



# ZONING/ADJUSTMENT/PLANNING BOARD WORKSHOP

Meeting Streamed By YouTube - LIMITED CAPACITY  
Wednesday, May 04, 2022

---

## AGENDA

Name **Chair**

**Members:** Carl Lee Booth | Sanquetta Cowan | Eleanor Johnson-Babb | Everett McPherson | Patricia Wallace

**A. INVOCATION AND PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**C. REGULAR AGENDA**

- [1.](#) Rules & Regulations
2. Current & Future Projects

**D. ADJOURN (BY MOTION AND APPROVAL OF MAJORITY PRESENT)**

---

Any citizen of the audience wishing to appear before the Board to speak with reference to any agenda or non-agenda item must complete the "Request for Appearance and Comment" form and present completed form to the Director of Community Economic Development prior to commencement of the meeting.

Should any person seek to appeal any decision made by the Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Reference: Florida Statutes 286.0105)

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Tijauna Warner at Pahokee City Hall, 207 Begonia Dr. Pahokee, FL 33476 Phone: (561) 924-5534. If hearing impaired, telephone the Florida Relay Service Number, 800-955-8771 (TDD) or 800-955-8770 (Voice), for assistance. (Reference: Florida Statutes 286.26).

*Footnotes:**--- (2) ---*

**Editor's note**— *Ord. No. 98-7, adopted August 25, 1998, has been treated by the editor as amending the Code by repealing former Art. II, §§ 19-26—19-32, and adding a new Art. II, § 19-26. Former Art. II pertained to the city planning board, and derived from the Code of 1984, §§ 17-16—17-22.*

**Cross reference**— *Boards and commissions generally, § 2-126 et seq.; review of preliminary plan of subdivision by planning board, § 23-6.*

## Sec. 19-26. - Created; composition.

The board of adjustment and the planning and zoning board are combined to form the zoning/adjustment/planning board. The zoning/adjustment/planning board will assume the functions of both boards as previously set forth.

The terms of the board members shall be staggered and set forth in the following manner: One (1) member shall be appointed for a term of (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. In addition two (2) alternates shall be appointed for a period of three (3) years each. After the initial appointments, successive appoints shall be for a period of three (3) years, except where an appointment is made to fill a vacancy, in which case such appointment shall be for the balance of the term of the member in which the vacancy occurred.

The main duties of the board will be to address zoning issues, site plans, and variances. The detailed outline of duties is found in the land development regulations and includes the duties designated for both boards.

(Ord. No. 98-7, 8-25-1998)

(a) *City commission.*

(1) *Authority.* In addition to the jurisdiction, authority and duties which may be conferred on the city commission by other provisions, the city commission of the City of Pahokee shall have the following duties and powers under this chapter:

- a. To consider and enact development code regulations and an official zoning map;
- b. To consider and enact, enact with modifications, repeal, partially repeal, or reject amendments to these regulations or official zoning map, provided that the city commission has first obtained the recommendation of the planning board;
- c. To establish fees, charges, and expenses imposed by these development code regulations;
- d. To enforce the development code regulations, provisions, and restrictions by appropriate administrative and legal action;
- e. To appoint and confirm members of the city planning board, the board of adjustment, and such other boards or committees as may be required by this development code, as amended;
- f. To hear and decide appeals from any orders, requirements, decision, or determinations made by the board of adjustment; and,
- g. To hear and decide appeals from any orders, requirements, decision, or determinations made by the planning board concerning an application for a site plan review.

(b) *Planning board.*

(1) *Establishment, composition, and terms.* The planning board shall consist of seven (7) members who shall be electors of the city and shall serve without compensation. The city commission shall appoint each for a term of three (3) years. Each member shall hold office for the term for which appointed.

The absence of a member for three (3) consecutive meetings without an excuse approved by the chairman of the planning board and noted in the minutes, shall be deemed just cause for removal by the city commission.

Any member may be removed from office by the city commission with a majority vote.

If a vacancy occurs in the membership of the planning board, the city commission within twenty (20) days shall fill the vacancy for the unexpired term.

(2) *Authority.* The planning board shall abide by all applicable provisions of chapter 166, Laws of Florida (City Charter) as amended.

(3) *Functions and powers.* The functions and powers of the planning board shall include:

- a. To keep the city commission and the general public informed and advised as to the physical development of the city;
- b. To recommend to the city commission principles and policies for guiding action in the physical development of the city;
- c. To conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or required by the city commission;
- d. To advise and consult with the director of community development in the preparation of a

comprehensive plan; to consider it and amendments to it; and to recommend to the city commission the plan and amendments formulated, as well as proposed ordinances and regulations designed to promote orderly development consistent with the plan;

- e. To advise and recommend on the preparation and adoption of a comprehensive plan for the city pursuant to chapter 166, Laws of Florida (City Charter), as amended, and by F.S. ch. 163.3161;
  - f. To recommend whether or not specific proposed developments conform to the principles and requirements of the comprehensive plan as to growth and improvement;
  - g. To consider all major and minor plats which subdivide lands and recommend acceptance, modification, or rejection of them, and to recommend regulations for the subdivision and platting of land;
  - h. To provide advice and recommendations to the city commission on each application for amendments to this chapter and the official zoning map;
  - i. To consider and approve, approve with modifications, or deny applications for site plan review;
  - j. As requested, to recommend to the city manager the appointment of a director community development;
  - k. To prepare in conjunction with the director of community development, the city manager, and the director of finance a list of capital improvements recommended for construction during the next fiscal year and the succeeding four (4) fiscal years. This list shall show the recommended order of priority, the year recommended for beginning and completing construction, and the estimated costs for each recommended improvement;
  - l. To consider all general plans for major landscaping proposed by the city or to be located on city property and to make recommendations with each plan; and,
  - m. To consider all questions involving the location, removal, or alternation in any works of art belonging to the city, including monuments, memorials, and statuary, that are not kept indoors or assigned hereby or by ordinance of the jurisdiction of another agency; and prior to the acceptance or rejection of any proposed gift to the city in the form of a monument or memorial, to approve or recommend modification or rejection of a sketch or plan thereof and the proposed location thereof.
- (4) *Review of applications and amendments by the director of community development.* No development application or amendment to this chapter, official zoning map or comprehensive plan shall be considered or authorized until the impact and extent thereof have been studied by the director of community development who shall have a minimum of thirty (30) days to provide a written report recommending approval, modification, or denial of the application or amendment and the reasons for said recommendation to the planning board and city commission.
- (5) *Procedures.* The planning board shall adopt rules of procedures, subject to any limitations prescribed by the city Charter, these regulations or ordinances. It shall select a chairman, secretary, and other officers and shall prescribe their duties and powers. Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

The planning board shall keep minutes of its proceedings, record the vote of each member on each question, and keep records of its discussion, findings, recommendations, and other official actions. All records or other accounts of meetings shall be public records and be filed with and available from the department of community development.

(c) *Board of adjustment.*

- (1) *Establishment, composition, and terms.* The board of adjustment shall consist of seven (7) members of the city and shall serve without compensation. The city commission shall appoint each for a term of three (3) years; each member shall hold office for the term for which appointed.

The absence of a member for three (3) consecutive meetings without an excuse approved by the chairman of the board of adjustment and noted in the minutes, shall be deemed just cause for removal by the city commission.

Any member may be removed from office by the city commission for malfeasance, misfeasance, or nonfeasance in office, or for conduct unbecoming an officer whether connected or unconnected with official duties; provided, no member shall be removed except by affirmative vote of all except one (1) of the members of the city commission. A hearing or vote for removal of any member shall not occur unless at least twenty (20) days have elapsed following service of written charges upon a member. Prior to a hearing or vote for removal, any member shall be provided at least ten (10) days notice.

If a vacancy occurs in the membership of the board of adjustment, the city commission within twenty (20) days shall fill the vacancy for the unexpired term.

- (2) *Authority.* The board of adjustment shall abide by all applicable provisions of chapter 166, Laws of Florida (City Charter) as amended.
- (3) *Functions and powers.* The functions and powers of the board of adjustment shall include:
- To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the director of community development in the enforcement of this chapter;
  - To reverse or affirm, in whole or in part, or modify the appeal from any order, requirement, decision, or determination of the director of community development;
  - To interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the official zoning map and comprehensive plan;
  - To grant variances;
  - To consider and approve, approve with modifications, or deny applications for conditional use approval; and,
  - To compel the attendance of witnesses at hearings or meetings and to administer oaths.
- (4) *Review of applications by the director of community development.* No development application shall be considered or authorized until the impact and extent thereof have been studied by the director of community development who shall have a minimum of thirty (30) days to provide a written report recommending approval, modification, or denial of the application or amendment and the reasons for said recommendation to the board of adjustment.
- (5) *Procedures.* The board of adjustment shall adopt rules of procedures, subject to any limitations prescribed by the City Charter, these regulations or ordinances. It shall select a chairman, secretary, and other officers and shall prescribe their duties and powers. Four (4) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

The board of adjustment shall keep minutes of its proceedings, record the vote of each member on each question, and keep records of its discussion, findings, recommendations, and other official actions. All records or other accounts of meetings shall be public records and be filed with and available from the department of community development.

- (1) *Appointment.* The director of community development shall be the head of the department of community development and shall serve at the pleasure of the city manager.
- (2) *Jurisdiction, authority, and duties.* In addition to the jurisdiction, authority and duties which may be conferred on the director of community development by other provisions, the director of community development shall also have the following powers and duties under this chapter:
  - a. The director of community development shall receive, review, and approve certificates of compliance, land clearing permits, building permits, sign permits, and certificates of occupancy in accordance with the procedures in section 14-21;
  - b. The director of community development shall receive, review, and approve applications for administrative review in accordance with the procedures in section 14-23;
  - c. The director of community development, whenever a use is not specifically listed in article V. shall make a determination as to whether the proposed use is a use permitted by this ordinance, in accordance with article V;
  - d. The director of community development shall serve as staff planner to the planning board, the board of adjustment and the city commission, including the provision of aid and technical assistance in:
    1. The processing and review of site plan review applications as provided in section 14-24;
    2. The processing and review of applications for conditional use review as provided in section 14-25;
    3. The processing and review of applications for variances as provided in section 14-26;
    4. The initiation, processing, and review of applications for the amendment to the text of this chapter as provided in section 14-27;
    5. The initiation, processing, and review of applications for amendments to the official zoning map as provided in section 14-27;
    6. The initiation, processing and review of comprehensive plan amendments as provided in section 14-28; and
    7. The processing and review of applications for planned developments as provided in article VII.
  - e. The director of community development shall maintain the official zoning map series;
  - f. The director of community development shall maintain the official comprehensive plan and future land use map series;
  - g. The director of community development shall, whenever requested to do so by the city commission, conduct or cause to be conducted, with the assistance of other city departments if necessary, investigations, reports, surveys, studies, maps, charts, and recommendations with respect to matters before the city commission, the planning board, or the board of adjustment; and
  - h. The director of community development shall enforce the provisions of this chapter.

Sec. 14-24. - Site plan review.

- (a) *Intent.* This section sets forth procedures and standards for the planning board review and approval, approval with conditions, or denial of site plan review applications. The purpose of these provisions is to promote harmonious, functional relationships among the various elements within any development such as the location of activities, vehicular and pedestrian circulation systems, and visual form to insure physical, social, and

economic compatibility with neighboring developments and conditions, as well as with the community and to prevent detrimental impacts to the natural environment on and off the site by providing for review and evaluation of site plans for all developments of the types listed in this section and elsewhere in this chapter. Although certain minimum standards are prescribed by specific provisions of this section, site plan review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation within the intent and purpose specified for each zoning district while insuring privacy and safety on all levels.

- (b) *Applicability.* The procedures and standards established in this section for site plan review shall be applicable to the following:
- (1) The uses identified in article V as requiring site plan review.
  - (2) All uses within the site plan review overlay district as identified on the official zoning map, which are not otherwise subject to review by the city commission or the board of adjustment.
- (c) *Site plan review authority.* The planning board shall review each application for a site plan review and the findings of the director of community development, and within sixty (60) days after the close of the public hearing shall do one (1) of the following:
- (1) Grant the application in full.
  - (2) Deny the application in full.
  - (3) Grant the application in part.
  - (4) Grant a modification of the application in such form as the planning board deems proper and consistent with the applicable standards for site plan approval and the comprehensive plan.
  - (5) Return the application to the director of community development with specific instructions as to additional information, evidence, or testimony desired in order to make a decision consistent with standards for site plan review and the comprehensive plan.
  - (6) Continue the consideration of the application to a special date.
  - (7) Establish such conditions as the planning board deems necessary to ensure conformance with the site plan review standards.

Failure to take action within the sixty (60) day period shall constitute approval of an application.

- (d) *Site plan review standards.* Site plans shall be reviewed using the following qualitative development standards.
- (1) *Harmonious and efficient organization.* All elements of a plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character of adjoining property, and the type and size of buildings. The site shall be developed in a manner that will not impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
  - (2) *Preservation of natural conditions.* The landscape shall be preserved in its natural state, to the degree practical, by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase significantly either wind or water erosion within or adjacent to a development site.
  - (3) *Screening and buffering.* Fences, walls, or vegetative screening shall be provided where needed to protect residents and users from undesirable views, lighting, noise or other adverse off-site effects and to protect residents and users of off-site development from on-site adverse effects.
  - (4) *Enhancement of residential privacy.* The site plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walks, barriers and vegetation shall be

arranged to protect and enhance the property and to enhance the privacy of occupants.

Section C, Item 1.

- (5) *Emergency access.* Structures and other site features shall be arranged to permit access by emergency vehicles to all buildings.
- (6) *Access to public ways.* All buildings, dwellings units and other facilities shall have safe and convenient access to public rights-of-way and/or other areas dedicated to common use.
- (7) *Pedestrian circulation.* When residential uses are included, a pedestrian circulation system shall be provided that is separated to the extent possible from the vehicular circulation system and that at a minimum shall conform to sidewalk standards of the city.
- (8) *Design of access and egress drives.* The location, size, and numbers of access drives to a site will be arranged to minimize any negative impacts on public and private ways and on adjacent private property. Traffic improvements shall be provided where they will significantly improve safety for vehicles and pedestrians.
- (9) *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- (10) *Design of public rights-of-way.* Public streets and rights-of-way within a site shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall provide a road network with local streets which provide direct access to individual parcels and other streets which provide no or limited direct access to individual parcels.
- (11) *Exterior lighting.* Exterior lighting shall not interfere with the quiet enjoyment of adjacent properties or the safety of public rights-of-way.
- (12) *Protection of property values.* All elements of a site plan shall be arranged to have a minimal negative impact on the property values of adjoining property.
- (13) *Compatibility with comprehensive plan and development code.* Plan shall be consistent with the city comprehensive plan and this chapter.
- (e) *Uses subject to administrative review and site plan review.* Uses which are subject to administrative review and site plan review shall, as a minimum application requirement for site plan review, comply with all administrative review standards. Failure to obtain administrative review approval pursuant to section 14-23 shall prohibit the submission of an application for site plan review.

As part of its review proceedings, the planning board may not waive or reduce any of the administrative review standards. The administrative review standards, however, may be increased by the planning board if deemed necessary for compliance with the site plan review standards.

- (f) *Determination if site plan review required.* Prior to the issuance of a certificate of compliance, the director of community development shall determine whether or not a site plan review is required pursuant to the provisions of this section. If site plan review is required, the applicant or applicant's agent shall be notified in writing and be permitted withdraw the request.
- (g) *Procedures for submitting and processing applications.* The director of community development shall receive, review and process applications for site plan review in accordance with the following:
  - (1) *Optional pre-application conference.* A pre-application conference is suggested to all applicants to avoid unnecessary delays or confusion in the application and review processes. If requested, an informal meeting



will be arranged among the applicant, community development department staff and other agency staff to discuss the proposal and to review any preliminary plans the applicant may wish to present.

- (2) *Application deadlines.* The planning board shall approve a schedule of site plan review meetings and their corresponding application deadlines.
- (3) *Application fee.* Applications shall include all appropriate processing fees as approved by the city commission.
- (4) *Application sufficiency.* Within ten (10) days of receipt, the director of community development shall review an application to determine whether or not it contains sufficient information to commence processing. An owner or agent with an insufficient application shall be notified by the director of community development within this time period of those additional items required for processing and the dates by which they must be received in order for the application to be heard at the meeting for which the application was made.
- (5) *Application processing.* Applications deemed sufficient by the director of community development shall be acted upon within forty-five (45) days of the date on which they were deemed sufficient. Failure of the director of community development to review a sufficient application within this period shall result in a recommendation of approval without conditions.
- (6) *Written recommendation.* The director of community development shall provide a written recommendation to the planning board and the findings upon which the recommendation is based, prior to the public hearing at which the application is to be considered by the planning board. Failure of the director of community development to provide such a recommendation shall result in a recommendation of approval without conditions.
- (7) *Public inspection of records.* Applications submitted pursuant to the provisions of this section may be reviewed by the public or by any interested citizen, according to the provisions of F.S. ch. 119.
- (h) *Application requirements.* An application for site plan review shall be made on forms provided by the director of community development for such purpose and shall include the following information and documentation, at a minimum:
  - (1) The name of the proposed development, if applicable.
  - (2) The location of the site by street address and Palm Beach County Property Appraiser Property Control Number.
  - (3) The name and signature of the legal owner of the development site, the nature or type of property ownership, and proof of ownership.
  - (4) The name and signature of the agent acting on behalf of the legal owner and a written power of attorney granted to the agent regarding the development application, if applicable.
  - (5) The size of the parcel in acres and square feet.
  - (6) The specific nature of the intended uses of the development site.
  - (7) The square footage of all existing and proposed uses on the development site individually and in aggregate.
  - (8) The gross density and/or intensity in dwelling units per acre and/or floor area ratio (FAR).
  - (9) The zoning classification and future land use designation of the site as shown on the official zoning map and the adopted future land use map.
  - (10) The maximum amount of lot coverage by structures permitted in accordance with article IV, and the amount proposed.

- (11) The maximum amount of impermeable surface area permitted in accordance with article IV, and the amount proposed.
- (12) The minimum amount of landscaped area required in accordance with article IV, and the amount proposed.
- (13) The minimum number of parking spaces required to be provided in accordance with article VII, and the number proposed to be provided on-site and/or off-site.
- (14) The minimum number of trees and shrubs required to be provided in accordance with article IX, and the number proposed to be provided on-site.
- (15) A development schedule for all phases.
- (16) A location map which delineates the project boundaries on the Palm Beach County Property Appraiser Maps.
- (17) An aerial photograph of the site.
- (18) A boundary and topographic survey, with contour lines at one (1) foot intervals, prepared, signed, and sealed by a registered Florida Land Surveyor which shall contain:
  - a. Acreage certification of all land above the elevation of mean high water (MHW);
  - b. The mean high water line, where applicable;
  - c. The location of all submerged lands, if applicable; and,
  - d. A legal description.
- (19) A site plan drawing on a sheet size of at least 24" x 36" and at a scale no smaller than 1" = 50'. For large projects a smaller scale generalized plot plan may be submitted as a cover sheet; however, detail sheets will be required. Detail sheets shall include the following information:
  - a. Location of the property by lot number, block number, and street address, if any;
  - b. The boundary lines of the property, the dimensions of the property, existing subdivisions, easements, roadways, rail lines, and public rights-of-ways;
  - c. Boundaries depicting construction phases, if applicable;
  - d. Building identification and dimensions (number of dwelling units if residential; floor area if non-residential);
  - e. The location, height, and use of all proposed and existing buildings and structures;
  - f. The approximate location and dimension of all proposed lots and all yard requirements;
  - g. The location and dimension of parking lots and loading areas;
  - h. The location and dimension of all waste disposal and water supply facilities;
  - i. The location of all drainage retention areas and major drainage improvements;
  - j. The location of all transportation improvements;
  - k. The location and configuration of all public and private roadways for a distance of one hundred fifty (150) feet around the property;
  - l. The location, type and height of all existing or proposed fences and walls;
  - m. The location, size and arrangement of all existing or proposed signs and lighting;
  - n. Proposed lot lines and plot designs, if applicable;
  - o. The location and type of any structure or paved area within fifty (50) feet of the outside property boundaries; and,
  - p. Any other information deemed necessary by the director of community development or review body for

the reasonable review of the proposed development.

- (20) A landscape plan prepared in accordance with the requirements of article IX.
  - (21) All information required elsewhere in this chapter.
  - (22) Any other information deemed necessary by the director of community department or the planning board for the reasonable review of the proposed development.
- (i) *Withdrawal, continuation or resubmittal of applications.*
- (1) *Withdrawal of applications.*
    - a. An application for a site plan review may be withdrawn by an applicant or designated agent by giving written notice to the director of community development. An application may be withdrawn at a public hearing at the request of the applicant or designated agent. After the conclusion of the public hearing concerning an application, it may be withdrawn only upon a majority affirmative vote of the planning board. An application withdrawn after it has been deemed sufficient shall not be entitled to a refund of the application fee.
    - b. An application for a site plan review may be amended prior to the publication of notice of public hearing. A request for amendment to the application shall be made in writing to the director of community development. A request of this nature shall require an additional amendment processing fee. Such applications for change shall be considered new applications and shall be considered at the next appropriate public hearing.
  - (2) *Continuation of applications.* Any application may be continued for a period not to exceed sixty (60) days at the request of the planning board or director of community development if the authority requesting the continuation determines there is need for further study or information.
  - (3) *Resubmittals.* When a application for site plan review approval is denied by the planning board, an application requesting approval of a new site plan on the same property may be resubmitted at any time.
- (j) *Public hearing.*
- (1) *Required hearing.* The planning board shall hold a public hearing prior to acting upon an application for site plan review.
  - (2) *Hearings schedule.* The planning board shall approve a schedule of hearing dates.
  - (3) *Hearings agenda.* At least fifteen (15) days prior to a scheduled hearing, the director of community development shall establish an agenda for the hearing which shall include all of those applications which have qualified to be heard in accordance with the provisions of this section.
  - (4) *Notice for hearings.* Public notice shall be advertised in a newspaper with a general circulation in the City of Pahokee at least ten (10) days in advance of the public hearing. Written notice shall be provided by mail and postmarked at least fourteen (14) days in advance of the public hearing to all affected property owners and all persons who own real property within two hundred (200) feet of the property to be affected by the proposed action and whose addresses are known by reference to the latest approved ad valorem tax roll. Notice shall be provided by the director of community development.
  - (5) *Content of notices.* Required notices shall indicate the date, time and location of the public hearing, a description of the substance of the subject matter that will be discussed, a legal description of the properties directly affected, a statement indicating the action the planning board is authorized to take, and a statement

that the hearing may be continued from time to time as may be necessary. The advertisement Section C, Item 1. advise that interested parties may appear at the meeting and be heard regarding the proposed site plan.

(6) *Conduct of the hearing.* All public hearings for site plan review shall be conducted in accordance with the following:

a. *Rights of all persons.* Any person may appear at a public hearing and submit documents, materials, and other written or oral testimony individually or as a representative of an organization. Persons who appear at a public hearing shall state their names, addresses, and the names and mailing addresses of any organizations they represent. The planning board may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.

b. *Oaths.* All persons presenting evidence at a public hearing shall swear or attest that their statements are true. During a public hearing, all parties shall have all of the following rights:

1. The right to be represented by counsel or by an agent.
2. The right to present witnesses.
3. The right to cross-examine all witnesses.
4. The right to examine and reproduce any documents produced at the hearing.

Such rights shall be subject to the discretion of the planning board and may be limited if unwarranted or undue delay will result or where no new materials or testimony will be presented.

c. *Failure to appear.* An applicant's failure to appear or to be represented at a scheduled hearing shall be sufficient cause to deny the request.

(k) *Records of proceedings.*

(1) *Records maintained by city.* All records of any proceedings of the planning board shall be filed as a part of the public records of the city.

(2) *Official minutes maintained.* Minutes of proceedings shall be kept in which findings of fact, recommendations, and all determinations or decisions are to be recorded. These minutes shall be considered public records and maintained by the city.

(3) *Use of recording devices.* All proceedings of the planning board shall be recorded electronically. Upon request and during normal business hours, any person may listen to the recordings of any proceedings. Transcriptions of proceedings may be obtained at the expense of the individual requesting such information.

(4) *Application records maintained.* Application forms and all information submitted with each application shall be maintained by the community development department. The transcript of testimony, the minutes of proceedings, all applications, exhibits, documents, materials, and papers submitted to the community development department or the planning board, written reports of any municipal employee or consultant, and the decision and report of the director of community development and board of adjustment shall constitute the record. Persons may examine the record during normal business hours and obtain copies at their expense.

(l) *Action by the planning board.* The planning board shall render its decisions within a reasonable period as provided in this section. All actions of the director of community development or the planning board shall include the recommendation or decision and the reason for the action.

(1) *Notification.* Notification of the final decision on an application shall be mailed to the applicant and all interested parties. A copy of the final decision shall be filed in the community development department.

(2) *Reconsideration of action.* An action may be reconsidered by the planning board only upon a vote voted on the prevailing side of the original vote. The motion to reconsider may be seconded by any member.

(3) *Notice.* Action on a question pending reconsideration must follow the notice provisions in section 14-24(j).

(m) *Status of site plan review applications.*

(1) *Status if approved.*

- a. Unless the decision of the planning board is appealed, a certificate of compliance, land clearing permit, building permit, sign permit, or certificate of occupancy may be issued providing all other applicable requirements of the comprehensive plan and this chapter are fulfilled.
- b. All plans, specifications and statements submitted with the application for site plan review approval shall become, with any changes ordered by the planning board, a part of the conditions of any approval.
- c. Conditions and requirements stated as part of the approval of a site plan shall be a continuing obligation of holders of approval. The director of community development shall make periodic inspections of developments with approved site plans to determine continuing compliance with all required conditions.

(2) *Status if denied.* Unless the decision of the planning board is appealed, the application is denied. When a application is denied, a certificate of compliance, land clearing permit, building permit, sign permit, or certificate of occupancy shall not be issued.

(n) *Site plan approval effective period extension, and termination.*

(1) *Effective period of site plan approval.* Site plan review approvals shall have an effective period of twelve (12) months from the date of approval during which period the recipient shall obtain building permits and commence construction of the approved use. Failure to obtain a building permit and commence construction within twelve (12) months from approval or failure to complete construction under the effective period of the first building permit obtained plus one (1) extension thereto shall result in the termination of the site plan review approval. Upon termination, no building permits shall be extended and no additional building permits shall be issued.

(2) *Extension of site plan approval effective period.* The planning board may grant up to a six (6) month extension of the effective period of an approved site plan upon a finding that all of the standards as provided in section 14-2(d) have been or will be met and that the use is consistent with the provisions of the comprehensive plan and this chapter. Only one (1) extension of each site plan approval shall be permitted.

(3) *Termination of site plan approval.* Site plan approval may be withheld or terminated upon a determination by the director of community development of the following:

- a. Failure to comply with conditions or requirements of the site plan approval; or,
- b. Failure to correct violations of conditions or requirements of site plan approval within thirty (30) days following issuance of a citation or notice of violation.

(o) *Violations.* Failure to complete and maintain all approved elements of an approved site plan, including landscape, appearance, and other site development features, shall be a violation of this section subject to enforcement and penalty procedures of this chapter.

(p) *Appeals.*

(1) *Filing an appeal.* Any person aggrieved or affected by a decision of the planning board may appeal to the city commission. Appeals shall be filed in writing with the director of community development within ten (10) days from the date of the decision by the planning board and shall include the appropriate fee.

- (2) *Appeal proceedings.* Within sixty (60) days following receipt of an appeal by the director of community development, the city commission shall hold a public hearing to consider the appeal. Within sixty (60) days after the public hearing, the city commission shall act upon the appeal. At the public hearing, representation shall be limited to the affected or aggrieved person or a duly authorized attorney licensed to practice law in the state of Florida. To overturn a decision by the city commission board shall require four (4) affirmative votes of the city commission.