


MEMORANDUM

TO: Mayor England
Vice Mayor Samora
Commissioner George
Commissioner Rumrell
Commissioner Torres

FROM: Max Royle, City Manager 

DATE: August 13, 2021

SUBJECT: Ordinance 21-09, Second Public Hearing and Final Reading: to Amend the Land Development Code to have First Public Hearing of an Ordinance to Change the Regulations Done by the Comprehensive Planning and Zoning Board

INTRODUCTION

At this time, the process of adopting an amendment to the Land Development Code is the following:

- a. An ordinance is prepared and has a first reading by the City Commission.
- b. Planning Board reviews the ordinance and makes a recommendation whether or not to adopt. The Board's review is not advertised as a public hearing.
- c. Commission holds a public hearing on the ordinance and usually passes it on second reading.
- d. Commission then holds at a different meeting a second public hearing on the ordinance and decides whether to adopt the ordinance on its third and final reading.

A suggested change to the above process is this: As an ordinance to amend the Land Development Code must be reviewed by the Planning Board in order for the Board to recommend to the Commission whether the ordinance should be adopted, the Planning Board, not the Commission, hold the first public hearing on the ordinance. Thus, the Commission's first public hearing would be replaced by the Planning Board's public hearing. The Commission's public hearing would be held when the ordinance is scheduled for final reading.

For your July 6th meeting, the City Attorney prepared an ordinance for you to review. From that discussion, he included in the Ordinance, 21-09, the provision that the Comprehensive Planning and Zoning Board is also to hold the first public hearing for amendments to the Land Development Regulations. You then passed Ordinance 21-09 on first reading.

The Ordinance was reviewed by the Planning Board at its July 20th meeting and the Board recommended that you approve the ordinance.

The Board's motion and vote is stated in the attached memo (page 5) from the Building Department's Executive Assistant, Ms. Bonnie Miller.

You held the first public hearing on Ordinance 21-09 at your August 11th meeting, when you passed it on second reading.

The Ordinance is scheduled for its second public hearing and final reading at your September 13th meeting.

ACTION REQUESTED

It is that you hold the second public hearing and pass Ordinance 21-09 on its third and final reading.

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING LAND DEVELOPMENT REGULATIONS OF ARTICLE 12 PROCEDURES FOR AMENDING THE COMPREHENSIVE ZONING PLAN AND CHANGES TO THE LAND DEVELOPMENT CODE FOR THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City Commission finds that it is in the best interests of the citizens of Saint Augustine Beach, Florida to follow the requirements of Fla. Stat. 163.3225 which provides for two public hearings on a Land Development Regulation, but allows the Comprehensive Planning and Zoning Board to do the first public hearing and the second final public hearing to be done by the City Commission;

WHEREAS, Fla. Stat. 163.3225 currently reads, "Public hearings. — (1) Before entering into, amending, or revoking a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, one of the public hearings may be held by the local planning agency." This statute has not been amended since 1986.

WHEREAS, the City has a Planning and Zoning Board which routinely reviews changes to land development and land use matters within the City;

WHEREAS, the City seeks to streamline the processes and agenda items and delegate authority to the Planning and Zoning Board;

WHEREAS, the purposes of this article are to establish uniform procedures for the application to the City which comply with Florida Law.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. Amend Chapter 12 of the City's Land Development Code as follows:

Sec. 12.05.00. Procedure for amending this Code of the comprehensive plan.

Sec. 12.05.01. State law controlling.

The procedures in this section 12.05.00 shall be followed in amending this Code and the comprehensive plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

(Ord. No. 91-7, § 2)

Sec. 12.05.02. Application.

Any person, board or agency may apply to the department to amend the land development regulations or the comprehensive plan in compliance with procedures prescribed by the department.

(Ord. No. 91-7, § 2; Ord. No. 96-08, § 1)

Sec. 12.05.03. Amending this Code.

The building official shall, upon the receipt of an application for rezoning or an amendment to these land development regulations, submit the same to the comprehensive planning and zoning board for ~~comment-its first public hearing~~ at its next regular meeting. ~~Following comment by the comprehensive planning and zoning board, the application will be submitted to the city commission.~~ In the event the application shall be approved by the passage ~~by the comprehensive planning and zoning board of an ordinance~~ upon first reading, the building official shall refer the application to amend these land development regulations to the ~~comprehensive planning and zoning board~~ City Commission for public hearing and final ~~passage~~ recommendation. The building official shall set the application for hearing before the City Commission ~~comprehensive planning and zoning board~~ at its next regularly scheduled meeting.

(Ord. No. 91-7, § 2; Ord. No. 96-08, § 2; Ord. No. 05-06, § 1, 4-7-05; Ord. No. 21- , §)

Sec. 12.05.04. Amending the comprehensive plan.

Applications to amend the comprehensive plan shall be set for hearing before the comprehensive planning and zoning board.

(Ord. No. 91-7, § 2)

Sec. 12.05.05. Recommendation of comprehensive planning and zoning board.

The comprehensive planning and zoning board shall hold ~~a-the first~~ public hearing on each application to amend this Code or the comprehensive plan, and make a recommendation as required by Chapter 163 of the Florida Statutes to the City Commission.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 14; Ord. No. 92-20, § 13; Ord. No. 21- , §)

Sec. 12.05.06. Decision by St. Augustine Beach Commission.

The St. Augustine Beach Commission shall, upon receipt of the recommendation and comments of the comprehensive planning and zoning board, hold a public hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

(Ord. No. 91-7, § 2; Ord. No. 96-08, § 3)

Sec. 12.05.07. Public hearing.

Each public hearing shall conform to the following requirements:

- A. Notice. Notice that complies with the requirements of state law shall be given.
- B. Hearing. The public hearing shall as a minimum:
 - 1. Permit any person to submit written recommendations and comments before or during the hearing.
 - 2. Permit a reasonable opportunity for interested persons to make oral statements.
- C. Comply with the requirements of state law.

(Ord. No. 91-7, § 2)

Sec. 12.06.00. Procedure for appealing decisions.

Sec. 12.06.01. Appeals from decisions of the building and zoning department.

A developer or any adversely affected person may appeal a final decision of the department on an application for a development permit, development order, or a decision as to whether a development is a minor development or a major development. Appeals are made to the comprehensive planning and zoning board by filing a notice of appeal with the department within thirty (30) working days of the decision.

(Ord. No. 91-7, § 2;)

Sec. 12.06.02. Appeals from decisions of the comprehensive planning and zoning board.

A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance,

conditional use permit ~~for a home occupation designated as C-2 in section 3.02.02~~, or an appeal under section 12.06.01 reached at the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 15; Ord. No. 93-14, § 9; Ord. No. 21- , §)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2021.

MAYOR

Published in the _____ on the _____ day of _____, 2021. Posted on www.staugbch.com on the _____ day of _____, 2021.

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Ordinance No. 21-09
Date: Wednesday, July 21, 2021

Please be advised at its regular monthly meeting held Tuesday, July 20, 2021, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve passage of Ordinance No. 21-07 on final reading.

Passed on first reading by the City Commission at its regular monthly meeting held Wednesday, July 6, 2021, this proposed ordinance amends Sections 12.05.03, 12.05.05, and 12.05.06 of the City of St. Augustine Beach Land Development Regulations (LDRs), to change the process for adopting Comprehensive Plan and Land Development Code amendments.

The motion to recommend the City Commission approve passage of Ordinance No. 21-09 as drafted and passed by the City Commission on first reading was made by Mr. Sarris, seconded by Mr. Pranis, and passed 4-0 by unanimous voice-vote.