

Article 3. Advisory and Decision-Making Bodies and Persons

3.00.00 Advisory and Decision-Making Bodies and Persons

3.01.00 City Commission

All powers of the city shall be vested in the City Commission except as otherwise provided by law or the City Charter, and the commission shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the city by law.

In addition, the following functions, powers and duties of the commission shall be, in general:

1. To ratify the updating of the Comprehensive Plan; to ensure the City's Comprehensive Plan meets present and foreseeable future needs and is consistent with the City Charter, as required from time to time.
2. To provide for the approval of proposals promoting orderly development along lines consistent with the Comprehensive Plan.
3. To provide for the approval of subdivision plats, site plans to ensure consistency with the Comprehensive Plan and the LDC regulations.
4. To conduct public hearings as may be necessary in the discharge of its enumerated duties.
5. To amend these regulations following reviews and recommendations by the local planning board (Planning and Land Development Regulation Commission).
6. To authorize and delegate duties to city administration or other boards as necessary to implement these LDC regulations.
7. To interpret the City's Land Development, Zoning, and Comprehensive Plan regulations when reviewing development applications.

3.02.00 Planning and Land Development Regulation Commission

1. Membership

The Planning and Land Development Regulation Commission shall consist of seven (7) persons and one (1) person serving as an alternate member who are residents of the City of Lake Helen, and who shall be appointed by the City Commission. No paid or elected official or employee of the city may serve as a member of the Planning and Land Development Regulation Commission. Members shall be appointed for three-year staggered terms, and may be reappointed for additional terms. The three (3) year term of office shall, regardless of actual date of a member's appointment or reappointment, be considered to commence on October 1st and to expire on September 30th in the third year of the term.

Members of the Planning and Land Development Regulation Commission (PLDRC) shall comply with all applicable federal, state and local laws regarding ethics, financial disclosure, open conduct of public business and public records. If any regular voting member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman shall automatically forfeit his/her appointment. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Commission for the remainder of the term. The vacancy shall be filled by the City Commission in as timely a period as is practicable. The City will comply with FS 112.501 when removing any member of the PLDRC.

2. Alternate Member

The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition.

3. Officers

The Planning and Land Development Regulation Commission (PLDRC) shall elect a chairman, vice-chairman and secretary from among its members. The city shall provide clerical and staff assistance.

4. Rules of Procedure

The Planning and Land Development Regulation Commission (PLDRC) shall meet at regular monthly intervals as needed to accomplish its assigned duties, and at such other times as it may deem necessary, for the transaction of its business. A quorum shall be four (4) members. No recommendations for approval of any application may be made unless four (4) members concur.

Each meeting shall have been previously noticed and shall be open to the public per state requirements. All records of the Commission including its rules of procedure, minutes, and inventory shall be maintained and considered to be public records open to inspection by the public at the City Clerk's Office.

All board members shall operate within the requirements of the Sunshine Law of the State of Florida.

Members of the commission shall serve without compensation or honorarium, but shall be entitled to receive reimbursement for per diem and travel expenses for attendance at meetings or conferences outside the City of Lake Helen, provided that prior approval in writing is given by the City Administrator or his/her designee.

3.02.01 Powers and duties of the Planning and Land Development Regulation Commission

The Planning and Land Development Regulation Commission (PLDRC) shall hear applications from the City Commission, any department or agency of city government, or from any person for amendment to the Comprehensive Plan or Land Development Regulations and make recommendations to the City Commission. If the proposed amendment or special exception relates to a specific area of land, it shall be heard only if it is presented by the person owning fifty-one percent (51%) or more of that land, or by the owner's designee; provided, however, that any agreement relating to such action or development order relating to such action, when containing commitments or covenants which run with the property that is the subject of the application, must be executed by all persons and entities necessary to bind the property.

The Planning and Land Development Regulation Commission (PLDRC) is hereby designated as the local planning agency as required by Section 163.3161, Florida Statutes, et seq. and Section 163.3174, Florida Statutes and/or the Local Government Comprehensive Planning and Land Development Regulation Act. It shall prepare, or cause to be prepared, the elements of the comprehensive plan required in Section 163.3177, Florida Statutes, and any other appropriate elements, and shall make recommendations regarding the Comprehensive Plan to the City Commission. It shall have the general responsibility for the conduct of the Comprehensive Planning program. It shall comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and shall 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 from time to time be required. It shall perform any other duties assigned

by the City Commission and may prepare and recommend to the City Commission any other proposals to implement the Comprehensive Plan.

As the local planning agency, the Planning and Land Development Regulation Commission (PLDRC) is hereby also designated as the Land Development Regulation Commission in accordance with the provisions of Section 163.3161, et seq. and Section 163.3194, Florida Statutes and/or the Local Government Comprehensive Planning and Land Development Regulation Act. The PLDRC shall develop and recommend to the City Commission Land Development Regulations which implement the Comprehensive Plan and review Land Development Regulations or amendments for consistency with the adopted plan.

3.02.02 Functions, Powers, and Duties of the PLDRC

1. Recommendation of original zoning districts and appropriate regulations. It shall be the duty of the Planning and Land Development Regulation Commission (PLDRC) to recommend to the City Commission the boundaries of the various original zoning districts and appropriate regulations to be enforced therein.
2. Zoning changes. Although the City Commission may, from time to time, amend or supplement the regulations and zoning classifications or districts, proposed changes may be suggested by the Planning and Land Development Regulation Commission (Article 13).
3. Comprehensive Plan Amendments. The Planning and Land Development Regulation Commission shall also serve as the local planning agency, and shall review and make recommendations on amendments to the Comprehensive Plan (Article 13).
4. Site plan review. The Planning and Land Development Regulation Commission shall be responsible for making recommendations to the City Commission regarding site development plans (Article 14) and variances (Article 13).
5. Interpretations. The Planning and Land Development Regulation Commission shall make interpretations of the zoning, development, and subdivision regulations, as well Comprehensive Plan regulations/provisions following an interpretation by the City Administrator or his/her designee. Appeals of Planning and Land Development Regulation Commission decisions can be made to the City Commission (Article 15).
6. Special Exception Uses (Article 13). The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission on requests for special exception uses. In doing so, the commission may decide such questions as are involved in determining when special exception uses should be granted and either grant special uses with appropriate conditions and safeguards or deny special exception uses. After review of an application and a public hearing thereon, the Planning and Land Development Regulation Commission may make a recommendation that the City Commission allow special exception uses only upon a determination that the use meets the following standards:
 - a. The intensity of the proposed use is harmonious with the character of the area and is consistent with trends of development in the area.
 - b. Does not have an unduly adverse effect on existing traffic patterns, movements, intensity, and safety.
 - c. Is consistent with the Comprehensive Plan goals and policies and the density/intensity standards based on the Comprehensive Plan and Future Land Use Map for the district in which the property is located;

- d. The proposed use is consistent with the intent of the zoning district in which it is located.
 - e. The proposed use shall not be detrimental to the health, safety, welfare, and morals of adjoining properties or residents of the city, and shall be economically beneficial to the city.
 - f. The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures.
 - g. The subject property shall be of adequate size and shape to accommodate the proposed development while providing adequate separation from neighboring uses.
 - h. The proposed use shall not create or intensify flooding issues on neighboring properties.
 - i. The proposed use shall be effectively buffered so as to screen neighboring properties from traffic, noise, light, odor, or visual impacts.
 - j. The refuse and/or loading areas shall be adequately screened so as not to have visual, odor, or noise impacts on neighboring properties.
 - k. The size, design, and location of proposed sign(s) shall be in conformance with the city's sign regulations, as well as being compatible with neighboring uses.
 - l. Exterior lighting shall be harmonious with neighboring uses in terms of glare and intensity.
 - m. On-site traffic circulation shall meet the requirements for the Fire Department and other first responders.
7. Variances (Article 13). The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission regarding requests for variances from the quantitative terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefor, and not surrounding properties. In order to recommend approval of said variance, the Planning and Land Development Regulation Commission must find:
- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;
 - b. That the special conditions and circumstances do not result from the actions of the applicant;
 - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the article to other lands, buildings or structures in the same zoning district;
 - d. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the article and would work [incur] unnecessary and undue hardship on the applicant;
 - e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- f. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- g. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

In granting any variance, the commission may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this code. The commission may also prescribe a reasonable time limit within which the action for which the variance was requested shall be begun, completed or both.

Under no circumstances shall the commission grant a variance which permits a use not generally, or by special exception use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this code in the zoning district involved. Nonconforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance.

3.03.00 Historic Preservation Board

The Historic Preservation Board is hereby established as a citizen advisory board for purposes of administering Article 5.

1. Membership

The Historic Preservation Board shall have five (5) members and one (1) alternate member, appointed by the City Commission. Members of the Board shall be residents of the City of Lake Helen. Appointments shall be made whenever possible on the basis of experience or interest in the fields of history, architecture, law, real estate appraisal, urban planning and/or building construction.

Members shall serve staggered terms of three (3) years. The three (3) year term of office shall, regardless of actual date of a member's appointment or reappointment, be considered to commence on October 1st and to expire on September 30th in the third year of the term in accordance with the schedule of terms that has been implemented by the City Commission. Members may be reappointed for additional terms. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Commission for the remainder of the term. The vacancy shall be filled by the City Commission in as timely a period as is practicable. Any member of the Historic Preservation Board may be removed from office for cause by the City Commission, upon written charges and after public hearing in accordance with controlling State law.

Any member who fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman shall automatically forfeit his/her appointment.

2. Alternate Member

The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition.

3. Officers

The members of the Board shall elect a chairman and vice-chairman. The chairman and vice-chairman may each be reelected for additional terms. The presence of three (3) or more members shall constitute a quorum of the Board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the City Administrator or his/her designee.

4. Rules of Procedure

The Historic Preservation Board shall hold at least four meetings each year, but may hold additional meetings if deemed necessary. Each meeting shall have been previously noticed and shall be open to the public per state requirements.

All records of the Board including its rules of procedure, minutes, and inventory shall be maintained and considered to be public records open to inspection by the public at the City Clerk's Office. It shall adopt written by-laws and keep a properly indexed public record of its resolutions, transactions, findings and recommendations.

All board members shall operate within the requirements of the Sunshine Law of the State of Florida.

3.03.01 Powers and duties of the Historic Preservation Board

1. Update the official inventory of historic properties and submit to the City Commission recommendations and documentation regarding proposed changes contiguous to the City of Lake Helen Historic District.
2. Develop programs to stimulate public interest in the conservation of historic districts, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect historic district conservation policies and goals.
3. Explore funding and grant sources and advise and educate property owners concerning availability of such funds for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.
4. Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation and concerns and policies, and assist in the development of proposed and future land use.
5. Represent the City Historic Preservation Board at educational meetings, workshops and conferences sponsored by the Department of State, Division of Historic Resources or other historic preservation organizations.
6. Advise property owners and other city agencies concerning the proper protection, maintenance, enhancement and preservation of historic properties.
7. Advise and educate the City Commission concerning the effects of City actions on historic properties and neighborhoods.
8. Provide written design guidelines to citizens and property owners, as needed, to foster an understanding of the purposes of this Article and Article 5.
9. Recommend approval, approval with conditions or denial of petitions for Certificates of Appropriateness required under this Article and Article 5.
10. Recommend approval, approval with conditions or denial of petitions for Certificates of Designation required under this Article and Article 5.

11. Provide a hearing and recommended decision in response to Variance claims as outlined in Article 5.05.16.
12. Notify the City Commission, City Code Compliance Officer and Building Official when it appears that there has not been compliance with the historic preservation regulations of this Code.
13. Create and recommend to the City Commission the initial City of Lake Helen Historic District and subsequent additions and deletions to the properties, structures and boundaries of said district.
14. Act as a resource for information, advice, education and references for the citizens of Lake Helen in historic matters.

3.04.00 Administrative Authority

Reserved.