MEMORANDUM

DATE: June 10, 2014

TO: Dave Bullock, Town Manager

FROM: Alaina Ray, AICP, Director
Planning, Zoning and Building Department

SUBJECT: Proposed Ordinance 2014-25, Amending Chapter 33, Boards and Commissions, Regarding Public Hearing Procedures

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Currently, the Town Commission is the only Town Board that has adopted formal procedures for holding public hearings. The Planning and Zoning Board, along with the Zoning Board of Adjustment, hold quasi-judicial hearings for various items that are site specific. The Town Code does not have adopted procedures for these boards.

During the May 19, 2014, Town Commission Regular Workshop, the Town Attorney discussed this issue with the Commission, who directed staff to draft procedures relating to public hearings in order to provide guidance. As a result, staff has prepared draft Ordinance 2014-25, which provides a process for both the board and the public to follow for public hearings.

Staff presented Ordinance 2014-25 to the Town Commission at their June 16, 2014 Regular Workshop Meeting and forwarded it to their Special Meeting on June 16, 2014, for first reading.

Attachments: Proposed Ordinance 2014-25
PowerPoint Presentation

xc: Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Director – Planning, Building & Zoning

ORDINANCE 2014-25

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA, BY AMENDING CHAPTER 33, BOARDS AND COMMISSIONS, SECTION 33.25, PUBLIC HEARINGS; PROVIDING FOR THE ESTABLISHMENT OF PUBLIC HEARING GUIDELINES AND PROCEDURES FOR THE PLANNING AND ZONING BOARD; AMENDING SECTION 33.30, ZONING BOARD OF ADJUSTMENT ESTABLISHMENT PROVISIONS; PROVIDING FOR THE ESTABLISHMENT AND PUBLIC HEARING GUIDELINES AND PROCEDURES FOR THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Code currently establishes procedures for public hearings before the Town Commission; and

WHEREAS, both the Town's Planning and Zoning Board and the Zoning Board of Adjustment have been delegated authority to preside over certain public hearings; and

WHEREAS, the Town Commission seeks to establish procedures for public hearings conducted by the Planning and Zoning Board and the Zoning Board of Adjustment; and

WHEREAS, the Town Commission desires to provide procedures for the above listed Town advisory boards to use to manage the timing, quality, and clarity of presentations by petitioners, interested parties, and the public during such public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 33, BOARDS AND COMMISSIONS, Section 33.25, Public Hearings, is hereby amended as follows:

33.25 Public hearings.

(D) For all public hearings, the following time guidelines shall apply:

(1) In order to manage and improve the timing and quality as well as the clarity of presentation, the following guidelines are established for presentations by petitioners as well as public comment for all public hearings. It is the expectation of the planning and zoning board that presentations by petitioners will take approximately 20 minutes, public comments approximately five minutes per person, and rebuttal by petitioner an additional five minutes. While these are guidelines and not strict limitations, applicants are encouraged to try to respect this suggestion.

(2) Similarly, petitioners as well as members of the public are encouraged to provide any documentary evidence to the planning and zoning board as many days prior to the public hearing as possible. If voluminous documentation is presented to the planning and zoning board at the time of the hearing, the planning and zoning board may have no alternative but to postpone their decision in order to review the material provided.

(3) The planning and zoning board chair is authorized to modify these time guidelines as necessary.

SECTION 3. Chapter 33, BOARDS AND COMMISSIONS, Section 33.30, Establishment, is hereby amended as follows:

33.30 Establishment and public hearing provisions.

~~For provisions concerning the zoning board of adjustment, sections 158.026 through 158.029.~~

(A) Section 158.026 establishes a zoning board of adjustment, hereinafter referred to as a zoning board of adjustment.

(B) The zoning board of adjustment shall be governed by the provisions set forth in sections 158.026 through 158.029. In addition, for all public hearings before the zoning board of adjustment, the following time guidelines shall apply:

(1) In order to manage and improve the timing and quality as well as the clarity of presentation, the following guidelines are established for presentations by petitioners as well as public comment for all public hearings. It is the expectation of the zoning board of adjustment that presentations by petitioners will take approximately 20 minutes, public comments approximately five minutes per person, and rebuttal by petitioner an additional five minutes. While these are guidelines and not strict limitations, applicants are encouraged to try to respect this suggestion.

(2) Similarly, petitioners as well as members of the public are encouraged to provide any documentary evidence to the zoning board of adjustment as many days prior to the public hearing as possible. If voluminous documentation is presented to the zoning board of adjustment at the time of the hearing, the zoning board of adjustment may have no alternative but to postpone their decision in order to review the material provided.

(3) The zoning board of adjustment chair is authorized to modify these time guidelines as necessary.

SECTION 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 5. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 6. This Ordinance shall take effect upon second reading in accordance with law and the Charter of the Town of Longboat Key.

Passed on first reading the _____ day of _____, 2014.

Adopted on second reading and public hearing this ____ day of _____, 2014.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

TOWN OF LONGBOAT KEY

Ordinance 2014-25
Chapter 33: Boards and Commissions
Public Hearing Procedures

Town Commission

Special Meeting

June 16, 2014

- The Town Code establishes certain procedures for public hearings before the Town Commission; however, the Code does not extend these procedures to the Planning and Zoning Board (PZB) or the Zoning Board of Adjustment (ZBA).

- In an effort to manage the timing, quality, and clarity of presentations, Ordinance 2014-25 has been drafted to establish procedures for public hearings before the PZB and ZBA.

- The proposed procedures mirror the procedures outlined by the Code for public hearings before the Town Commission.

- Petitioners: 20 minutes for initial presentation
- Public Comments: Five minutes per person
- Petitioner rebuttal: Five minutes
- Encourages documents to be provided prior to the meeting
- Provides for potential postponement of meeting if voluminous documentation is received at the hearing.

End of Agenda Item