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RESOLUTION NO. R2022-22

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
RELATING TO THE CONSTRUCTION BOARD OF
ADJUSTMENT AND APPEALS; PROVIDING FOR POWERS
AND DUTIES, MEMBERSHIP, TERMS OF OFFICE,
QUALIFICATIONS, AND VOTING REQUIREMENTS; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, in accordance with the Florida Building Code, and section 489.105, Florida Statutes, Wellington created the Construction Board of Adjustments and Appeals to act as the Local Construction Regulation Board; and

WHEREAS, the creation of the Construction Board of Adjustments and Appeals is codified in Chapter 2 of Wellington's Code of Ordinances; and

WHEREAS, Wellington has amended its Code of Ordinances to remove outdated and unnecessary provisions and simplify the provisions set forth therein; and

WHEREAS, the amended Code of Ordinances provides for the creation of the Construction Board of Adjustments and Appeals but provides that the powers and duties of the Board, and the number, qualifications, and terms of office of the members thereof, shall be established by resolution; and

WHEREAS, the Wellington Council now desires to provide for the powers and duties, membership, terms of office, qualifications, and voting requirements for the Construction Board of Adjustments and Appeals pursuant to the amended Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL that:

SECTION 1. Powers and Duties. The Construction Board of Adjustments and Appeals shall have the power to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

SECTION 2. Membership; Terms of Office; Qualifications. The Construction Board of Adjustments and Appeals shall consist of seven members. Appointments of members shall be for a term of two years. Appointments shall be made by the Wellington Council consistent with Chapter 2, Article VI of the Code of Ordinances. The Board should be composed of individuals who agree to apply the technical codes, with preference given to those with knowledge and experience in the fields of architecture, engineering, construction, and building permitting and contracting.

SECTION 3. Quorum and Required Vote. A quorum for the transaction of business by the Construction Board of Adjustments and Appeals shall consist of four

1 members. The affirmative vote of a majority of those present shall be necessary to take
2 official action.

3
4 **SECTION 4. Initial Composition of the Construction Board of Adjustments and**
5 **Appeals.** The initial Construction Board of Adjustments and Appeals shall be comprised
6 of those members appointed by the Wellington Council at the June 14, 2022 Council
7 meeting or thereafter. Such members shall serve on the Construction Board of
8 Adjustments and Appeals through May 31, 2024 unless otherwise provided by Chapter
9 2, Article VI of the Code of Ordinances. Subsequent appointments to the Construction
10 Board of Adjustments and Appeals shall be made by the Wellington Council consistent
11 with Chapter 2, Article VI of the Code of Ordinances and this Resolution.

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13 **SECTION 5.** This Resolution shall become effective immediately upon adoption.

14
15 **PASSED AND ADOPTED** this ____ day of _____, 2022.

16
17 **ATTEST:**

WELLINGTON

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20 By: _____
21 Chevelle D. Addie, Village Clerk

By: _____
Anne Gerwig, Mayor

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25 **APPROVED AS TO FORM**
26 **AND LEGAL SUFFICIENCY**

27
28
29 By: _____
30 Laurie S. Cohen, Village Attorney