning ordinances

Case Law

❖ No precedent

- Applicant's request reviewed on its own merits rather than on basis of previously approved variances in the jurisdiction (City of Jacksonville v. Taylor)

Case Law

❖ Hardship cannot be self-created

- Work without a permit = self-created hardship (Town of Ponce Inlet vs Rancourt)
- Purchase of property with zoning restrictions = self-created hardship (Friedland v Hollywood)
- Creation of substandard lot = self-created hardship (Coral Gables vs Geary)

Case Law

❖ Economic “disadvantage” is not a hardship

- Owner’s preference is not a hardship (Burger King v Metropolitan Dade County)

Case Law

❖ Consistency with Plan

- Must not adversely affect zoning scheme as a whole (Troup v Bird)
- All development orders must be consistent with the Comprehensive Plan (FS 163.3194 & 163.3215)

Case Law

❖ What constitutes a hardship?

- “The requisite hardship may not be found unless there is a showing that under present zoning, no reasonable use can be made of the property” (Thompson v Planning Commission)
- The hardship must be such that it “renders it virtually impossible to use that land for the purpose or in the manner for which it is zoned.” (Hemisphere Equity v Key Biscayne)
- It is the land, and not the nature of the project, which must be unique and create a hardship. (Ft Lauderdale v Nash) ..

Planning & Zoning Board

- ❖ Sec. 2-86 Creation; appointment; terms; officers; advisors
 - 5 member board, 1-year terms
 - Officers: Chair, vice-chair, and secretary
 - Advisors: City Manager, City Building Inspector, City Attorney, and other such officials

- ❖ Sec. 2-87 Rules of Procedure
 - P&Z “Rules of Order and Procedure”
 - Must be consistent with City ordinances

Planning & Zoning Board

❖ Sec. 2-88 Duties generally

- To act in an **advisory capacity** to the City Commission on questions relating to zoning, and conduct investigations and hold public hearings on all **matters or proposals to change zoning regulations** and report its findings and recommendations on such matters and proposals to the City Commission.

Planning & Zoning Board

❖ Sec. 2-88 Duties generally (continued)

- To study proposed city plans, with a view to improving same so as to provide for the development, general improvement and probably future growth of the city and, from time to time, **make recommendations** to the City Commission relating to a city plan and new developments for the adoption of a city plan.

Planning & Zoning Board

❖ Sec. 2-88 Duties generally (continued)

- To investigate and **recommend** approval or disapproval of **all new plats** to be presented to the City Commission.
- To **act in an advisory capacity** on all matters on **proposals or applications to change the zoning** on real property located in the City.
- To perform such other duties as may from time to time be assigned to such board by the City Commission.

Local Planning Agency

❖ Sec. 2-101 Authority; designation

- PZB = LPA
- F.S. 163.3174: “The governing body of each local government, individually or in combination as provided in s. [163.3171](#), shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law.”

❖ Sec. 2-102 Administrative head

- City Planner (DSD Director)
- Admin Head stands in an advisory capacity to the LPA, the City Commission, and the City Manager

Local Planning Agency

❖ Sec. 2-103 Duties and responsibilities

- Conduct the comprehensive planning program and prepare the Comprehensive Plan or elements or portions thereof for the City of Margate.
- Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida.

Local Planning Agency

❖ Sec. 2-103 Duties and responsibilities (continued)

- Recommend said comprehensive plan or elements or portions thereof to the City Commission and City Manager for adoption.
- Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission and City Manager such changes in the Comprehensive Plan as may be required from time to time.

Local Planning Agency

❖ FS 163. 3174 Local planning agency

- School Board rep included as nonvoting member of LPA for rezoning and/or comprehensive plan amendment that could result in increased residential density. City *may* grant voting status to School Board member.
- TRILA*

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- Agency responsible for the preparation of the comp plan or amendment, and shall make recommendations to the governing body regarding the adoption of such plan or amendment.
- Prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or amendment.

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- Monitor and oversee the effectiveness and status of the comp plan and recommend to the governing body such changes in the comp plan as may from time to time be required, including the periodic Evaluation and Appraisal Report (EAR)
- EAR required every 7 years, Margate completed EAR in 2019

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- **“Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion there, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulations commission.”**

Nature of PZB/LPA

❖ Advisory

- City Commission makes final decision

Typical PZB Items

- ❖ Amendments to zoning regulations
- ❖ Amendments to the Comprehensive Plan
- ❖ New plats, subdivision resurveys
- ❖ Rezoning applications
- ❖ Special exception use applications
- ❖ Review of grant applications

General

- ❖ Both boards meet on the 1st Tuesday of every month, unless canceled due to a lack of agenda items
 - ❖ BoA starts at 6:30 p.m.
 - ❖ PZB starts at 7 p.m., or immediately following the Board of Adjustment*
- ❖ Board Members may not miss more than 2 **regular** meetings in a calendar year. (2-74)

Board Substitutions

❖ Sec. 2-76.1 Substitute members (BoA)

❖ Sec. 2-105 Substitute members (PZB)

- Chairperson may authorize substitution, only when needed for a quorum
- Must use hierarchy to invite sub (chair → vice chair → secretary → board members)

Staff Expectation of Board

Michael Chandler
Commission and Staff: Expectations of Each Other
Planning Commissioners Journal, Number 24, Fall 1996

- ❖ Prepare for meetings by reading all reports and by visiting each site on the agenda.
- ❖ Whenever possible, call staff with your agenda questions before the meeting, so answers can be researched and shared during the meeting.
- ❖ Examine all the facts on a given issue and make the best decision possible.
- ❖ Do not ridicule or make light of the staff in public; instead, provide criticism in private.
- ❖ Do not assume the staff is wrong and citizen is right when there is a disagreement.

Staff Expectation of Board

Michael Chandler
Commission and Staff: Expectations of Each Other
Planning Commissioners Journal, Number 24, Fall 1996

- ❖ Compliment the staff when and where appropriate.
- ❖ Trust and respect the staff.
- ❖ If you disagree with a staff recommendation, explain your reasoning.
- ❖ Do not hold a grudge if you disagree with a staff recommendation.
- ❖ Act in a fair, ethical, and consistent manner.

Board Expectation of Staff

Michael Chandler
Commission and Staff: Expectations of Each Other
Planning Commissioners Journal, Number 24, Fall 1996

- ❖ Be well organized and anticipate the type and kind of information the Board will need to perform its duties.
- ❖ Respond to requests for information in a timely and professional manner.
- ❖ Prepare accurate, well documented, and well written reports that, where appropriate, lay out options for the Board to consider.
- ❖ Leave personal or political bias out of reports.
- ❖ Provide exhibits, illustrations, and/or pictures to help board members visualize the location of layout of proposal.

Board Expectation of Staff

Michael Chandler
Commission and Staff: Expectations of Each Other
Planning Commissioners Journal, Number 24, Fall 1996

- ❖ Help orient new board members, and provide educational opportunities for all members.
- ❖ Be accessible to all board members, whether in person, at meetings, or over the phone.
- ❖ Keep all board members equally informed; do not show favoritism.
- ❖ Make the Board's decision work after it's made.
- ❖ Act in a fair, ethical, and consistent manner.

Helpful Resources

❖ Comp Plan available online:

- <https://www.margatefl.com/201/Planning>

❖ Zoning Map available online:

- <https://www.margatefl.com/202/Zoning>

❖ Code available online:

- https://library.municode.com/fl/margate/codes/code_of_ordinances

Conclusion

- ❖ Welcome aboard.
- ❖ Take pride.
- ❖ Expect adversity.
- ❖ Become informed.
- ❖ Ask questions.

The Future of Margate is in our
hands....



CITY OF
MARGATE
Together We Make It Great