

**TOWN OF BELLEAIR
ORDINANCE NO. 547**

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA,
AMENDING CHAPTER 66 – ADMINISTRATION AND GENERAL
PROVISIONS, ARTICLE II – BOARDS, COMMITTEES AND
COMMISSIONS, DIVISION 3 – PLANNING AND ZONING BOARD, AND
REPEALING DIVISION 5 – HISTORIC PRESERVATION BOARD, TOWN
OF BELLEAIR LAND DEVELOPMENT CODE, TO TRANSFER THE
POWERS AND DUTIES OF THE HISTORIC PRESERVATION TO THE
PLANNING AND ZONING BOARD; MAKING RELATED FINDINGS;
AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN
EFFECTIVE DATE.**

WHEREAS, Section 5.04 of the Town Charter requires the Town Commission to appoint a planning and zoning board, and § 163.3174, Fla. Stat., requires that the Town designate and by ordinance establish a “local planning agency;” and

WHEREAS, the Town Commission has created pursuant to such authority a seven-member planning and zoning board which serves as the Town’s local planning agency and performs the functions designated by state law and the Town’s Code; and

WHEREAS, the Town has also created a seven-member historic preservation board vested with the duties set forth in § 66-135, Town of Belleair Land Development Code; and

WHEREAS, establishing a quorum sufficient to conduct the business of both the planning and zoning board and the historic preservation board has been difficult due to the Town’s relatively small population, the COVID pandemic, and a variety of other factors, resulting in cancelled meetings and delayed action on matters coming before the boards; and

WHEREAS, the Town Commission desires to improve the services provided to its residents, property owners, and businesses by consolidating the duties of the planning and zoning board and the historic preservation board; and

WHEREAS, the Town Commission therefore finds that it is in the best interests of the Town, its citizens, its property owners, and its businesses to adopt this Ordinance amending the powers and duties of the planning and zoning board and repealing the authorizing ordinance of the historic preservation board.

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

Section 1. Chapter 66 – Administration and General Provisions, Article II – Boards, Committees and Commissions, Division 3 – Planning and Zoning Board, Town of Belleair Land Development Code, is hereby amended to read as follows:

DIVISION 3. - PLANNING AND ZONING BOARD

Sec. 66-91. - Established.

The planning and zoning board is hereby created as a citizen board and designated as the town's local planning agency pursuant to F.S. 163.3174 to recommend land use policies to the town commission and to perform such other duties as may be assigned by the town commission from time to time.

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

(a) The planning and zoning board shall consist of seven members appointed by the town commission by resolution.

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

(~~b~~c) Any interested citizen may be appointed to the board, but those with experience or interest in the field of planning and zoning or who have demonstrated concern for historic preservation 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.
- (5) An archaeologist.
- (6) An historian.
- (7) A lawyer.

Sec. 66-93. - Powers and duties - planning.

(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.

Sec. 66-94. - Powers and duties– historic preservation.

(a) The duties of the board are advisory only and may specifically include:

(1) Conduct of surveys of historically and architecturally significant structures and districts within the town.

(2) Increasing public awareness of the value of historic and architectural preservation by developing and participating in public education programs.

(3) Investigating and recommending to the town commission the adoption of ordinances designating buildings, landmarks, or structures having special historic or architectural value as "significant structures."

(4) Investigating and recommending to the town commission the adoption of ordinances designating areas having special historical or architectural value as "historic districts."

(5) Making recommendations to the town commission concerning utilization of state, federal, and private funds to promote the preservation of significant structures and historic districts within the town.

(6) Making recommendations to the town commission concerning acquisition of a significant structure where its preservation is essential to the purposes of this act and where private preservation is not feasible.

(7) Review applications for special certificates of appropriateness and make recommendations to the town commission regarding such applications.

(8) Propose designations of significant structures and historic districts for protection under this Code. Review proposed national register nominations

within the town. When a discipline is not represented on the board, the board shall seek expertise in the relevant field when considering national register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in such discipline before rendering its recommendations.

(9) Undertaking any other action or activity specifically delegated to it or requested by the town commission.

(b) The board shall develop or adopt a set of guidelines and standards which are designed to encourage the protection of historically and architecturally significant structures and historic districts should such districts be designated by the town. Upon the development or adoption of guidelines and standards by the board, the proposed guidelines and standards shall be submitted to the town commission for its review and consideration. The town commission shall adopt guidelines and standards and may revise and amend the proposed guidelines and standards as developed by the board. Such guidelines and standards may be incorporated into the land development code as the town commission deems appropriate or necessary.

(c) The board shall meet no less than four times per year for purposes of performing the duties set forth in this section and minutes of each meeting shall be kept. At a minimum of one meeting of the board each year, the board shall identify those additional structures or districts, if any, within the town which are historically and architecturally significant. The findings of the board shall be transmitted to the town commission after each board meeting for the review and consideration of the town commission. The board shall otherwise encourage the identification, preservation, and protection of historically and architecturally significant structures and districts within the town.

(d) The town shall make available town staff or consultants to the town as necessary in order to sufficiently undertake the requirements for state certification and carry out the duties and responsibilities authorized under the state certification program.

(e) Each board member should make a reasonable effort to attend the state historic preservation office orientation program and any subsequent training programs for certified local governments. Also, each member should make every effort to be represented at any informational or educational meetings, conferences, or workshops pertaining to duties and functions of the board scheduled by the state historic preservation officer.

Sec. 66-945—66-110. - Reserved.

Section 2. Chapter 66 – Administration and General Provisions, Article II – Boards, Committees and Commissions, Division 5 – Historic Preservation Board, Town of Belleair Land Development Code, is hereby repealed in its entirety.

Section 3. Upon the adoption of this Ordinance, the planning and zoning board shall consist of those seven members of the board as it exists on the date of adoption of this Ordinance.

Section 4. For purposes of codification of any existing section of the Code of Ordinances, Town of Belleair, Florida, words **underlined** represent new text or additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand and survive any severed provision, as the Town Commission would have adopted the Ordinance even absent the invalid part.

Section 6. The Codifier shall codify the substantive amendments to the Code of Ordinances, Town of Belleair, Florida contained in Sections 1 and 2 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

Section 7. Pursuant to § 166.041 (4), Fla. Stat., this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the ## day of [MONTH], 2022.

PUBLISHED THE ## day of [MONTH], 2022.

PASSED AND ADOPTED ON SECOND READING AND PUBLIC HEARING this ## day of [MONTH], 2022.

Michael Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, CMC, Town Clerk