

ORDINANCE NO. 1989 - 30

AN ORDINANCE ESTABLISHING THE MADISON COUNTY PLANNING BOARD AND DESIGNATING SAID BOARD AS THE LOCAL PLANNING AGENCY PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II, FLORIDA STATUTES; SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE BOARD; ESTABLISHING THE BOARD'S RULES AND PROCEDURES; ESTABLISHING THE BOARD'S FUNCTIONS POWERS AND DUTIES; PROVIDING FOR FINANCIAL SUPPORT; PROVIDING FOR SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, requires local governments to prepare and adopt a comprehensive plan to guide future development; and

WHEREAS, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, the County is required to establish a local planning agency, to assist the governing body with the preparation, update and amendment of the County's Comprehensive Plan; and

WHEREAS, the Board of County Commissioners on May 5, 1976, pursuant to the Local Government Comprehensive Planning Act of 1975, designated the Board of County Commissioners as the Local Planning Agency; and

WHEREAS, it is the intent of the Board of County Commissioners through adoption of this Ordinance to supersede such previous designation and establish a County Planning Board and designate said board as the Local Planning Agency, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II Florida Statutes, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. That the Madison County Planning Board Government is hereby established and designated as the Local Planning Agency in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended and for the purposes of this Ordinance shall hereinafter be referred to as the Planning Board.

SECTION 2. The Planning Board shall consist of seven (7) members. The Madison County Board of County Commissioners shall appoint one (1) member from each County

Commissioners district and two (2) at large. No member of the Planning Board shall be paid or an elected official or employee of the County.

SECTION 3. The term of office for members of the Planning Board shall be for three (3) years; provided, however, that of the seven (7) members first appointed to the Planning Board at the Effective date of this Ordinance two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and three (3) shall be appointed for three (3) years and that all appointments thereafter shall be for three (3) years.

SECTION 4. Members of the Planning Board may be removed for cause by the Board of County Commissioners after filing of written charges, a public hearing and majority vote of the Board of County Commissioners.

SECTION 5. Vacancies in Planning Board membership shall be filled by appointment by the Board of County Commissioners for the unexpired term of the member effected. It shall be the duty of the Chairman of the Planning Board to notify the Board of County Commissioners within ten (10) days after any vacancy shall occur among members of the Planning Board

SECTION 6. The Planning Board shall establish rules and regulations for its own operation not inconsistent with the provisions of applicable State statutes. Such rules of procedure shall be available in a written form to persons appearing before the Planning Board to the public.

SECTION 7. The Planning Board shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The County Coordinator or his/her designate shall serve as secretary to the Planning Board.

SECTION 8. The Planning Board shall meet at regular intervals at the call of the Chairman, at the written request of four (4) or more regular members or within thirty (30) days after receipt of a matter to be acted upon by the Planning Board shall hold at least one regularly scheduled meeting each month, on a day to be scheduled by the Planning Board.

Four (4) members of the Planning Board shall constitute a quorum.

All meeting of the Planning Board shall be open to the public. A record of all its motions, recommendations, transactions, findings and determinations shall be made, which record shall be a public record on file in the office of the Clerk of the Circuit Court of the County.

SECTION 9. If any member of the Planning Board shall find that his private or personal interest are involved in a matter coming before the Planning Board, he/she shall disqualify himself/herself from all participation in that case. No member of the Planning Board shall appear before the Planning Board as agent or attorney for any person.

SECTION 10. The concurring vote of a majority of the members of the Planning Board who are present and voting shall be necessary to pass any motion which is considered by the Planning Board.

SECTION 11. The Board of County Commissioners shall make available to the Planning Board appropriations for salaries, fees and expenses necessary in the conduct of Planning Board work and shall also establish a schedule of fees to be charges by the Planning Board.

SECTION 12. The functions, powers and duties of the Planning Board in general shall be:

- (1) To acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of man-made and natural physical features of the areas subject to the Comprehensive Plan, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to e important in determining the amount, direction and kind of development to be expected in the areas subject to the Comprehensive Plan.
- (2) To prepare, update and recommend to the Board of County Commissioners and from time to time amend the Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen.
- (3) To recommend principles and policies for guiding action affecting development in the unincorporated areas of the County.
- (4) To prepare and recommend to the Board of County Commissioners proposed land development regulations, land development codes, ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.
- (5) To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan.
- (6) To conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive ordinances, codes and regulations related to it and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or part.
- (7) To make or cause to be made any necessary special studies on the location, adequacy and conditions of specific facilities which are subject to the Comprehensive Plan. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and the like.

- (8) To keep the Board of County Commissioners informed and advised on these matters.
- (9) To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

All employees of the County shall, upon request and within reasonable time, furnish to the Planning Board or its agents such available records or information as may be required in its work. The Planning Board, or its agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the County and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning Board.

SECTION 13. That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision of application and to this end the provisions of this Ordinance are declared severable.

SECTION 14. All resolutions and ordinances or parts of resolutions or ordinances in conflict herewith are, to the extent of such conflict, are hereby repealed.

SECTION 15. This Ordinance shall become effective immediately upon passage and filing with the Secretary of State, as provided by law.

ADOPTED by the Board of County Commissioners of Madison County, Florida, in regular meeting assembled, this 3rd day of January, 1990.

 /s/
Marybell V. James, Chairman
Board of County Commissioners
Madison County, Florida

ATTEST:

 /s/
Alfred F. Welch, Clerk
Board of County Commissioners
Madison County, Florida