

Second Draft
Proposed Ord 82-6
June 1, 1982

Coding: Words underscored are deletions from existing ordinance;
words in **BOLDFACE** type are additions

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ORDINANCE NO. 134

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, REORGANIZING THE LOCAL PLANNING AGENCY; DELETING DESIGNATION OF TOWN COMMISSION AS THE LOCAL PLANNING AGENCY; RECONSTITUTING MEMBERSHIP OF THE LOCAL PLANNING AGENCY WITH THE MEMBERS OF THE PLANNING AND ZONING BOARD AND FIVE OTHERS APPOINTED BY THE TOWN COMMISSION; ESTABLISHING TERMS OF OFFICE AND SELECTION OF OFFICERS; REQUIRING PUBLIC MEETINGS; SETTING QUORUM; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Sewall's Point, Florida, that Chapter 11, Article III, Sections 11-33 through 11-38 of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

ARTICLE III. LOCAL PLANNING AGENCY

Sec. 11-33. Created.

In order to guide and accomplish a coordinated, adjusted, harmonious development within the town, and to promote the public health, safety and welfare of the town, there is hereby created and established in accordance with section 163.3161, Florida Statutes, 1975, and the laws of the town, the Town of Sewall's Point Local Planning Agency.

Sec. 11-34. Membership, term of office, removal from office, vacancies.

(a) The local planning agency shall consist of eight (8) members, who shall be residents of the town. Three (3) members of the local planning agency shall be members of the Planning and Zoning Board, and the other five (5) members shall be appointed by the town commission. The town commission hereby designates itself as the planning agency and such planning agency shall consist of the five (5) elected members of the town commission, all of whom are qualified electors in the town.

(b) The terms of the members of the local planning agency who are also members of the Planning and Zoning Board shall be concurrent with their terms on that board. The other members of the local planning agency shall be appointed for staggered terms of four (4) years, and may be reappointed for consecutive terms. Any member of the town commission who is removed from office pursuant to the provisions of the charter of the town shall simultaneously be removed as a member from the planning agency. Any vacancies occurring during the unexpired term of office of any member of the local planning agency who is also a member of the Planning and Zoning Board shall be filled by such member's successor on that board, and any other vacancy shall be filled by the person designated by the town commission. or elected to fill the corresponding vacancy in the membership of the town commission.

Sec. 11-35. Officers, meetings, bylaws.

(a) The local planning agency shall elect a chairman and vice-chairman **from its members.** of the planning agency shall be the mayor and vice-mayor respectively of the town. The term of the chairman and vice-chairman shall be **one (1) year four (4) years** with eligibility for reappointment or reelection. The local planning agency shall appoint a secretary who may be a member of the local planning agency or an employee of the town.

(b) The rules of procedure of the local planning agency shall be the rules of procedure currently used by the town commission, as duly amended from time to time. The local planning agency shall keep a properly indexed record of its resolutions, transactions, findings and determinations, which shall be public records.

(c) The local planning agency shall meet at regularly scheduled intervals, and at such other times as the chairman of the local planning agency may determine. **All meetings of the local planning agency shall be public meetings.**

(d) Subject to approval and personnel limitations set by the town and the financial limitations set by budget appropriations and/or other available funds, the local planning agency may employ such experts, technicians and staff as may be deemed proper and establish their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the local planning agency.

Sec. 11-36. Quorum.

(a) **Five (5)** ~~Three (3)~~ members of the local planning agency shall constitute a quorum for the transactions of business.

(b) A majority of the quorum can transact any official business. except where there is to be an adoption of any portion of the comprehensive plan or amendments thereto, and adoption of land development regulations or amendments thereto. In these instances a vote of the majority of the total membership shall be necessary.

Sec. 11-37. Appropriations, fees and other income.

(a) The town commission shall annually budget such amounts as are deemed necessary for the necessary expenses in the conduct of the local planning agency.

(b) The local planning agency is also empowered to establish a schedule of fees and charges that may be necessary in the conduct of the work of the local planning agency.

(c) To accomplish the purpose and activities of this chapter, the local planning agency is authorized to expend all sums so appropriated and other sums made available for its use from fees, gifts, state or federal grants, state or federal loans and other sources.

Sec. 11-38. Function, powers and duties.

The function, powers and duties of the local planning agency shall be in general, and in addition to, any function, power or duties set forth in Florida law, to:

(a) Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause change in these directions. Such information and material may include maps, photographs of man-made and natural physical features of the area, statistics of past trends, present conditions and future projections with respect to population, property values, economic base, land use

and such other information as is important, or likely to be important, in determining the amount, direction and kind of development to be expected in the area.

(b) Recommend principles and policies to carry out the provisions and purposes of this chapter for guiding present and future development in the town.

(c) On or before April 1, 1979, prepare for adoption by the town commission a comprehensive plan complying with Chapter 163, Florida Statutes (Local Government Comprehensive Planning Act of 1975).

(d) At least every fifth year after the comprehensive plan has been adopted by the commission of the town, make or cause to be made a report, to be presented to the town commission assessing and evaluating the successes and failures of the comprehensive plan.

(e) Make and cause to be made any necessary special studies on the location, conditions and adequacy of the specific facilities in the area. (These may include, but are not limited to studies on housing, commercial and industrial conditions and facilities, public and private utilities, traffic, transportation and parking).

(f) Recommend procedures and methods for providing effective public participation in the planning process (particularly as related to the preparation of the comprehensive plan or portions thereof).

(g) Have an understanding of the current status of planning legislation in the state and, when appropriate, assist other town officials in keeping the town commission informed of their obligations under such legislation.

(h) After adoption of the comprehensive plan or elements thereof by the town commission, review the comprehensive plan or elements thereof at least once a year, and recommend such changes in the comprehensive plan as may from time to time be required.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the ___ day of _____, 1982.

Passed second reading at the regular meeting of the Town Commission held on the 9th day of June, 1982.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Approved as to form and correctness:
M. Lanning Fox
M. LANNING FOX,
Town Attorney

Gilbert C. Strubell
GILBERT C. STRUBELL,
Mayor-Commissioner

Helena B. Towl
HELENA B. TOWL,
Commissioner

William E. Barton III
WILLIAM E. BARTON, III,
Commissioner

Dana deWindt
DANA deWINDT,
Commissioner

Edward H. Gluckler
EDWARD H. GLUCKLER,
Commissioner

