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**ORDINANCE 21-XX**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 42, ARTICLE II, SECTION 42-32 – PLANNING AND ZONING BOARD; PROVIDING FOR THE APPOINTMENT AND FILLING OF VACANCIES ON THE BOARD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has found and determined that the adoption of this Ordinance is in the interests of the public health, safety and welfare, will aid in the harmonious, orderly and progressive development of the City, and serves a valid public purpose.

**BE IT ORDAINED** by the City Council of the City of Belle Isle, Florida as follows:

**SECTION 1. Land Development Code Amendment.** Subsections 42-32(a) and 42-32(b)(3) of the City Land Development Code are hereby amended as follows (underlining represents new additions; stars \* \* \* \* \* represent breaks between sections and subsections and do not represent changes):

**Sec. 42-32. - Planning and zoning board.**

(a) *Establishment and composition.* The council is hereby empowered to establish a planning and zoning board and appoint the members thereto to render decisions as to special exceptions and variances and to act in an advisory capacity to the council on other planning and zoning matters in the city. The planning and zoning board shall consist of seven members, to be appointed in the following manner:

- (1) One resident from each of the city's districts unless no candidate from the relevant district is available, including candidates appointed to fill vacancies according to Subsection 42-32(b)(3);
- (2) No more than two members shall be of the same occupation or profession; and

1 (3) No more than two members shall be employed by the same employer.

2 \* \* \* \* \*

3 (b) *Office of planning and zoning board member.*

4 \* \* \* \* \*

5 (3) *Vacancies on the board.* Any vacancy occurring during the unexpired term of office of any  
6 member of the planning and zoning board shall be filled by the council for the remainder of the  
7 term within 45 days after the vacancy occurs. The vacancy will be advertised to fill the vacancy by  
8 District; however if no candidates apply from the District for that District vacancy, the Council may  
9 fill the vacancy from at-large candidates regardless of district residency.

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12 **SECTION 2. Codification.** This Ordinance shall be incorporated into and codified within the Land  
13 Development Code of the City of Belle Isle, Florida. Any section, paragraph number, letter and/or any heading  
14 may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar  
15 or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or  
16 meaning of this Ordinance or the Land Development Code may be freely made.

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18 **SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of  
19 this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,  
20 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct  
21 and independent provision, and such holding shall not affect the validity of the remaining portions of this  
22 Ordinance.

1           **SECTION 4. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other  
2 ordinance or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable  
3 under the law.

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5           **SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon adoption  
6 by the City Council of the City of Belle Isle, Florida.

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8 First Reading on \_\_\_\_\_, \_\_\_\_\_, 2021.

9 Second Reading and Adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

	YES	NO	ABSENT
14 Ed Gold	_____	_____	_____
15 Anthony Carugno	_____	_____	_____
16 Karl Shuck	_____	_____	_____
17 Mike Sims	_____	_____	_____
18 Harvey Readey	_____	_____	_____
19 Jim Partin	_____	_____	_____
20 Sue Nielsen	_____	_____	_____

21  
22 ATTEST:

23 \_\_\_\_\_

24 Yolanda Quiceno, CMC

\_\_\_\_\_

Nicholas Fouraker, Mayor

1 City Clerk

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4 Approved as to form and legality

5 For use and reliance by the City

6 Kurt Ardaman, City Attorney

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14 STATE OF FLORIDA

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16 COUNTY OF ORANGE

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18 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing  
19 document ORDINANCE 20-01 was duly and legally passed by the Belle Isle City Council, in session  
20 assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which session a quorum of its members  
21 were present.

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25 Yolanda Quiceno, CMC-City Clerk

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