

PART I - THE CHARTER

FOOTNOTE(S):

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Editor's note— The Charter of the town, consisting of Ch. 24792, Acts 1947 as amended by Ch. 31144, Acts 1955 and Ch. 65-2066, is included as Part I of this Code, "The Charter." The sections thereof have been given numbers arranged numerically by articles in the same form as the numbering of the Florida Statutes by chapter for the convenience of the user, and for ease in reference. ~~However, the original section numbers and amendments are included in parentheses at the end of each section.~~ There is also included after Part I a comparative table showing the original section numbers in one column with the Code number of each appearing opposite. The editors have omitted all repealed or amended sections, those that have been executed as well as sections containing mere legislative dictum, i.e., "All laws and parts of laws in conflict herewith are hereby repealed." The original article headings and numbers have been retained. Each section has been given a catchline. ~~Material contained in brackets [] is included by way of correction, internal reference or explanation.~~

State Law reference— Municipal home rule powers, F.S. ch. 166; charter amendments, F.S. § 166.031.

ARTICLE I. - CORPORATE NAME

Sec. 1.1. - Corporate name.

The municipality hereby established shall be known as the "Town of Palm Beach Shores."

ARTICLE II. - CORPORATE LIMITS

Sec. 2.1. - Corporate limits.

{The territorial limits of said municipality are hereby defined and shall be as follows:}

Beginning at the point of intersection of the south line of the City of Riviera Beach and the east right-of-way line of the southerly extension of State Road No. 703, said point of intersection being further described as the southwest corner of a tract of land now, or formerly, owned by Inlet Investment Corporation as recorded in Deed Book 613 at page 547, in the Public Records of Palm Beach County, Florida; thence along the said south line of the City of Riviera Beach, south 89;deg;34;min;21;sec; west, [a distance of 1,589.05 feet; thence continuing along said] south line of the City of Riviera Beach north 88;deg;29;min;09;sec; west, a distance of 510.95 feet; thence south 0;deg;25;min;34;sec; east, a distance of 3,132 feet, more or less, to an intersection with the north line, or the westerly prolongation thereof, of a certain tract of land 500 feet in width, north and south, conveyed as an inlet right-of-way by Goodman Estates, Inc. to H.C. Hood, et al, constituting the Board of Commissioners of the Lake Worth Inlet District, as recorded in Deed Book 110, page 169, Public Records of Palm Beach County, Florida; thence easterly along the

Commented [KD1]: Edits here are strictly by way of housekeeping and clean-up.

north line, and/or the westerly prolongation thereof, a distance of 3,400 feet to the waters of the Atlantic Ocean; thence northerly along the waters of the Atlantic Ocean to an intersection with the easterly prolongation of the said south line of the City of Riviera Beach; thence westerly along said easterly prolongation and along said south line of the City of Riviera Beach to the point of beginning.

Sec. 2.2. - Additional lands.

The territorial limits of said municipality shall also include any and all lands which shall be annexed thereto from time to time as provided by law.

State law reference— Local Government Boundaries Annexation of lands by cities and towns, F.S. Ch. 171.

Commented [KD2]: Edits here are by way of housekeeping and clean-up, and for consistency with state law.

ARTICLE III. - GOVERNMENT

Sec. 3.1. - Offices of town commission and mayor created; enumeration of powers.

The government of said municipality shall be vested in a governing body to be known as the "Town Commission of the Town of Palm Beach Shores," sometimes hereinafter referred to as the town commission, composed of five (5) members, one of whom shall be called the mayor, and the remaining four (4) of whom shall be called commissioners.

The town commission shall have all governmental, corporate, and proprietary powers needed to enable it to conduct the government of said municipality, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law.

The town commission shall enact local legislation, adopt an annual town budget, determine town policies and appoint town officers as set forth herein. **The town commission shall also be the judge of the election and qualification of its members.**

Commented [KD3]: Edits here add language to generally describe th governmental powers of the Town Government pursuant to the Home Rule Powers Act.

Sec. 3.2. - Eligibility to elective office.

No person shall be eligible to any elective office of the Town of Palm Beach Shores unless he or she is ~~shall be~~ a citizen of the United States and a qualified voter in Palm Beach County, Florida, ~~and is~~ a current resident of the Town of Palm Beach Shores, ~~and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to qualifying to hold office.~~

Commented [KD4]: Relocated from 3.16.

Commented [KD5]: Edits here specify residency requirements that must be met in order to qualify to serve as an elected official in the Town.

Sec. 3.3. - Term of office; seats.

The A mayor and the four (4) commissioners shall each be elected to serve for a period of two (2) years; the mayor shall be elected at-large to seat 1, and each of the four (4) commissioners

Commented [KD6]: Edits here create actual seats that each elected official would occupy. All seats are still voted on by everyone "at large" but this eliminates the current scenario of a plurality vote, electing the top vote getters. The seat terms are proposed to be staggered in conformance with the current mayor seat term.

shall be elected at-large to seats 2, 3, 4 and 5. The mayor in seat 1, and the commissioners in Seats 3 and 5 shall be elected in the even years, and the commissioners in seats 2 and 4 shall be elected in the odd years ~~the mayor and two (2) commissioners shall be elected on even numbered years, and two (2) commissioners shall be elected on odd numbered years.~~ A candidate for office shall qualify for one office/seat only.

Sec. 3.4. - {Qualifications of} electors; conduct of elections.

The town commission shall by ordinance prescribe the qualifications of electors. The town commission shall also by ordinance regulate the conduct of elections.

Editor's note—

Ord. No. 164, § 1, adopted July 10, 1978, repealed former § 3.4 of the Charter, which section provided for the holding of regular elections; said former section was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 4; Ch. 31144, Sp. Acts 1955, § 1. Section 2 of Ord. No. 164 renumbered former § 3.19 of the Charter as § 3.3; at the town's direction, inasmuch as the Charter already contained a § 3.3, former § 3.19 has been included herein as § 3.4 of the Charter.

Sec. 3.5. - Incumbents to hold office until successors qualify.

The mayor and vice-mayor, elected and appointed respectively as herein provided, as well as all commissioners, elected as herein provided, shall each hold office until their ~~his~~ successors ~~are shall be~~ elected or appointed, as applicable, in accordance with the provisions of this article ~~act~~ and shall qualify; and the person or persons appointed hereinafter to hold the various offices of the town shall hold their respective offices until their successors shall be appointed and shall qualify, or during the pleasure of the town commission.

Commented [KD7]: Edits here are strictly by way of housekeeping and clean-up.

Sec. 3.6. - Regular municipal election dates.

On the second Tuesday in March of each year an election by qualified electors of the municipality shall be held to elect members of the town commission to succeed the members whose election is provided for herein.

Commented [KD8]: This edit clarifies that it applies to municipal elections only.

Sec. 3.7. - Regular terms of office.

The term of office of the elected members of the town commission ~~to be elected~~ shall commence at the next scheduled commission meeting ~~on the last Monday in March~~ after the mayor's or commissioner's election and shall continue ~~thereafter~~ for two (2) years thereafter and until their successors are elected and qualified.

Commented [KD9]: The revisions here provide language clean-up and also revise the scheduling of the annual re-organization meeting. As written, it would be the next scheduled meeting of the commission and would no longer have to be on the last Monday in march (which is very restrictive).

Sec. 3.8. - Reserved.

Editor's note—

Ord. No. 164, § 1, adopted July 10, 1978, repealed former § 3.8 of the Charter, which section provided for an oath of office for town commission members. Said former section was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 8; Ch. 31144, Sp. Acts 1955, § 1.

Sec. 3.9. - Appointment of vice-mayor.

The members of the town commission elected shall meet for organization immediately following their qualification at the next scheduled commission meeting ~~on the last Monday in March~~ next following the date of their election, and at said meeting the town commission shall, by resolution, appoint one commissioner ~~member~~ as a vice-mayor of the town, who shall hold such office for a term of one year and until his or her successor shall be appointed and qualified.

Commented [KD10]: The revisions here provide language clean-up and also revise the scheduling of the annual re-organization meeting. As written, it would be the next scheduled meeting of the commission and would no longer have to be on the last Monday in march (which is very restrictive).

Sec. 3.10. - Appointment of town clerk, ~~tax collector~~, treasurer, and planning and zoning board; fixing and determining authority, duties and compensation of certain officers.

At each ~~such~~ organization meeting as provided for in Sec. 3.9. above, the town commission shall also appoint a town clerk, a town treasurer, ~~a tax collector~~ and a five-person ~~man~~ planning and zoning board. Alternates to the planning and zoning board may be appointed at the discretion of the town commission. Any one person other than a member of the town commission or a member of the planning and zoning board may be appointed to serve as town clerk ~~hold any one or more of the said offices~~, and the officer ~~or officers~~ so appointed shall hold office for a term of one year and until their successors ~~are~~ is appointed and qualified or at the pleasure of the town commission. The town commission shall also have the power to fix and determine the authority, duties and compensation of all ~~elected and~~ appointed officers, assistants and employees.

Commented [KD11]: The edits here remove reference to a "tax collector" and treasurer (neither of which the Town actually has had for many, many years), and add language to the title commensurate with the body of the section.

Sec. 3.11. - Reserved.

Editor's note—

Ord. No. 164, § 2, adopted July 10, 1978, repealed former § 3.11 of the Charter, which section provided for an oath of office for appointive town officers. Said former section was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 11; Ch. 31144, Sp. Acts 1955, § 1.

Sec. 3.12. - Vacancies.

If there shall be a vacancy in any elective office, other than by recall pursuant to Section 3.18. the town commission shall, by resolution, fill such vacancy by the appointment of a suitable person to hold such office for the unexpired term and until his or her successor shall be elected and qualified. If by reason of extended absence or disability any elective officer of the Town of Palm Beach Shores is unable to perform the duties of his or her office, then the town commission shall, by resolution, appoint some suitable person to hold such office for and during the absence or disability of such officer, and the person so appointed shall have, during such period of absence or

Commented [KD12]: The edits here provide minor clean-up and define the term "extended absence or disability" for purposes of declaring a vacancy in an elected office seat.

disability, all the powers and duties conferred by law upon the elective officer for whom he is appointed to act. For purposes of this section, “extended absence or disability” shall generally be considered as any condition that prevents or will prevent an elective officer of the Town of Palm Beach Shores from fulfilling his or her duties or attending regularly scheduled meetings for a period of six months or longer.

Sec. 3.13. - Remuneration of elected officials.

The mayor and/or all commissioners may be entitled to an annual salary and/or other remuneration which may, at the discretion of the Town Commission be fixed by ordinance; provided, however, that neither the mayor nor any commissioner shall be entitled to any creation or increase in salary or other remuneration adopted during their then current term. No elected officer shall receive any remuneration either directly or indirectly during his term in office, and any remuneration of an elected officer which has been prescribed shall not be increased during his term of office.

Editor's note—

Ord. No. 164, § 2, adopted July 10, 1978, repealed former § 3.14 of the Charter, pertaining to employment of an engineer, attorney and other officers and employees, and renumbered former § 3.13, providing for delivery of records by incumbents to their successors in office, as § 3.14. Former § 3.14 was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 14; Ch. 31144, Sp. Acts 1955, § 1. In lieu of former § 3.13 of the Charter, a new § 3.13 of the Charter was enacted pursuant to Ord. No. 164, to read as herein set forth.

Sec. 3.14. –Incumbent officers to deliver records to successors.

It shall be the duty of every officer of the town, within ten (10) days after the expiration of his term of office or of his removal therefrom, to deliver to his successor in office, or to such person as the town commission may designate, all books, records, papers, vouchers and property of every kind in his possession or control belonging to said municipality.

Note—See editor's note to § 3.13

Sec. 3.15. – ~~Reserved Performance bonds.~~

~~The town commission shall have the power to require any elected or appointed officer, before any of them enters upon the duties of his office, within such time as it may prescribe, to enter into a good and sufficient bond conditioned as it may require for the faithful performance of his duties, and it may from time to time require further or additional bonds, and for failure to give the same it may declare such office vacant.~~

Commented [KD13]: The edits to this section create an option to allow the Town Commission to provide for compensation for the Mayor and/or the Commissioners by ordinance. No such compensation would be given to any mayor or commissioner during the term during which such compensation might be approved or adopted.

Commented [KD14]: The edits here remove the requirement for the posting of a performance bond. The Town has not required this for at least the last 15 years; nor am I aware of any other towns locally that have any such requirement in this day and age.

Sec. 3.16. – Meetings – rules and records ~~Rules; meetings; records; admissibility as evidence; permits.~~

The town commission ~~of the said municipality shall be the judge of the election and qualification of its members,~~ shall have power to determine and establish by ordinance or resolution the rules governing its own proceedings and ~~to determine~~ the time and place for holding its meetings, ~~and the notice of special meetings shall be posted in a public place two (2) days prior to the meeting date. Special meetings shall be held when called by the mayor, or by any three (3) members of the town commission.~~ The mayor, or in his or her absence the vice-mayor, shall preside at all meetings of the town commission and the town clerk shall be present at all meetings of the town commission and shall keep a record of the proceedings of the town commission as required by law. ~~in a minute book to be provided and kept for that purpose, and he~~ The town clerk shall also enter in full in an ordinance book to be provided and kept for that purpose, all ordinances, which ordinance book shall be deemed to be a public record and each ordinance so recorded shall be signed by the mayor and by the town clerk. ~~Copies from said minute book or ordinance book, duly certified by the town clerk under the corporate seal of the town, shall be received in evidence in all courts and places as proof thereof. The town clerk shall certify and keep a record of all permits issued by the town or pursuant to its authority.~~

Commented [KD15]: The edits here provide for broad, general authority, which would be effectuated in the Town Code via ordinance, or in a policy adopted by resolution. IF THIS IS APPROVED BY THE ELECTORS OF THE TOWN, WE WILL HAVE TO ADOPT SUCH POLICIES INTO THE CODE BY ORDINANCE. The language regarding admissibility into evidence in a court of law, of certain documents, is proposed to be stricken. Whether or not this language exists, the rules of evidence will always govern admissibility in court.

Sec. 3.17. - Removal or suspension of appointed officers; filling vacancies procedure and hearing.

Removal. All officers appointed by the town commission shall serve at the pleasure of the town commission. Any ~~appointed officer appointed by the town commission, other than police officers below the rank of chief,~~ may be removed from office, with or without cause, by the town commission. In the event such appointed officer shall be so removed, then and in that case his or her term of office shall expire and end when such removal becomes effective, anything herein contained to the contrary notwithstanding.

Suspension. All officers appointed by the town commission shall serve at the pleasure of the town commission. The mayor shall have the power, for sufficient cause, to suspend any ~~appointed~~ officer appointed by the town commission, and in case of the suspension of any such appointed officer, the mayor shall, within fifteen (15) days thereafter, deliver to the town clerk a specification in writing of the charges preferred against such officer and cause a copy of the same to be delivered to the officer suspended; and it shall be the duty of the town clerk to present such charges to the

Commented [KD16]: Edits here are by way of housekeeping and clean-up. Additionally, added language specifies that appointed officers serve at the pleasure of the Town Commission and can be suspended or removed by the Town Commission. Additional language is added authorizing the Mayor to fill a vacancy created by removal or suspension of an appointed officer.

town commission at its next meeting following the receipt of such charges ~~by him~~; and thereafter the town commission shall proceed to hear and determine the said charges, after reasonable notice of such hearing to the suspended officer, who shall be given an opportunity to be heard with ~~his~~ witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by the town commission, the officer shall be thereby immediately restored to office; but if such charges be sustained, then the office of such officer shall be and become vacant and his or her term of office shall immediately expire and end, anything herein contained to the contrary notwithstanding.

Filling of vacancies. In the event that any officer appointed by the town commission shall be removed or suspended as provided herein, the mayor shall have the power to appoint some person or some other officer of the town temporarily to perform the duties of the officer suspended or removed, until such suspension is concluded, or until the town commission appoints a new officer into the removed officer's position.

Editor's note—

Ord. No. 164, § 1, adopted July 10, 1978, repealed former § 3.17 of the Charter, which section pertained to the procedure for adoption of ordinances; said former section was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 17; Ch. 31144, Sp. Acts 1955, § 1. Section 2 of Ord. No. 164 revised and renumbered former § 4.8 of the Charter, as amended, as a new § 3.17

Sec. 3.18. – Removal/recall of elected officers for cause.

Any member of the town commission, including the mayor and all commissioners, may be removed from office in accordance with the procedures set forth at Sec. 100.361, Florida Statutes, as that section may be amended or revised from time to time. Any elected officer may be removed from office and deprived of the right to serve as such official for misfeasance, nonfeasance, malfeasance, or any conduct of an immoral or criminal nature committed while in office; but, before any such official shall be so removed and denied the right to perform his official duties, written charge(s) shall be filed with and presented to the town commission by some citizen or taxpayer of said town, or by any member of the town commission, setting forth in detail the offense of which said official is charged. Such charge(s) shall be considered by the town commission and if said town commission shall determine that the offense charged is of such nature and gravity as to constitute a ground, or cause, for the removal of such official, the commission shall thereupon set a date for the hearing of the said charge(s) and direct the chief of police, or some other officer to [of] the town, to give the official so charged written notice of the date of hearing and also deliver to him a copy of the charge(s) so filed.

Commented [KD17]: The edits to this section conform the Charter to state law, which preempts local law/charter provisions on the topic of recall of elected officials.

~~Upon the hearing of such charge(s), testimony shall be heard by the town commission, both in support and in defense of the charge(s) made, and both the charging party and the official charged shall have the right to be represented by legal counsel. If the charge(s) is filed by other than a commissioner, a four fifths (4/5) vote of the commission is required for a dismissal. If the charge(s) is made by a town commissioner, he shall not sit in judgement of the case, but shall testify like any other witness called in to testify in said case. If by unanimous vote of the remaining members of the town commission, they shall find and determine that such official is guilty of either or all of the offenses designated as charged, the town commission shall thereupon adopt a resolution removing such official and depriving him of the right to perform his official duties in and declaring his office vacant; and the said official shall no longer have the privilege of performing his official duties, his office shall be vacated and his successor shall thereafter be appointed or elected in the manner provided herein.~~

~~Upon any hearing under the provisions of this section, all witnesses shall give testimony under oath and any member of the town commission present at such hearing, mayor, and town clerk, shall be authorized to administer oaths.~~

~~No later than thirty (30) days of the date of such decision by the town commission, an aggrieved party may file a petition in the Circuit Court of Palm Beach County seeking review by certiorari.~~

Editor's note—

Ord. No. 164, § 1, adopted July 10, 1978, repealed former § 3.18 of the Charter, which section pertained to the procedure for adoption of resolution; said former section was derived from Ch. 24792, Sp. Acts 1947, Art. III, § 18; Ch. 31144, Sp. Acts 1955, § 1. In lieu of said former provisions, § 3 of Ord. No. 164 enacted a new § 3.18 of the Charter, to read as herein set forth previously. Ord. No. O-1-17 repealed former language inconsistent with state law and provided for current language referencing state law.

State law reference— Recall of municipal elected officials, F.S. § 100.361 ~~064~~.

Sec. 3.19. - Reserved.

Note—See editor's note, § 3.4

ARTICLE IV. - TOWN OFFICERS, TOWN MANAGER, PLANNING AND ZONING BOARD

Sec. 4.1. - Officers.

The officers of the Town of Palm Beach Shores shall be a mayor, vice-mayor, a town treasurer, ~~tax collector~~, town clerk, and such other officers as may be provided for by law or by the town commission pursuant to the authority conferred by law.

Cross reference— Appointment of certain town officers, employees and planning and zoning board members at organization meeting of commission, § 3.10.

Sec. 4.2. - Powers and duties—Office of Mayor.

The mayor shall be the chief executive of the town, and it shall be his or her duty to attend to the proper and effective enforcement of the laws and ordinances of the town. The mayor shall supervise and direct all aspects of town administration, as well as town boards, in accordance with town commission policy. The mayor shall represent the town and shall advocate for the town's interests with other governmental jurisdictions, business organizations and other entities. Nothing contained in this section shall be construed to mean that the mayor has membership on, or voting ability on any town board. ~~Subject to the ultimate and final control of the town commission, the mayor shall supervise and direct the town manager, the town clerk, police department and fire department, planning and zoning board of the town.~~

Sec. 4.3. - Powers and duties Same — Office of Vice-mayor.

The vice-mayor, in the absence or during the disability of the mayor, shall have all the powers and duties of the mayor.

Sec. 4.4. - Powers and duties Same — Office of Town clerk.

The town clerk shall, in addition to the duties which are or may be required of him or her by this act or by any law of the state or by any ordinance of the said municipality, shall have the custody of all the general records, books and documents of the town, and shall perform such further duties as are imposed upon him or her by the town commission by resolution or ordinance.

Sec. 4.5. Powers and duties Same — Office of Town treasurer.

The town treasurer shall receive, safely keep and disburse, under the direction of the town commission, all funds belonging to or under the control of the municipality; shall keep an accurate account of all receipts and disbursements in such manner as the town commission shall direct and no money shall be paid out of the treasury except upon approval of the town commission to the persons entitled to receive the same; the town treasurer shall annually, on or before the first day of

Commented [KD18]: The edits in this section conform to the revisions at Section 3.10.

Commented [KD19]: The edits in this section add general authority to the Mayor in terms of representing the Town's interests with outside entities. It also re-words the mayor's administrative oversight in more general terms, still being subject to Town Commission policy.

November, furnish to the mayor and to the town commission a full report of all receipts and disbursements during the preceding fiscal year; and he or she shall, whenever required by the mayor or by the town commission, make a special report covering any designated period and shall lay before the mayor or town commission for examination and audit all books, papers and vouchers pertaining to this his office whenever required so to do. The town treasurer shall deposit funds of the town in such banks or other depositories including but not necessarily limited to trust companies as the town commission shall from time to time designate, and all checks drawn upon any depository of the town funds shall be signed and cosigned by such persons as the town commission may direct, and no monies shall be paid except by check unless express authority so to do has been first given to the town treasurer by the town commission.

Sec. 4.6. - ~~Same~~ Position of Town manager.

The town commission shall have the power and authority to employ or otherwise hire or retain ~~appoint~~ some person not one of its own members as a town manager and to prescribe the town manager's his specific powers and duties. The town manager shall generally be the administrative head of the municipal government. The town manager ~~He~~ shall be under the supervision and direction of the mayor, ~~but~~ subject to the ultimate and final authority of the town commission. The town manager shall be chosen solely on the basis of his or her executive and administrative qualifications and he need not be a resident of the Town of Palm Beach Shores. The town manager shall receive such compensation as shall be fixed by contract or resolution of the town commission and shall work for the town hold office pursuant to contractual terms and/or at the pleasure of the town commission.

Commented [KD20]: The substantive edits here allow the option of having a Town manager with an employment contract, or having a Town Manager that is hired annually at re-organization, or any other mutually agreed upon arrangement.

Editor's note—

Ord. No. 164, § 1, adopted July 10, 1978, repealed former § 4.6 of the Charter, which section set forth the powers and duties of the tax assessor; said former section was derived from Ch. 24792, Sp. Acts 1947, Art. IV, § 6; Ch. 31144, Sp. Acts 1955, § 2. In lieu of said former provisions, § 2 of Ord. No. 164, revised and renumbered the second paragraph of former § 4.1 of the Charter, as amended, as a new § 4.6

Sec. 4.7. - ~~Same~~ Planning and zoning board.

It shall be the duty of the planning and zoning board to periodically review the general overall welfare, design and appearance of the municipality with regard to buildings, roads, utilities, storm and sanitary sewers, improvements and all new projects of any nature. They shall periodically review the town ordinances and codes and shall further revise, amend or rewrite such ordinances and codes to properly meet the requirements of necessity, future planning or growth of the

Commented [KD21]: The substantive edits here align eligibility requirements for service on the P&Z Board with eligibility requirements for serving on the Town Commission (e.g. a Town resident for 2 years prior to service, and a qualified voter of the Town).

municipality. Such suggested revisions, amendments or new ordinances and codes shall be submitted in writing to the town commissioners for ~~their~~ disposition as to further action.

The planning and zoning board shall review all plans and specifications ~~for covering~~ new buildings, piers, docks, seawalls, property line walls and all building renovations and additions. The planning and zoning board ~~They~~ shall approve, correct or disapprove such plans and specifications with regard to meeting the intent of lawful codes, ordinances, deed restrictions and general overall aesthetic value of the Town of Palm Beach Shores.

No person shall be eligible for appointment to any planning and zoning board seat of the Town of Palm Beach Shores unless he or she is a citizen of the United States and a qualified voter in Palm Beach County, Florida, and has been a resident of the Town of Palm Beach Shores for a minimum of two (2) years prior to appointment, and is not a member of the town commission or any other officer of the town. The composition and appointment of planning and zoning board members shall be set by ordinance of the town commission. Appointments to the planning and zoning board shall occur annually as set forth in Section 3.10.

Sec. 4.8. - Reserved.

Editor's note—

Ord. No. 164, § 2, adopted July 10, 1978, renumbered former § 4.8 of the Charter as § 3.17 of the Charter.

ARTICLE V. - RESERVED

FOOTNOTE(S):

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Editor's note— Ord. No. 164, § 1, adopted July 10, 1978, repealed former Art. V of the Charter, §§ 5.1—5.3, which article provided for municipal powers. Said former article was derived from Ch. 24792, Sp. Acts 1947, Art. V, §§ 1—3; Ch. 31144, Sp. Acts 1955, § 3; Sp. Acts, Ch. 65-2066, § 4; Sp. Acts, Ch. 68-124, § 1.

ARTICLE VI. - RESERVED

FOOTNOTE(S):

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Editor's note— Ord. No. 164, § 1, adopted July 10, 1978, repealed former Art. VI of the Charter, §§ 6.1—6.7, which article provided for a municipal court. Said former article was derived from Ch. 24792, Sp. Acts 1947, Art. VI, §§ 1—7.

ARTICLE VII. - RESERVED

FOOTNOTE(S):

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Editor's note— Ord. No. 164, § 1, adopted July 10, 1978, repealed former Art. VII of the Charter, §§ 7.1—7.3, pertaining to local improvements; said former article was derived from Ch. 24792, Sp. Acts 1947, Art. VII, §§ 1—3; Ch. 31144, Sp. Acts 1955, § 4.

ARTICLE VIII. - RESERVED

FOOTNOTE(S):

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Editor's note— Ord. No. 164, § 1, adopted July 10, 1978, repealed former Art. VIII of the Charter, §§ 8.1—8.4; said former article was derived from Ch. 24792, Sp. Acts 1947, Art. VIII, §§ 1—4; Ch. 31144, Sp. Acts 1955, § 5.

ARTICLE IX. -PLANNING AND DEVELOPMENT

FOOTNOTE(S):

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Editor's note— Ord. No. 217, § 1, adopted Dec. 9, 1985, approved at referendum Mar. 11, 1986, amended the charter by adding provisions which have been codified as § 9.1 of Art. IX at the editor's discretion.

Sec. 9.1. - Building height and lot coverage regulation.

Any increase proposed to be codified in the Town's Zoning Ordinance to maximum height of any building by 10% or more or ~~and~~ any increase of 10% or more in the maximum building lot coverage, currently existing in all zone districts, shall be submitted to the electors of the town for approval or disapproval in a referendum election to be held in conjunction with the next scheduled general election.

Commented [KD22]: The edits to this section clarify that referendum cannot be required for approval of any development order (e.g. variance) as set forth in state law. However, a referendum would be required to approve the codification of any general height or lot coverage increase that was 10% or more of the current code requirements).