

ORDINANCE NO. 01-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA AMENDING CHAPTER 153. LAND DEVELOPMENT. AT SECTION 153.216 PLANNING AND ZONING BOARD. TO REVISE THE APPOINTMENT PROCESS FOR PLANNING AND ZONING BOARD MEMBERS BY CREATING TWO-YEAR TERMS AND STAGGERED APPOINTMENTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 153. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Briny Breezes Planning and Zoning Board is currently appointed by the Town Council in full on an annual basis; and

WHEREAS, the Town Council desires to revise the appointment process to provide two year terms for all regular and alternate members, as well as staggered appointments in order to provide for continuity of service among board members; and

WHEREAS, the Town Council has determined that these code revisions will be in the best interests of the Town of Briny Breezes, and will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

Section 1: Chapter 153. Land Development. of the Code of Ordinances of the Town of Briny Breezes is hereby amended at Section 153.216 Planning and Zoning Board. to revise the appointment process for Planning and Zoning Board members by creating two-year terms and staggered appointments; providing that Section 153.216 Planning and Zoning Board. shall hereafter read as follows:

§ 153.216 PLANNING AND ZONING BOARD.

(A) Planning and Zoning Board created. Pursuant to the authority of F.S. Ch. 166, entitled the Municipal Home Rule Powers Act, the town hereby designates and establishes the Planning and Zoning Board of the town, which shall have the functions, powers and duties as hereinafter provided.

(B) Composition of the Planning and Zoning Board.

(1) The Planning and Zoning Board, also acting as the Local Planning Agency, shall consist of five regular members in Seats 1, 2, 3, 4, and 5; two alternate members in seats 1, and 2; and an additional non-voting member who is a representative of the County School District. The Town Council shall appoint all regular and all alternate members of the Planning and Zoning Board. The County School Board shall appoint the additional member of the Planning and Zoning Board that serves as the representative of the County School District, pursuant to the requirements mandated by F.S. § 163.3174. Unless the absence is excused by the Planning and Zoning Board, the attendance of the school district's representative is required for all meetings of the Planning and Zoning Board at which the Board considers rezonings that would, if approved, increase residential density on the property that is the subject of the application. The only qualifications for membership of the regular and alternate members of the Planning and Zoning Board shall be either residency in the town or ownership of real property within the town limits, or ownership of shares of stock as a shareholder of the Briny Breezes, Inc. corporation, the attainment of the age of majority, good moral character, and a willingness and interest to serve on the Board.

(2) The members of the Board, other than the representative of the school district, shall be placed in office as follows.

(a) Each year at the first meeting following the annual election, the Town Council shall appoint the persons who will serve as members of the Board ~~for a term of one year as follows:~~ in odd years, appointments for seats 1, 3, and 5, and alternate seat 1 shall be made for a term of two years; in even years, appointments for seats 2 and 4, and alternate seat 2 shall be made for a term of two years. In order to effectuate the staggered seat terms, for calendar year 2023, the first two-year appointments to seats 1, 3, and 5, and alternate seat 1 shall be made; and in addition, one-year appointments to seats 2 and 4, and alternate seat 2 shall also be made.

(b) Whenever the list of candidates presents the opportunity to do so, the Town Council shall select the members of the Board from a list of candidates, which shall be arranged in reference to the candidate's residence or ownership of real property in each of the several residential zoning districts of the town. The Town Council and all property

owners and residents in the town may submit the names of interested parties to be included on said list of candidates.

(c) Whenever the list of candidates presents the opportunity to do so, the Town Council shall select four of the five regular members of the Board on the basis of their individual residency or ownership of real property in one of four residential zoning districts, so that one regular member each shall either reside or own real property in Residential Zoning District I, District II, District III and District IV of the town.

(d) The fifth regular member and the two alternate members of the Board shall be appointed by a majority vote of the Town Council from the list of candidates at large, which members may reside in any residential zoning district of the town or own Briny Breezes, Inc. corporate shares ~~real property in any residential zoning district of the town.~~

(e) The alternate ~~seat~~ members shall be designated as seat alternate number one ~~and alternate number two, respectively, to determine their~~ shall have priority over the alternate seat designated as seat number two for eligibility for voting privileges. Alternate members may sit and participate at all Board meetings for purposes of discussion ~~and for making and seconding motions~~ but shall only have motion and voting privileges when a regular member is absent and shall always count toward establishing a quorum of members present.

(C) Officers. The Planning and Zoning Board shall elect a Chairperson and a Vice Chairperson from among its regular members. The Board shall appoint a Secretary who may be member of the Board, a town employee, or a volunteer.

(D) Meetings. The Planning and Zoning Board shall meet at regular intervals to be determined by it and at such other times as the Chairperson of the Board may determine. All meetings shall be public.

(E) Rules of conduct. The conduct of business by the Planning and Zoning Board shall be governed by The Town of Briny Breezes Meetings Rules and Procedures as set forth in Resolution 2022-02, as may be amended from time-to-time ~~Robert's Rules of Order Newly Revised, latest edition and such further rules as it may adopt.~~

(F) Records. The Planning and Zoning Board shall keep and maintain a properly indexed record of its resolutions, transactions, findings and determination, which record shall be a public record.

(G) Financial support. The town shall provide the required financial support for the staffing and work of the Planning and Zoning Board, as the Town Council shall determine to be necessary by budget appropriation.

(H) Functions, powers and duties. The functions, powers and duties of the Planning and Zoning Board shall include and be in conformity with the provisions of F.S. §§ 163.3161 et seq., as may be necessary to the proper functioning of this Board under the Briny Breezes Land Development Code and all the amendments thereto, and the Local Government Comprehensive Planning Act including the preparation and recommendation for adoption of an evaluation and appraisal report and amendments to the Comprehensive Plan for the town.

(I) Preparation of zoning changes. The Board shall have available for processing and public hearing such zoning ordinances which the town may require, which shall be in proper form and content for the Board to recommend to the Town Council for adoption. Such zoning ordinances shall set the boundaries to the various zoning districts and contain appropriate regulations to be enforced therein.

(J) Hearings and recommendations. The Planning and Zoning Board shall hear and make recommendations to the Town Council and/or the Board of Adjustment on applications and project assignments for the following matters:

- (1) Comprehensive Plan and Plan amendments when acting as the Local Planning Agency;
- (2) Evaluation and appraisal reports and amendments when acting as the Local Planning Agency;
- (3) Changes to the zoning ordinances and rezoning;
- (4) Special permits;
- (5) Site plan review of all development or subdivision requests;
- (6) Transfer of development rights;
- (7) Special exceptions permitted within each zoning district; and
- (8) Variance requests.

(K) Recommending conditions. After completing its review and public hearing of the applications on the matters within its jurisdiction, the Planning and Zoning Board may

recommend appropriate conditions, restrictions, limitations and safeguards it deems necessary or desirable to accomplish the following:

- (1) Ensure that the application would not generate undue noise, excessive traffic, over crowding, nuisance, safety hazard or other adverse impact;
- (2) Maintain the present and future land use plan and/or use trend of the subject area;
- (3) Produce minimum visual pollution; and
- (4) Allow adequate provisions for public requirements, including, but not limited to, transportation, water supply, drainage and sanitation, and for orderly growth.

(L) Authority of the Board. The actions, decisions and recommendations of the Board shall not be final or binding on the Town Council but shall be advisory only.

(M) Report by Board. Within 30 days after any application or referral for a review, for a requested report or for a hearing regarding a Planning and Zoning Board matter, the Board shall hold a public hearing, and record its review, analysis and recommendations in written form. The Board shall promptly forward same to the Town Council, which shall hold a public hearing thereon within 30 days thereafter.

Section 2: Each and every other section and subsection of Chapter 153. Land Development. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED this 28th day of April, 2022.

SECOND READING April 28, 2022

Samuel Gene Adams

Samuel Gene Adams, Mayor

Susan Thaler

Susan Thaler, President

Christina Adams

Christina Adams, Alderman

Elizabeth A Loper

Elizabeth (Liz) Loper, Alderman

Bill Birch

Bill Birch, Alderman

Kathleen M Gross

Kathleen Gross, Alderman

TOWN SEAL



ATTEST:

Sandi DuBose

Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Keith Davis

Keith Davis, Attorney

For Town of Briny Breezes