

ORDINANCE NO. 15-10

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE III “DECISION MAKING AND ADMINISTRATIVE BODIES,” DIVISION 3 “LOCAL PLANNING AGENCY” OF THE VILLAGE CODE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) has established a local planning agency as required by F.S. § 163.3174; and

WHEREAS, the Village Local Planning Agency has the general responsibility for the conduct of the comprehensive planning program and to hear, review, and make recommendations to the Village Council on proposed amendments to the Village’s land development regulations, comprehensive plan as well as changes to the official zoning map; and

WHEREAS, on June 8, 2015, the Village Local Planning Agency reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, the Village Council desires to modify the appointment terms for local planning agency members to better facilitate the functions of the local planning agency; and

WHEREAS, the provisions of this ordinance are consistent with the Village comprehensive plan and the principles for guiding development in the Florida Keys Area of Critical State Concern.

NOW, THEREFORE, BE IT ORDAINED BY ISLAMORADA, VILLAGE OF ISLANDS COUNCIL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Local Planning Agency. Chapter 30 “Land Development Regulations,” Article III “Decision-making and Administrative Bodies,” Division 3, “Local Planning Agency,” of the Village Code is hereby amended to read as follows:

ADDITIONAL TEXT IS SHOWN AS <u>UNDERLINED</u> ;	DELETED TEXT IS SHOWN AS STRIKETHROUGH
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DIVISION 3. LOCAL PLANNING AGENCY

Sec. 30-101. Powers and duties.

The local planning agency shall have the powers and duties as provided in F.S. § 163.3174, including but not limited to:

- (1) To hear, review, and make recommendations to the village council regarding the adoption or amendment of the comprehensive plan;
- (2) To monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the village council such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by F.S. § 163.3191;
- (3) To review and make recommendations to the village council in regard to proposed land development regulations and changes to the official zoning map and make recommendations to the village council as to the consistency of the regulation or change with the comprehensive plan;

- (4) To make its special knowledge and expertise available upon reasonably written request and authorization of the village council to any official, department, board, commission, or agency of the village, county, state or federal government; and
- (5) To adopt such rules of procedure necessary for the administration of their responsibilities not inconsistent with this article to govern the village council's proceedings.

Section 30-102. Qualifications for membership.

Voting members of the local planning agency shall reside and be qualified electors in Islamorada, Village of Islands. In the event that any member is no longer a qualified elector or is convicted of a felony or an offense involving moral turpitude while in office, the village council shall terminate the appointment of such person as a member of the local planning agency.

Section 30-103. Membership: appointment, removal, terms, and vacancies.

(a) The local planning agency shall be comprised of seven voting members. Each member of the village council shall appoint one member to the local planning agency. The remaining two members shall be appointed by the village council based upon a super majority vote (four/fifths votes) of the village council. Local planning agency member appointments shall be made ~~at the second~~ a regular village council meeting in May of each year, and the term of the local planning agency members shall continue until the second regular village council meeting of appointments are made at a regular village council meeting in May of the following year. In the event that the ~~second~~ regular village council meeting in May is cancelled, the term of local planning agency members shall not expire until appointments ~~shall be~~ are made at the next regular village council meeting.

(b) Where required by state statute, by majority vote the village council may appoint individuals, organizations or their designee to serve in an advisory capacity as nonvoting members of the local planning agency. These nonvoting members may include, but are not limited to, representatives of area schools or the county school board.

(c) ~~No One member of each village established citizens' advisory committee and the Historic Preservation Commission may serve as a voting member of the local planning agency shall serve on a village established citizens' advisory committee or the Historic Preservation Commission. A One or more members of the local planning agency may serve on a village established charter review committee.~~

(d) The appointing village councilmember may replace a local planning agency member with or without cause at any regular village council meeting. The two local planning agency members appointed by a super majority vote (four/fifths votes) of the village council may be replaced with or without cause at any regular village council meeting by a super majority vote (four/fifths votes) of the village council. Replacements shall serve the remainder of the original term. Nonvoting members may be removed by majority vote of the village council without cause.

(e) No voting member shall serve more than three consecutive terms unless the village council votes by super majority (four/fifths votes) to approve re-appointment for additional consecutive terms.

(f) At an annual organizational meeting, the members of the local planning agency shall elect one of their members as chairman and one as vice-chairman. In the absence of the chairman, the vice-chairman shall act as the chairman and shall have all the powers of the chairman. The chairman shall serve a term of one year. No member shall serve as chairman for more than two

consecutive terms unless the local planning agency votes by super majority (majority plus one of voting members present and voting) to approve re-appointment for additional consecutive terms.

(g) The chairman (or vice-chairman acting in the capacity of chairman) shall serve as the presiding officer of any meeting of the local planning agency. The presiding officer or designee shall be in charge of all proceedings before the local planning agency, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the local planning agency. In the event that the chairman or vice-chairman are unavailable, the voting members of the local planning agency who are present shall by majority vote select a voting member to act as presiding officer for the meeting in question.

(h) Should any voting member of the local planning agency miss three consecutive meetings without being excused by the chairman, whether regular meetings or special meetings, that person shall be disqualified as a voting member of the local planning agency. Thereafter, the appointing councilmember shall fill the vacancy thereby created as soon as practicable. Should the disqualified member have been appointed by a super majority vote (four/fifths votes) of the village council, then the village council shall fill the vacancy by super majority vote (four/fifths votes) as soon as practicable.

Section 30-104. Recording secretary.

The village manager or designee shall appoint a recording secretary to serve the local planning agency. The secretary shall keep minutes of all proceedings of the local planning agency, which minutes shall be a summary of all proceedings before the local planning agency, attested to by the secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members of the local planning agency voting. In addition, the secretary shall maintain all records of local planning agency

meetings, hearings and proceedings, the correspondence of the local planning agency, and a mailing list of persons wishing to receive notices of meetings, agendas or minutes and who have paid an annual fee set by the village council to cover copying and mailing costs.

Section 30-105. Staff.

The village manager or designee shall appoint or assign such staff as may be necessary for the local planning agency to conduct its business.

Section 30-106. Quorum and necessary vote.

No meeting of the local planning agency may be called to order, nor may any business be transacted by the local planning agency, without a quorum of the local planning agency being present. The chairman shall be considered and counted as a member. A majority of the currently appointed members of the local planning agency shall constitute a quorum. Provided there is a quorum present, a majority of those present and voting shall be required to adopt any motion or take any action. All actions shall require the concurring vote of a simple majority of the members of the Local Planning Agency then present and voting. In the event of a tie, the vote shall be deemed a denial.

Section 30-107. Meetings, hearings and procedures.

(a) Meetings and hearings shall be scheduled from time to time, as needed, as determined by the director of the planning and development services department. In cases where an item is postponed due to the lack of a quorum of the local planning agency, the item shall be continued to a special meeting if practicable, and in conformance with all applicable notice requirements. In cases where an item is postponed for any other reason, the item shall be continued to the next scheduled meeting.

(b) All meetings and public hearings of the local planning agency shall be conducted in conformance with the requirements set forth in F.S. § 286.011.

(c) Public hearings shall be set for a time certain.

Section 30-108. Compensation.

Voting and nonvoting members of the local planning agency shall not be compensated.

Section 3. Repeal of Conflicting Provisions. The provisions of the Village Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Islamorada, Village of Islands, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Deb Gillis who moved for its adoption on first reading. This motion was seconded by Councilman Dennis Ward, and upon being put to a vote, the vote was as follows:

Mayor Mike Forster	YES
Vice Mayor Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED on the first reading this 9th day of July, 2015.

The foregoing Ordinance was offered by Councilman Dennis Ward, who moved for its adoption on second reading. This motion was seconded by Councilman Chris Sante, and upon being put to a vote, the vote was as follows:

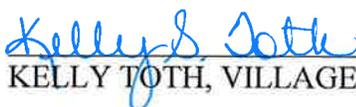
Mayor Mike Forster	YES
Vice Mayor Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED AND ADOPTED on the second reading this 30th day of July, 2015.



MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY