

**TOWN OF BELLEAIR
ORDINANCE NO. 558**

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA,
AMENDING SECTION 66-92 OF THE TOWN OF BELLEAIR LAND
DEVELOPMENT CODE TO REDUCE THE NUMBER OF MEMBERS ON
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, establishing a quorum sufficient to conduct the business of the planning and zoning 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 board; and

WHEREAS, the Town Commission desires to improve the services provided to its residents, property owners, and businesses by reducing the membership of the planning and zoning board such that quorums may be more readily obtained and the business coming before the board more readily accomplished; 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 changing the composition of the planning and zoning board from seven members to five.

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, Section 66-92. – Membership; term of office is hereby amended to read as follows:

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

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

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

term.

(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~~ The board should include as many as possible ~~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.

Section 2. 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. Two such members shall be designated as alternates.

Section 3. 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 4. 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 5. The Codifier shall codify the substantive amendments to the Code of Ordinances, Town of Belleair, Florida contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

Section 6. 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 6th day of December, 2022.

PUBLISHED THE 4th day of January, 2023.

PASSED AND ADOPTED ON SECOND READING AND PUBLIC HEARING this
17th day of January, 2023.

Michael Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, CMC, Town Clerk