

BELLEAIR PLANNING AND ZONING BOARD MEETING NOTICE

DATE: March 5, 2014

TO: Bonnie-Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Al Acken
Rogers Haydon
Jim Millspaugh
Peter Marich
Randy Ware

Stephen R. Fowler, Commission Advisor
JP Murphy, Assistant Town Manager

There will be a meeting of the Belleair Planning and Zoning Board on **MONDAY, MARCH 10, 2014 at 5:30 p.m.** in the Town Hall auditorium.

Please plan to attend. In the event you are unable to attend this meeting, please notify the Town Clerk's office at 588-3769 ext. 214 or 312.

Your attendance is very important!

The following agenda items are provided for your consideration:

1. Approval of Minutes - February 10, 2014

Documents: February 10, 2014.pdf

2. Citizen's Comments

(Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)

3. Discussion of Duties and Responsibilities of the Planning and Zoning Board

Documents: Planning and zoning role.pdf, Charter - Planning and Zoning - Article V..pdf, 66.91 Planning and Zoning Board.pdf, 66.42 Citizen boards - Boards, Committees and Commissions.pdf, 66.316 - Recommendation of planning and zoning board - rezone and amending land development code or comp plan.pdf, Resolution No. 95-13 - Establishing Rules and Regulations for all Advisory Boards.pdf

4. Commission Advisor Report

5. Adjournment

** To be distributed.
* Previously distributed.

Copy to: Micah Maxwell, Town Manager
Donna Carlen, Town Clerk
JP Murphy, Assistant Town Manager

MINUTES OF MEETING OF THE PLANNING AND ZONING BOARD HELD AT TOWN HALL, BELLEAIR, FLORIDA ON FEBRUARY 10, 2014 AT 5:30 PM

MEMBERS PRESENT: Bonnie Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Allen Acken
Rogers Haydon
Peter Marich (arrived at 5:40 pm)

MEMBERS ABSENT: Jim Millspaugh
Randy Ware

OTHERS PRESENT: JP Murphy, Assistant Town Manager
Dave Healey, Town Planning Consultant
Stephen R. Fowler, Commission Advisor

Quorum present with Mrs. Brandvik presiding; the meeting was called to order at 5:30 pm.

APPROVAL OF MINUTES – JANUARY 13, 2014

Mrs. Burton moved approval of the minutes for the January 13, 2014 meeting as submitted. Motion was seconded by Mr. Haydon and approved unanimously.

CITIZENS COMMENTS

There were no citizens' comments.

Mrs. Brandvik stated that the applicant for the variance request had asked to have his request be heard first on the agenda. It was the consensus of the board to hear the variance request next.

REQUEST FOR VARANCE – 10 S. PINE CIRCLE – TOM AND KAREN BLAKE

Mrs. Brandvik advised that persons with standing who were planning to speak at the meeting must sign in and be sworn in by the town clerk.

Mrs. Brandvik further asked if there had been any ex parte communications between any board member and the applicant.

There were no ex parte communications.

Those planning to speak regarding the request were sworn in by the deputy town clerk.

Mr. Murphy provided background on the property located at 10 S. Pine Circle; stated that the applicant was requesting a variance which would allow the construction of a proposed garage addition; stated that the garage addition would encroach into the required minimum 25 foot front yard setback by approximately 11 feet 5 inches, resulting in a 13 foot 5 inch front yard setback.

REQUEST FOR VARANCE – 10 S. PINE CIRCLE, continued

Mr. Tom Blake, 10 S. Pine Circle, expressed his gratitude to staff regarding the paving of S. Pine Circle; stated that the crew was very friendly and the street looked great; stated that they had been waiting for some time to add the addition to the undersized garage; that the shape of the yard and the challenges he had with the existing undersized garage and also because of having difficulties moving things in and out of his truck to his garage that he needed the addition; that his goal was to get the SUV out of the driveway have his materials in a safe location.

Mr. Hayden inquired as to whether the applicant would have to remove some of the driveway and pavers.

Mr. Blake stated that he would not have to take out any of the pavers; that the only thing that he would have to move was the three palm trees that he had planted; that he planned to replant them in the front yard as well.

Mr. Hayden asked the applicant if he had taken any consideration to sliding the new garage element to the north; stated that you would still have to encroach, but would be less intrusive.

Mr. Blake stated that it could be pushed back; that in talking to the architect, and others, that it could be done, but it change the look of the home and would make the garage the focal point, which he did not want to do; that it would not look very pleasing; stated that with the irregular lot, that there was actually a lot of green space left even after the addition.

Mr. Hayden asked if the applicant had a chance to speak with his neighbors and especially the person living to the north which would be the one that would be affected the most.

Mr. Blake stated that he had spoken to his neighbors and they were all in favor of the addition; stated that he had a note from a neighbor that lived across the street; provided a copy of the note to the board members.

Mr. Hayden stated that he was struggling with understanding what the hardship was concerning the variance request; stated that he would like to hear from the other board members.

Mrs. Brandvik inquired as to the reason for the garage; asked if the truck was a work truck.

Mr. Blake stated that his business was located at 6202 E. Broadway Ave., in Tampa; that he used his own personal vehicle for work; stated that he had provided for the board photographs showing that he kept some of his materials and samples in the garage; that it was heavy and he had to move it in and out of his garage; that he did not run a business out of his home; stated that his truck had been broken into so, for safety reasons and the fact that he had an undersized garage that he was asking for the variance.

Mr. Acken read for the record the letter from Mr. Jim Powell, 5 S. Pine circle; stated that he was in favor of the variance request.

REQUEST FOR VARNANCE – 10 S. PINE CIRCLE, continued

Discussion ensued regarding the design of the garage; regarding the number of doors; regarding the expansion of the garage area.

Mrs. Brandvik asked if there was anyone else that wished to speak in favor or against the request.

There was no one present to speak in favor or against the variance request.

Mrs. Brandvik closed the floor for the public hearing.

Mrs. Brandvik stated that staff's recommendation stated that the submittal was not consistent with Section 66-253 of the town code; asked Mr. Murphy to explain.

Mr. Murphy stated that staff was not sure of what the hardship was for the variance request; spoke about the interpretation of the code regarding Section 66-253 concerning granting variances; stated that the special conditions and circumstances could not result from action of the applicant.

Mrs. Brandvik stated that the hardship was that the lot was odd shaped.

Mr. Blake stated that not only was the lot irregular, that there were other circumstances including the size of the existing garage.

Discussion ensued regarding property use and use of a garage.

Mr. Acken moved to recommend to the commission the approval of the variance request change. Motion was seconded by Mrs. Burton and was approved unanimously.

Mr. Haydon recommended to the applicant that he obtained letters from his neighbors stating that they had no objection and to provide those to town staff.

Mr. Haydon requested to move the request for vacating right of way to be heard next on the agenda.

RECOMMENDATION OF VACATING RIGHT-OF-WAY AT 955 INDIAN ROCKS ROAD

Mr. Murphy stated that the owner of 955 Indian Rocks Road had requested that the town vacate 35.75 feet of right-of-way abutting his property along Indian Rocks Road and 20 feet of right-of-way along Sunny Lane; stated that Mr. Maxwell had provided a diagram showing the existing easements; stated that the town was required to follow the requirements set forth in Section 74-152 regarding vacation of right-of-way easements and reviewed those requirements and recommendations by staff; stated that staff recommended that the town vacate the right-of-way adjacent to 955 Indian Rocks Road; that however, staff did not recommend the vacation along Sunny Lane; that they felt that there may be some roadway work in the future which may include a slight widening.

RECOMMENDATION OF VACATING RIGHT-OF-WAY, continued

Mrs. Brandvik inquired as to whether Mr. Becker, property owner of 955 Indian Rocks Road wished to speak regarding his request.

Mrs. Brandvik asked Mr. Becker to speak regarding his request; stated that he would have to be sworn in.

Mr. Becker was sworn in by the deputy town clerk.

David Becker, 951 Indian Rocks Road, stated that he lived directly adjacent to the subject property; stated that he had lived there for a long time and had acquired the adjacent property; provided history regarding the property; stated that it would be a direct benefit to him and to the town to vacate the easement; that if the board did not wish to vacate the easement along Sunny Lane that it would be agreeable to him; stated that he would be happy to answer any questions regarding the property.

Mrs. Brandvik inquired as to whether Mr. Becker had any plans to use the property if the vacation was approved.

Mr. Becker stated that he had originally thought about extending his wall from his property across where that easement was now; that he may come back and petition the commission to do so in the future; that he had no other plans for the property; that it would make it consistent with his property.

Mrs. Brandvik inquired as to whether the request was a type of clean up action regarding the right-of-way along Indian Rocks Road.

Discussion ensued regarding part of the easement was being used as a park.

Mrs. Brandvik inquired as to whether there was anyone who wanted to speaking regarding the matter; there being none, Mrs. Brandvik closed the floor to the public.

Discussion ensued regarding the right of way along Sunny Lane; regarding the easement being consistent with the other homes along Sunny Lane.

Mr. Haydon moved that the planning and zoning board recommend approval to the commission the vacation of the right-of-way along 955 Indian Rocks Road and not the vacation of the right of way along Sunny Lane. Motion was seconded by Mrs. Burton.

Discussion:

Mr. Haydon stated that this was the same vacation as was done earlier for the property along Sunny Lane and Indian Rocks Road.

Discussion ensued regarding moving the sidewalks in the future and possible widening of Indian Rocks Road.

RECOMMENDATION OF VACATING RIGHT-OF-WAY, continued

Mr. Maxwell stated that there would be 15 feet from the back of the curb; that within that 15 feet space it could be used for widening, utilities or for the sidewalk to be moved back; that all of those things have been taken into consideration.

Mrs. Brandvik restated the motion.

Donna Carlen town clerk stated that the board might need to clarify the area that was being vacated because what was being asked for and what the town was recommending was a little different for the Indian Rocks Road request.

Discussion ensued regarding the vacation of right-of-way easement along Indian Rocks Road; regarding amending the motion to identify the vacated portion.

Mr. Haydon withdrew his motion.

Mr. Haydon moved that the planning and zoning board recommend approval to the town commission the vacation of the easterly 25.75 feet abutting 955 Indian Rocks Road, along Indian Rocks Road and to deny any vacation along Sunny Lane abutting the same property. Motion seconded by Mrs. Burton and carried unanimously.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495 – AMENDMENT TO LAND DEVELOPMENT CODE

Micah Maxwell town manager stated that the town had a request from the Belleair Country Club requesting that the town adjust the minimum size of the H district of the Town of Belleair; stated that the purpose and second step, would be to apply for the reduction site of the current hotel property to something below 20 acres; that the town would not be able to approve that under the current rules because it would be non-conforming; that the Country Club was required to make this request; that Mr. Healey was present to talk about the planning and zoning related to the request.

Discussion ensued regarding the Belleair County Club being part of the RPD.

Discussion ensued regarding the Belleview Biltmore Hotel property.

Mr. Marich spoke about the data provided by staff as it pertained to size and having amenities; stated that if there were a few acres that were sold, that there may not be room for amenities that the hotel may require for survival.

Mrs. Brandvik stated that she shared some of Mr. Marich's concerns; stated that part of what we have to consider when talking about a hotel succeeding was the amenities that it had; stated that taking action might be premature and unnecessary; that she did not see why the town wanted to do this at this time.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495, continued

Mr. Maxwell stated that the application was made by the Country Club; that with the 15 acre number, staff looked at other resorts; that those numbers should include the amenities associated with them; that it was with a caveat that with the Vinoy, the golf club was not on site; that the number of those averages of acreage was around 11.94; that staff included an extra 3 acres for the property.

Mr. Haydon stated that staff did a good job in the analysis; that it would no longer be a part of the hotel property and no longer be an amenity property to the hotel regardless of what the zoning was; stated that as a point of order, he inquired as to being a member of the country club, and should he abstain from voting.

Mr. Maxwell stated that as long as a member of the planning and zoning board was not a board member of the country club, that there would not be a problem.

Mr. Murphy stated and for point of clarification, are any of the members of the Planning and zoning board a board member of the country club.

Mr. Haydon, Mrs. Brandvik and Mr. Marich all stated that they were not board members of the country club.

Mrs. Brandvik asked if there was anyone who wished to speak regarding this matter.

Christine Frazer, 295 Belleview Blvd., stated that she wanted to know if the Country Club purchased that piece of land were there any restrictions as to what they could do with the property; stated that she had heard that they wanted to put a parking lot in that location.

Mrs. Brandvik stated that any plans would have to come before the board for site review for approval; that the club did want to use that additional property for parking.

Doris Hanson, 6 Belleview Blvd., stated that she felt that it was premature at this time without a plan from either the future preservationists or a developer who might want to do something else with the property.

Mr. Maxwell stated for clarification, that the action today, would not split the property out; that it would allow them to apply for a site plan approval and a quasi judicial hearing would have to take place.

Mrs. Brandvik stated that the delaying of a decision on this matter could not cause any harm and it might encourage investors that were currently considering the property to move forward with the purchase and renovation of the hotel; that the golf course was already using the property for parking; that she was not in favor of taking action.

Mr. Acken stated that he thought it was too early to talk about splitting off the acreage from the hotel property.

DISCUSSION AND RECOMMENDATION OF ORDINANCE NO. 495, continued

Mr. Acken moved that the planning and zoning board recommend to the commission to deny the application and Ordinance No. 495. Motion was seconded by Mr. Marich.

Discussion:

Mr. Haydon stated that he would support the motion because he also thought that it was premature; that he felt that the owner would probably sell the property and Country Club was going to own it one day; that his views differed with regard to the hotel.

Vote on Roll Call: Marich, yes; Hayden, yes; Burton yes, Acken yes; and Brandvik, yes. Motion carried unanimously.

COMMISSION ADVISOR'S REPORT

Commissioner Fowler stated that he did not participate in the discussion regarding the last request; inquired about the existing wall located along Indian Rocks Road should the road need to be widened.

Discussion ensued regarding the wall located along 951 Indian Rocks Road.

Commissioner Fowler asked that staff discuss with the town attorney any conflict of interest regarding board and commission members being a member of the Belleair Country Club; inquired about whether if the commission denied the request as was recommended by the planning and zoning board was there a time certain before any owner could reapply regarding Ordinance 495.

Mr. Maxwell stated he had conversations with David Ottinger about the conflict of interest regarding board members being a member of the country club; that he would have Mr. Ottinger provide a written opinion; that for the request on code amendments, he did not think that there was a time given before a applicant could come back with the request.

Discussion ensued regarding the Belleview Biltmore Hotel property; regarding the redevelopment of the property.

ADJOURNMENT

There being no further business to come before the board the meeting was adjourned in due form at 6:25 p.m.

Chairman

Summary

To: Planning and Zoning Board
From Micah Maxwell, Town Manager
Subject: Role of the Planning and Zoning Board
Date: 03/6/2014

Summary: As part of the Commission's annual review of its policies and procedures, staff is reviewing the role of citizen boards as it relates to town business and looking to make changes if needed.

Previous Board Action: None

Background/Problem Discussion: The town has not recently reviewed the roles and duties of the different citizen boards in the town. Staff is attempting to do that now. Unlike most boards in the town, the Planning and Zoning Board is a charter board and therefore may only be eliminated by referendum. However, the charter does not define the role of the board, just its existence. Instead, the land development code is where the role of the board is spelled out. Generally in 66-42, and more specifically in sections 66-93 and 66-316.

66-42 – This section of the code covers both of the boards that have administering powers within the land development code, the Planning and Zoning Board and the Board of Adjustment and Appeals. This section speaks less to actual duties of the board and more to the administrative rules governing these boards.

66-93 – This section of the code gets more into the role of the Planning and Zoning Board and identifies 5 specific duties of the board.

1. Oversight of the Land Development Code with the ability to look at the code and study its effectiveness and make any recommendations to the commission on amendments are believed necessary; **The board has recommended amendments in the past, but usually in a reactive manner to the commission. Staff believes that the board could be the catalyst for a amendment if it so desired.**
2. Advisory role to the commission about specific land use issues and policies; **An example of this activity would be variances and vacations.**
3. Board is to conduct public hearings on the drafting, establishment, amendment, and maintenance of the comp plan, zoning map, and land development code; **The board has recently done this in discussion about RM-10, the size of the H district, and will see, likely in April, a mixed use category.**
4. Conduct or obtain special studies on the location, condition, and adequacy of facilities of the town such as housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, and transportation and parking. **Historically, this has not been done. No budget has been identified for such studies in the current year's budget.**
5. Review of redevelopment plans **Such as the 2008 redevelopment plan for the Biltmore.**

The section also identifies that the board's decision in no way obligates the town in any way.

66-316 – This section further defines the role of the board in amendments to the land development code and zoning map.

Alternative/Options:

1. Recommend changes to the land development code or charter on the role of the board to the commission
2. Recommend non-codified duties or rules for the board to the commission
3. Do nothing

Financial Implications: N/A

Proposed Motion: None

of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(Ord. No. 227, § 26, 10-28-80/12-2-80; Ord. No. 371, § 15, 1-21-97/3-11-97)

ARTICLE V. PLANNING AND ZONING*

Sec. 5.01. Authorized.

The town commission shall exercise all power[s] possible for a municipality to have under the Constitution and Laws of the State of Florida to regulate and restrict the planning and zoning of the town.

(Ord. No. 227, § 32, 10-28-80/12-2-80)

Sec. 5.02. Comprehensive plan.

The town commission shall adopt and may from time to time amend in accordance with law a comprehensive plan setting forth in graphic and textual form the present requirements and such future requirements as may be foreseen for the development of the town, based on existing and anticipated needs.

(Ord. No. 227, § 32, 10-28-80/12-2-80)

State law reference—Comprehensive plan, F.S. § 163.3177.

Sec. 5.03. Land use, zoning and development.

(a) After a comprehensive plan has been prepared and adopted, the town commission shall enact or amend and enforce a zoning ordinance in accordance with law.

(b) Ordinances which amend land use, rezone private real property, initiated by the governing body or its designee, shall be enacted pursuant to Florida Law and this Charter.

(c) All comprehensive plans, zoning or rezoning ordinances, land use regulations, Residential Planned Development districts; and any amendments, variances, changes or modifications thereto shall be enacted pursuant to Florida Law and this Charter and shall not become effective except by an affirmative vote of at least four (4) of the commission members. This subsection 5.03(c) shall not apply to variances related to existing single-family lots or structures or improvements thereon.

(Ord. No. 227, § 32, 10-28-80/12-2-80; Ord. No. 371, § 16, 1-21-97/3-11-97)

State law reference—Land development regulations, F.S. § 163.3202.

Sec. 5.04. Planning and zoning board.

The town commission shall appoint by resolution a planning and zoning board whose members shall serve at the pleasure of the commission.

(Ord. No. 227, § 32, 10-28-80/12-2-80; Ref. of 3-11-08, Amend. No. 3)

***State law reference**—Planning, F.S. § 163.3161 et seq.

Sec. 66-67. Meetings to be public.

All meetings of the building board shall be public meetings and shall comply with all of the laws of the state pertaining to public meetings.

(Code 1980, § 6-58; Ord. No. 399, § 1, 11-20-01)

Sec. 66-68. Appeals.

All appeals from decisions shall be in accordance with the provisions and responsibilities of the ordinances of the town, the ordinances of the county, the laws of the state and the provisions of the Standard Building Code as presently written or as hereafter amended and adopted by the town.

(Code 1980, § 6-59; Ord. No. 399, § 1, 11-20-01)

Secs. 66-69—66-90. Reserved.

DIVISION 3. PLANNING AND ZONING BOARD

Sec. 66-91. Established.

The planning and zoning board is hereby created as a citizen board to recommend land use policies to the town commission.

(Ord. No. 300, § III(13.01.02.A), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-92. Membership; term of office.

(a) Each member of the planning and zoning board shall be appointed to a two-year term.

(b) Any interested citizen may be appointed to the board, but those with experience or interest in the field of planning and zoning shall receive special consideration. Whenever possible, the board should include at least one each of the following:

- (1) An architect or landscape architect.
- (2) A neighborhood activist.
- (3) A person engaged in real estate sales or development.
- (4) A natural or environmental scientist.

(Ord. No. 300, § III(13.01.02.B), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-93. Powers and duties.

(a) The planning and zoning board shall, with advice from the town manager, monitor and oversee the operation, effectiveness and status of this land development code and recommend amendments to the town commission that are consistent with the comprehensive plan.

(b) The town commission may ask the board for advice about specific land use issues and policies.

(c) The board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment and maintenance of the various elements of the comprehensive plan, the zoning map and provisions of this land development code.

(d) The board may make or obtain special studies on the location, condition and adequacy of specific facilities of the town, including housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, and transportation and parking.

(e) The board shall review redevelopment plans prepared under F.S. ch. 163, pt. III.

(f) The board shall perform other lawfully assigned duties.

(g) Each final action of the board is advisory to the town commission, and the board may not in any manner obligate the town.

(Ord. No. 300, § III(13.01.02.C), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Secs. 66-94—66-110. Reserved.

DIVISION 4. CODE ENFORCEMENT SPECIAL MAGISTRATE*

Sec. 66-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code inspector means those authorized agents or employees of the town whose duty it is to ensure compliance with the codes or ordinances which are subject to this article, or in the absence of such authorized agents or employees, the town manager.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Special magistrate or master means an officer appointed as provided in this article who shall have the status and authority to the extent prescribed herein.

(Ord. No. 475, § 2, 1-18-11)

***Editor's note**—Sections 1—5 of Ord. No. 470, adopted June 1, 2010, repealed div. 4, Code Enforcement Board §§ 66-111—66-115, and enacted a new div. 4. Former sections pertained to established; membership; term of office; legal representation; powers; and hearing dates, and derived from Ord. No. 300, adopted Nov. 7, 1990; Ord. No. 356, adopted March 21, 1995; and Ord. No. 399, adopted Nov. 20, 2001.

Subsequently, § 2 of Ord. No. 475, amended div. 4 in its entirety to read as herein set out.

presently developing and constantly changing, in conducting such hearings the town commission and administrative boards will abide by rules and procedures adopted by the town commission and set forth in full in appendix C of this Code. Appendix C shall be amended as provided therein by resolution.

(Ord. No. 357, § 1, 4-18-95; Ord. No. 399, § 1, 11-20-01)

Secs. 66-17—66-40. Reserved.

ARTICLE II. BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1. GENERALLY

Sec. 66-41. Purpose.

The boards and agencies described in this article are created to administer the provisions of this land development code under the authority prescribed by this Code, the town Charter and state law.

(Ord. No. 300, § III(13.00.00), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-42. Citizen boards.

All citizen boards created to administer this land development code shall be governed by the following provisions:

- (1) Membership; organization; funding.
 - a. Each board shall have no more than seven members appointed by the town commission.
 - b. Each member shall reside in the town.
 - c. When a position becomes vacant before the end of the term, the town commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
 - d. Members may be removed without notice and without assignment of cause by a majority vote of the town commission.
 - e. The members of each board shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the board deems needed.
 - f. Each board shall create whatever subcommittees it deems needed to carry out the purposes of the board.
 - g. The chair of the board shall annually appoint the membership of each subcommittee from the members of the board.

- h. The manager shall appoint a town employee to serve as secretary to the board, recorder and custodian of all board records.
- i. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the town commission.
- j. The town commission shall appropriate funds to permit each board to perform its prescribed functions.
- k. If any member fails to attend three successive meetings, the board shall notify the town commission.

(2) Rules of procedure; meetings.

- a. Each board shall adopt rules of procedure to carry out its purposes. All rules must conform to this land development code, other town ordinances and state law.
- b. Each board shall meet at least once each calendar month, unless cancelled by the board or its chair, and more often at the call of the chair or the town commission.
- c. Each board shall keep minutes of its proceedings, indicating the attendance of each member and the decision on every question.
- d. Four members shall constitute a quorum.
- e. Each decision of a board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

(Ord. No. 300, § III(13.01.00), 11-7-90; Ord. No. 363, § 1, 3-19-96; Ord. No. 399, § 1, 11-20-01)

Secs. 66-43—66-60. Reserved.

DIVISION 2. BUILDING BOARD OF ADJUSTMENT AND APPEALS

Sec. 66-61. Established; membership.

There is hereby established the building board of adjustment and appeals, also referred to in this article as the building board, which shall consist of five members. The membership of the board shall be composed of one architect, one general contractor or engineer, and three members at large from the building industry. The members shall be appointed by the town commission.

(Code 1980, § 6-52; Ord. No. 399, § 1, 11-20-01)

Sec. 66-62. Term of office; removal of members.

- (a) The members of the initial building board shall be appointed as follows:
 - (1) Two members of the initial board shall be appointed for a term of one year; and
 - (2) Three members shall be appointed for a term of two years.

Sec. 66-313. Amendments to official zoning map.

The procedure for rezoning shall incorporate the review of major developments outlined in article III of this chapter, supplemented by the legislative hearing requirements of section 66-318 and the town Charter, except that the application shall first be heard by the planning and zoning board. No property in the town shall be rezoned, nor shall an application for rezoning of real property be considered, until such time as the applicant therefor has fully disclosed the following:

- (1) All persons having any ownership interests, contingent or absolute.
 - (2) Whether or not there exists at the time of rezoning any contract for the sale of such property and, if so, the names of all parties to such contract, and whether such contract is contingent or absolute.
 - (3) Whether or not there exist at the time of rezoning any options to purchase any property and, if so, the names of all parties to such options.
- (Ord. No. 300, § III(14.06.03), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-314. Amendments to land development code.

The manager shall set the application for an amendment to this land development code for hearing before the planning and zoning board within 60 days from the date the application was submitted.

(Ord. No. 300, § III(14.06.04), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-315. Amendments to comprehensive plan.

Applications to amend the comprehensive plan shall be set for hearing before the planning and zoning board at the first regularly scheduled meeting in either January or July.

(Ord. No. 300, § III(14.06.05), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-316. Recommendation of planning and zoning board.

The planning and zoning board shall hold a legislative hearing on each application to rezone or amend this land development code or the comprehensive plan, and thereafter submit to the town commission a written recommendation which:

- (1) Identifies any provisions of this land development code, the comprehensive plan or other law relating to the proposed change and describes how the proposal relates to them.
- (2) States factual and policy considerations pertaining to the recommendation.
- (3) In the case of proposed amendments to the zoning map or this land development code, includes the written comments, if any, received from the town manager.

(Ord. No. 300, § III(14.06.06), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-317. Action by town commission.

(a) The town commission shall hold a legislative hearing on a proposed amendment to the official zoning map, this land development code or the comprehensive plan, and may enact or deny the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

(b) When the town commission has denied an application for a rezoning or a future land use map (FLUM) amendment, no applicant shall submit an application for a rezoning or FLUM amendment for any part or all of the same property for the same zoning or FLUM classification for a period of 12 months from the date of final denial.

(Ord. No. 300, § III(14.06.07), 11-7-90; Ord. No. 399, § 1, 11-20-01; Ord. No. 430, § 2, 12-20-05)

Sec. 66-318. Legislative hearings.

Each legislative hearing on an amendment to the official zoning map, this land development code or the comprehensive plan shall conform to the following requirements:

- (1) Notice. Notice that complies with the requirements of state law shall be given.
- (2) Hearing. The public hearing shall as a minimum:
 - a. Comply with the requirements of state law.
 - b. Present the town manager's analysis of the proposed decision.
 - c. Present the town manager's summary of reports of other agencies.
 - d. Permit any person to submit written recommendations and comments before or during the hearing.
 - e. Permit a reasonable opportunity for interested persons to make oral statements.

(Ord. No. 300, § III(14.06.08), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Secs. 66-319—66-340. Reserved.

ARTICLE VIII. SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE AND APPELLATE DECISION MAKERS

Sec. 66-341. Challenges to impartiality.

A party to an administrative or appellate hearing under this chapter may challenge the impartiality of any member of the hearing body. The challenge shall state by affidavit facts relating to a bias, prejudgment or personal interest, or other facts from which the challenger has concluded that the decision maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the manager no less than 48 hours preceding the time set for the hearing. The manager shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

(Ord. No. 300, § III(14.09.01), 11-7-90; Ord. No. 399, § 1, 11-20-01)

RESOLUTION NO. 95-13

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
ESTABLISHING RULES AND REGULATIONS FOR ALL ADVISORY
BOARDS AND REGULATORY BOARDS CREATED BY THE BELLEAIR
TOWN COMMISSION.**

WHEREAS, Article II, TOWN COMMISSION, Section 2.08 of the Belleair Charter provides for the Commission to appoint by resolution or ordinance such advisory boards or regulatory boards as it deems necessary; and

WHEREAS, said resolution or ordinance shall define the terms of appointment, the function, duties and authority of any Board created.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR:

Section I. That all boards created shall be governed by the following provisions:

(1) Membership: Organization:

- a) Each Board shall have no more than seven voting members appointed by the Commission.
- b) Each member shall be appointed for a two-year term. In order to provide continuity, a majority number of members shall be appointed in odd numbered years and a minority number of members shall be appointed in even numbered years. (Example - on a 7-member board, 4 members will be appointed in odd numbered years, and 3 will be appointed in even numbered years)
- c) When a position becomes vacant before the end of the term, the Town Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- d) If any member fails to attend three successive meetings, the Board shall notify the Town Commission.
- e) Members may be removed without notice and without assignment of cause by a majority vote of the Town Commission.
- f) The members of each Board shall annually elect a Chair, Vice-Chair and Secretary from among the members and may create and fill other offices as the Board deems necessary.
- g) The Town Manager may appoint a Town employee to serve as Secretary to a Board as he deems necessary.
- h) The Town Clerk is custodian of all Board records.
- i) Each Board shall create whatever sub-committees it deems necessary to carry out the purposes of the Board.
- j) The Chair of the Board shall annually appoint the membership of each sub-committee from members of the Board.
- k) The Commission may appoint a consultant(s) to a Board. A consultant may not vote or hold office.

- l) The Mayor shall appoint a member of the Town Commission to serve as Commission Advisor to the Board. The Advisor shall serve as Chair pro-tem when necessary; shall endeavor to keep the Board informed of Town matters that are related to the duties and responsibilities of the Board; may be the instrument through which the Board asks for assistance or guidance from the Town; and provided further that the Commission Advisor shall not vote, hold office nor actively participate in the decision making process of the Board.
- m) An appointed member of any Board must resign from said Board if the member is elected to the Town Commission. The resignation to be effective no later than the date the Commission begins.

(2) Rules of Procedure: Meetings:

- a) Each Board shall adopt rules of procedure to carry out its purposes. All rules must conform to the Town Charter, Town Ordinances and State Law. In the absence of specific rules, Robert's Rules of Order, (current edition) shall govern the deliberations of the Board.
- b) Each Board shall meet at regular intervals, such meetings to be called by the Town, the Board Chair, or scheduled by the Board.
- c) Minutes of all Board meetings shall be kept, indicating the attendance of each member and the decision on every question. The minutes are to be approved by the Board at the next meeting and original signed copies of such minutes shall be filed with the Town Clerk immediately.
- d) A majority of the members shall constitute a quorum.
- e) Each decision of a Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Each vote shall be recorded in the minutes of the meeting.


Section II. That if any portion of this resolution is in conflict with the Town Code, the Town Code shall prevail for the named Board only.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, this 4TH day of APRIL, A.D., 1995



MAYOR

ATTEST:



TOWN CLERK