

ORDINANCE 2019-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING PROVISIONS IN CHAPTER 31 OF THE CODE OF ORDINANCES RELATING TO THE LOCAL PLANNING AGENCY AND THE PLANNING AND ZONING BOARD, INCLUDING BUT NOT LIMITED TO PROVIDING FOR A LAKE COUNTY SCHOOL DISTRICT REPRESENTATIVE TO SERVE AS A NONVOTING MEMBER; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature requires that local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments to include a representative of the school district appointed by the school board to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is subject of the application; and

WHEREAS, the City Commission wishes to include in its code the inclusion of a representative of the school district for the local planning agency and the planning and zoning board; and

WHEREAS, the City Charter provides for the planning and zoning board; as does Chapter 31 of the Code of Ordinances and Chapter 152 of the Land Development Code; and

WHEREAS, Chapter 31 of the Code of Ordinances and Chapter 152 of the Land Development Code provides for the local planning agency; and

WHEREAS, the City Commission has determined that it is in the best interests of the City to repeal Sec. 152.090 and Sec. 152.110 in Chapter 152 of the Land Development Code relating to the local planning agency and the planning and zoning board; and

WHEREAS, the City of Fruitland Park has advertised as required by law for a public hearing prior to adoption of this Ordinance; and

WHEREAS, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Amendment. Sections 31.01 – 31.29, in Chapter 31 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended to read as follows:

LOCAL LAND PLANNING AGENCY Sec. 31.01. - Establishment.

(A) Authority. This section is enacted pursuant to, and in accordance with, provisions of F.S. Ch. 163.3174, (~~Local Government Comprehensive Community Planning Act of 1975~~).

(B) Designation and establishment of local ~~land~~ planning agency. Pursuant to, and in accordance with, F.S. § 163.3174, (~~the Local Government Comprehensive Planning Act of 1975~~) the city commission is hereby designated and established at as the Local Planning Agency for the incorporated territory of the city.

Sec. 31.02. - ~~Organization~~ School Board member.

~~Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in the city charter.~~ For those meetings at which the Local Planning Agency considers comprehensive plan amendments that would, if approved, increase residential density, then a representative of the Lake County School District appointed by the school board shall be included on the Local Planning Agency as a nonvoting member.

Sec. 31.03. - Public meetings and records.

All meetings of the local planning agency shall be public meetings and all agency records shall be public records. The local planning agency shall encourage public participation.

Sec. 31.04. - Appropriation of funds.

The city commission shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Community Planning Act ~~Local Government Comprehensive Planning Act of 1975~~, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the city commission.

Sec. 31.05. - Powers and duties.

The local planning agency, in accordance with the Community Planning Act ~~Local Government Comprehensive Planning Act of 1975~~, F.S. §§ 163.3161 through ~~163.3111~~ FS §163.3174, shall:

- (A) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city and make recommendations to the governing body regarding the adoption or amendment of such plan.
- (B) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- (C) Recommend the comprehensive plan or elements or portions thereof to the city commission for adoption.

(D) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the city commission such changes in the comprehensive plan as may be required from time to time.

(E) Perform any other functions, duties and responsibilities assigned to it by the city commission from time to time, or by general or special law.

PLANNING AND ZONING BOARD

Sec. 31.25. - Establishment.

Sec. 7.01 of the Charter ~~There is hereby~~ created and established a planning and zoning board for the City of Fruitland Park.

Sec. 31.26. - Membership; terms of office; vacancies.

Membership and terms shall be in accordance with Sec. 7.01 of the Charter. In addition, in compliance with F.S. §163.3174, for those meetings at which the planning and zoning board considers comprehensive plan amendments or rezonings that would, if approved, increase residential density, then a representative of the Lake County School District appointed by the school board shall be included on the planning and zoning board as a nonvoting member.

~~The planning and zoning board shall consist of five persons who are qualified voters of the City of Fruitland Park who shall be appointed, subject to the approval of the city commission, by the mayor. No appointed or elected official or employee of the city may serve as a member of the planning and zoning board. Members shall be appointed for three year terms, and may be reappointed for additional terms, with each year~~ Each term, except when filling a vacancy, shall commence ~~commence~~ October 1 and ending September 30. Any person appointed to the planning and zoning board shall serve at the pleasure of the commission, and may be removed at any time by a majority vote of the city commission when, in its sole and absolute discretion, removal is necessary. If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior notice to the city manager, the planning and zoning board shall request the city commission to declare the position vacant. In the event of an appointment to fill a vacancy, When a vacancy occurs, for any reason, prior to the expiration of a term, the city commission, shall appoint a new member to fill the unexpired term of the vacating member.

Sec. 31.27. - Meetings; voting; officers.

The planning and zoning board may adopt such rules and regulations which it deems necessary to carry out its functions and duties as provided in Sec. 7.01 of the Charter and Sec. 31.28 of this section, ~~the provisions of this chapter.~~ However, the following rules shall apply to the planning and zoning board:

(A) Meetings. The planning and zoning board shall hold regular meetings at the commission chambers on the third Thursday of each month at 6:00 p.m., or such other time as determined by majority vote of the board. Special meetings may be called by the chairman, when necessary. Notwithstanding the above, the planning and zoning board may, by majority vote, change the

meeting time and place so long as the new meeting time and place is publicly noticed.

- (B) Voting. Three members of the planning and zoning board shall constitute a quorum. However, regardless of the existence of a quorum, any action taken by the board must be approved of by at least three members of the board.
- (C) Officers. The planning and zoning board shall annually select from among its membership a chairman and a vice-chairman. This annual selection shall occur at the regularly scheduled October meeting and shall be subject to the approval of the city commission.
- (D) Chairman. The chairman shall:
 - ~~(1) Secure a meeting place for all meetings;~~
 - (2) Preside at all meetings,
 - ~~(3) Call special meetings as he deems deemed necessary,~~
 - ~~(4) Attest to the accuracy of all minutes of meetings prior to those minutes being submitted to the city commission; and~~
 - ~~(5) Form subcommittees to assist the planning and zoning board in the fulfillment of its duties.~~

Sec. 31.28. - Duties.

The planning and zoning board shall review:

- (A) Annexations;
- (B) Site plans;
- (C) Rezoning;
- (D) Comprehensive plan amendments;
- (E) Land development regulation amendments; and
- (F) Plats.

Further, the planning and zoning board shall perform all other tasks which may be assigned to it from time to time under the provisions of the Charter or by the city commission.

~~Sec. 31.29. - Terms of office.~~

~~The terms of office of the current members of the planning and zoning board, shall expire on September 30, 1992; whereupon, appointments to the board, for terms commencing October 1, 1992, will be staggered by an initial stagger as follows:~~

- ~~(A) Two members shall serve for one year;~~
- ~~(B) Two members shall serve for two years;~~
- ~~(C) One member shall serve for three years.~~

Section 3. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 4. Severability. 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 Commissioner's intent to pass 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 parts had not been included herein.

Section 5. Conflicts. That all ordinances or parts of ordinances in conflict herewith are hereby repealed. Sections 152.090 and 152.110 of the City of Fruitland Park Land Development Code are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon final adoption.

PASSED and ORDAINED this 14th day of November 2019, by the City Commission of the City of Fruitland Park, Florida.

SEAL CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA



CHRIS CHESHIRE, MAYOR

ATTEST:


ESTHER COULSON, CITY CLERK

Mayor Cheshire	<u> / </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Vice Mayor Gunter	<u> / </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Commissioner Bell	<u> / </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Commissioner DeGrave	<u> / </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Commissioner Mobilian	<u> / </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)

Approved as to form:


Anita Geraci-Carver, City Attorney

First Reading: October 24, 2019
Second Reading: November 14, 2019