

ORDINANCE NO. 2007- 04

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA
BREVARD COUNTY, FLORIDA; CREATING A PLANNING AND
ZONING BOARD; PROVIDING FOR COMPOSITION,
APPOINTMENT, AND TERMS OF OFFICE; PROVIDING FOR THE
HOLDING OF OTHER OFFICES AND QUALIFICATIONS;
PROVIDING FOR OFFICERS; PROVIDING FOR REMOVAL FROM
OFFICE; PROVIDING FOR MEETINGS; PROVIDING FOR
QUORUM AND VOTING; PROVIDING FOR POWERS AND
DUTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.

WITNESSETH:

WHEREAS, pursuant to the authority granted to the Town Council in Section 1, Section 2-(1)(c),(9), Section 4-(5)(a) and Section 9 of the Town Charter the Town Council desires to create a Town Planning and Zoning Board; and

WHEREAS, the Town Council finds that adoption of this Ordinance is in the best interest of the citizens of the Town of Grant-Valkaria; and

WHEREAS, the Town Council in providing for the health, safety and welfare of its citizens, to create a planning and zoning board.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. There is hereby created a Planning and Zoning Board as follows:

“Sec. 1. Creation.

The Town Council is hereby authorized to create and appoint members to a planning and zoning board subject to the provisions of this ordinance.

Sec. 2. Composition, appointment and terms of office.

(a) The planning and zoning board shall consist of eight members including the chairperson. There shall be seven voting members to be appointed by the town council no later than the first Tuesday of December. The eighth member shall be a nonvoting member which member shall be appointed by the School Board of Brevard County. Each of the voting members shall be appointed for a term of two years, with the appointments to be four members on even years and three members on odd years.

(b) The eighth nonvoting member appointed by the School Board of Brevard County shall be for one year. The School Board of Brevard County shall either reappoint the existing member or appoint a new member upon the expiration of the term of the current nonvoting member. The eighth nonvoting member of the planning and zoning board shall only attend meetings at which the planning and zoning board considers comprehensive

plan amendments and/or rezonings that would, if approved, increase residential density on the property that is a subject of the application. A vacancy, for any reason, on the planning and zoning board of the nonvoting member appointed by the School Board of Brevard County shall be filled at the discretion of the school board.

(c) The Council may also appoint up to two (2) alternates. These alternates shall be designated as alternate one (1) and two (2). The alternate members shall regularly attend meetings of the planning and zoning board and shall have the right to participate in all public hearings and deliberations of the board. The alternates shall not normally cast a vote as a member of the board; provided, however, that:

- (i) The first and second alternate shall be entitled to vote on any matter in which the vote of the voting members of the planning and zoning board results in a tie. For example, if there are six voting members present, and a vote results in a 3 to 3 tie, then the first alternate shall cast a vote.
- (ii) The first and second alternate shall be counted to establish a quorum as the case may be. For example, if there are only three voting members of the board present, the first alternate shall be counted to establish a quorum and he or she may also cast a vote. If there are only two voting members present both the first and second alternate members shall be counted to establish a quorum and each may cast a vote, and
- (iii) The eighth member appointed by the school board shall not be considered an alternate or counted for the purposes of establishing a quorum.

(d) The planning and zoning board is to serve in an advisory capacity to the Council.

Sec. 3. Holding other office; qualifications.

(a) None of the appointed members of the planning and zoning board shall hold any other public office or position in the town, except that the planning and zoning board members shall serve as the local planning agency, and all members shall be residents of and registered voters within the town.

(b) Planning and zoning members should represent varied and diverse segments of the community, taking into account such things as, but not limited to, area of expertise, backgrounds, interests, and resident location.

(c) No person may be appointed to the planning and zoning board unless they were a resident of the town for at least six consecutive months prior to the date of their proposed appointment.

Sec. 4. Officers.

The planning and zoning board shall elect officers as it may deem necessary for a term of one year or until their successors have been elected and qualified.

Sec. 5. Removal from office.

Members of the planning and zoning board may be removed by the town council for cause and after a public hearing held on written charges. An affirmative vote of four members of the town council is required for such removal. Additionally, any member who fails to attend three consecutive meetings of the planning and zoning board without cause and without prior or contemporaneous approval of the board shall automatically forfeit membership and appointment to the board. Vacancies caused by removal of a member, forfeiture of membership, or any other reason shall be filled by the town council for the unexpired term of the member affected.

Sec. 6. Meetings.

The planning and zoning board shall hold regular meetings once a month, and special meetings may be held as the chairperson of the board deems necessary. All regular and special meetings shall be open to the public. A written record of the proceedings of the board shall be kept and shall be open to the public for inspection.

Sec. 7. Quorum; voting.

Four voting members of the planning and zoning board shall constitute a quorum, and the affirmative vote of the majority of the voting members of the board present shall be necessary for any action of the board.

Sec. 8. Powers and duties.

The planning and zoning board shall act in an advisory capacity to the town council in all matters relating to the comprehensive plan and this shall serve as the local planning agency pursuant to F.S. § 163.3174. Duties that may be assigned to the planning and zoning board include but are not limited to the following:

- (1) Conducting investigations on matters or proposals to change zoning regulations and reporting the findings and recommendations to the town council;
- (2) Reviewing applications and submitting recommendations to the town council for proposed change of the permitted use of any specifically designated property, applications for conditional uses, proposed amendments to the zoning chapter, proposed subdivision plats, and proposed site plans;
- (3) Reviewing, monitoring, and making recommendations on issues concerning the comprehensive plan in conjunction with its duties as the local planning agency;
- (4) Evaluating land development regulations;
- (5) Evaluating rezoning requests and requests for amendments of the future land use map of the comprehensive plan in conjunction with its duties as the local planning agency; and
- (6) Updating the land use and zoning designations in the town and interpreting boundary lines.”

Section 2. Severability.

In the event a court of competent jurisdiction shall hold or determine any or part of this ordinance invalid or unconstitutional, the remainder of this ordinance shall not be affected.

Section 3. Effective Date.

This ordinance shall take effect thirty (30) days after it was approved by the Town Council.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ON THIS 28th DAY OF FEBRUARY, 2007.

(Signature on File)

Del Yonts, MAYOR
Town of Grant-Valkaria

ATTEST:

(Signature on File)

TOWN CLERK

1ST READING: 2-14-07

2ND READING: 2-28-07