

## **Local Planning Agency**

**Ordinance 10-19** Created Land Development Code (Too large to distribute, view in the Muni Code)

**Ordinance 08-05** to include Alternate Members

**Ordinance 88-49** Amended Sec. 27-12-5-1 changing the name

**Ordinance 27-123** Created a Dunedin Planning Board

CHAPTER  
109  
Administrative Agencies

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**109-1 AUTHORITY**

**109-1.1 Generally**

The city commission shall render final decisions pertaining to the enactment or development of the comprehensive plan, any neighborhood plan, and this LDC, except where authority for a final decision is delegated to another agency by this LDC. The city commission shall render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this LDC.

**109-1.2 Specific Power**

The city commission shall have the following powers and duties:

- A) To initiate, adopt, and amend a comprehensive plan;
- B) To initiate amendments to the text and map of this LDC;
- C) To hear, review, and adopt amendments to the text of this LDC after a recommendation of the local planning agency;
- D) To approve, deny or amend applications for development approval, excluding appeals and variances, which have been delegated to the board of adjustment and appeal;
- E) To approve, deny or amend applications for development agreements; and
- F) To take such other action not expressly delegated exclusively to the planning & development director, the local planning agency, or the board of adjustment and appeal as the city commission may deem desirable and necessary to implement the provisions of this LDC and the comprehensive plan.

*DIVISION 1: LOCAL PLANNING AGENCY*

**109-10 GENERALLY**

The local planning agency is created to advise and assist the city commission and administrative officials in advice and counsel concerning matters relating to the planning and future development of the city and its adjacent urbanized planning area, and is established pursuant to Florida Statute 163.3174.

**109-10.1 Membership (Local Planning Agency)**

The local planning agency shall consist of seven members appointed by the city commission to serve for a term of two years each. The terms will be staggered so that four members shall serve for terms ending on December 31 in each odd numbered year and the remaining three members shall serve terms ending on December 31 in each even-numbered year. Appointments shall be for terms beginning January 1 or for the remainder of any unexpired term created by resignation or other vacancy. A member shall receive no compensation for participation as a member of the agency but shall be allowed to receive reimbursement for actual expenses incurred in the performance of duties. The city commission shall also appoint two alternate members to the board. The alternate members shall be appointed for two-year terms and shall be required to have the same qualifications as regular members. The alternate members shall be authorized to participate fully in the business of the board in the absence of a regular member. In addition, there will be one non-voting school district representative appointed by the school board, pursuant to Florida Statutes 163.3174 (1).

**109-10.2 Officers, Meetings and Records**

The local planning agency shall elect each year from its own membership, a chair who shall preside at all meetings attended by him or her and a vice-chair who shall preside in the absence of the chair. The city clerk shall serve as secretary to the agency and shall keep the minutes and records of all proceedings of the agency. The agency shall fix the time and place for its regular and special meetings. Meetings may be held at the call of the chair or by a majority vote of the membership. Proceedings of the agency shall be made public and recorded as provided in this division.

**109-10.3 Duties of the Local Planning Agency**

The local planning agency shall make recommendations to the city commission and other interested parties concerning the future development of the city. The local planning agency shall also make recommendations and studies upon the following matters:

**109-10.3.1 Planning**

The local planning agency shall make studies or have such studies made to plan for the development of the city and its designated planning area. The agency may call public hearings or consult with such persons as it deems necessary to obtain information for such studies. The city manager shall supply such administrative data as is necessary for these studies.

#### **109-10.3.2 Amendments**

The local planning agency shall make recommendations to the city commission concerning amendments to the city comprehensive plan, amendments to the comprehensive land use plan for the county (on parcels of land lying within the city limits), amendments to the city regulatory land use plan map, amendments to the zoning map/atlas, zonings following annexations, and amendments to the text of this LDC. The city manager, or designee, will gather evidence and facts necessary for proper consideration by the local planning agency and the city commission. The city manager shall assign appropriate city employees and properly authorized consultants to assist in the finding of fact and technical opinion as he or she deems necessary and is properly authorized by the city commission. The local planning agency may request additional or independent opinion as it deems necessary. The city manager, or designee, shall assemble all facts and opinions and present to the agency a unified technical recommendation for this consideration.

#### **109-10.3.3 Design Review Process**

The local planning agency shall review and make recommendations for all design review application submissions as required in § 104-53.

#### **109-10.3.4 Review of Zoning of Annexed Territory**

The local planning agency shall make recommendations to the city commission regarding the zoning of annexed territory within 60 days after the effective date of the annexation or before the expiration of an extended date of the annexation or before the expiration of an extended period as may be allowed by the city commission.

#### **109-10.4 Voting; Quorum**

In taking a vote of the members of the local planning agency, all decisions shall be by a majority vote. A quorum shall consist of at least four members of the agency.

### *DIVISION 2: BOARD OF ADJUSTMENT AND APPEAL*

#### **109-20.1 Membership (Board of Adjustment and Appeal)**

There is established a board of adjustment and appeal. The board shall be composed of five citizens of the city appointed by the city commission. Each member shall be a resident of the city. No member shall be employed by the city or be engaged in regular business with the city. The members of such board shall serve without compensation, but shall be entitled to reimbursement of expenses incurred in the performance of their official duties. Members of the board shall serve for two-year terms. The terms of the members shall be staggered so that three positions shall be available for reappointment in the following year. All appointments shall be for two-year terms or the remainder of an unexpired term created by a resignation or other vacancy. Vacancies shall be filled within 30 days of their effective date. The city commission shall also appoint two alternate members to the board. The alternate members shall be appointed for two-year terms and shall be required to have the same qualifications as regular members. The alternate members shall be authorized to participate fully in the business of the board in the absence of a regular member. The chairman of the board shall select the alternate to replace the absent member.

#### **109-20.2 Officers, Meetings and Records**

The board of adjustment and appeal shall hear and decide on such matters as they are empowered to do so by the provisions of this LDC. The chair of the board shall be elected for a one-year term by the members of the board. Meetings of the board shall be at the call of the chair and at other such times as the majority of the board shall determine. Such chair, or in his or her absence, the acting chair, may administer oaths and require the attendance of witnesses to its hearings. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, each member absent or failing to vote; indicating the substance of such examination, witnesses, and all other official actions. The city clerk shall sit as secretary to the board, shall keep the records and minutes of the board, and shall file them as a public record as required by law.

#### **109-20.3 Duties of the Board of Adjustment and Appeal**

The board of adjustment and appeal shall exercise the power to make decisions which require public notice and public hearing as set forth in this division, regarding:

##### **109-20.3.1 Administrative Review**

To hear and decide appeals where it is alleged there is an error in the decision or interpretation of the zoning administrator in the enforcement of the Land Development Code.

**109-20.3.2 Variances** To authorize, upon appeal, such variances from the terms of the regulations of the LDC as will not be contrary to the public interest, where owing to a special condition the literal enforcement of the provisions thereof would result in unnecessary hardship so that the intent of the regulations or restrictions shall be observed and substantial justice done subject to the standards specified in Chapter 104.

- (3) *Affected neighborhood and/or civic associations.* Information required to prepare this list may be obtained from the Pinellas County Property Appraisers Office.
- (4) *Certificate of mailing.* Unless otherwise required, all mailed notices shall be sent via the U.S. Post Office Certificate of Mailing process (the certificates and a copy of the notice shall then be used to verify notice). The applicant shall be required to mail notices through the U.S. Post Office following the filing of an application requiring notice.
- (5) *Notice sign.* The notice sign(s) shall be prepared and posted by the city manager. Following placement at a conspicuous location(s) on the property, the applicant shall maintain sufficient posting until after the public hearing(s) have occurred.

(c) At the public hearing, the applicant or other person having interest in the matter advertised shall be heard by the board of adjustment and appeal. The chair will direct all proceedings of the public hearing and shall establish procedures under which all matters are to be heard or presented. The board shall have the power to compel the attendance of witnesses to such public hearings.  
(UDC 1990, § 27-3-11-7; Ord. No. 06-22, § 6, 1-18-2006)

**Sec. 134-98. Decisions.**

The board of adjustment and appeal, in deciding on matters presented to it, shall set forth such decision in writing together with all required conditions and safeguards and the reasons for such decision. The chair of the board shall sign such decision. If an administrative order is set forth by the board, such order shall be enforced by the powers as provided in this division. A concurring vote of the majority of the total membership of the board shall be required to decide on any matter presented to it, except that it shall require a four-fifths concurring vote of the total membership to override the decision of the building official. After official action has been taken regarding the property owner's application for variance under this division, the board of adjustment and

appeal shall not hear a similar application unless substantial change in conditions has occurred or until six months have elapsed following board of adjustment and appeal action on the application.  
(UDC 1990, § 27-3-11-8)

**Secs. 134-99—134-120. Reserved.**

**DIVISION 4. LOCAL PLANNING AGENCY**

**Sec. 134-121. Creation.**

The local planning agency, which shall also serve and act as the land development regulation commission of the city, is created to assist the city commission, various appointive boards and administrative officials in advice and counsel concerning matters relating to the planning and future development of the city and its adjacent urbanized planning area.  
(UDC 1990, § 27-3-12-1)

**Sec. 134-122. Membership (local planning agency).**

The local planning agency shall consist of seven members appointed by the city commission to serve for a term of two years each. The terms will be staggered so that four members shall serve for terms ending on December 31 in each odd numbered year and the remaining three members shall serve terms ending on December 31 in each even-numbered year. Appointments shall be for terms beginning January 1 or for the remainder of any unexpired term created by resignation or other vacancy. A member shall receive no compensation for his participation as a member of the agency but shall be allowed to receive reimbursement for actual expenses incurred in the performance of his duties. The city commission shall also appoint two alternate members to the board. The alternate members shall be appointed for two-year terms and shall be required to have the same qualifications as regular members. The alternate members shall be authorized to participate fully in the business of the board in the absence of a regular member.  
(UDC 1990, § 27-3-12-2; Ord. No. 08-05, § 1, 5-1-2008)

*Per Ord. 08-05*

**Sec. 134-123. Officers, meeting and records.**

The local planning agency shall elect each year from its own membership, a chair who shall preside at all meetings attended by him and a vice-chair who shall preside in the absence of the chair. The city clerk shall serve as secretary to the agency and shall keep the minutes and records of all proceedings of the agency. The agency shall fix the time and place for its regular and special

until six months have elapsed following board of adjustment and appeal action on the application. (UDC 1990, § 27-3-11-8)

**Secs. 134-99—134-120. Reserved.**

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**Sec. 134-122. Membership.**

The local planning agency shall consist of seven members appointed by the city commission to serve for a term of two years each. The terms will be staggered so that four members shall serve for terms ending on December 31 in each odd-numbered year and the remaining three members shall serve terms ending on December 31 in each even-numbered year. Appointments shall be for terms beginning January 1 or for the remainder of any unexpired term created by resignation or other vacancy. A member shall receive no compensation for his participation as a member of the agency but shall be allowed to receive reimbursement for actual expenses incurred in the performance of his duties.

(UDC 1990, § 27-3-12-2)

**Sec. 134-123. Officers, meeting and records.**

The local planning agency shall elect each year from its own membership, a chair who shall preside at all meetings attended by him and a vice-chair who shall preside in the absence of the chair. The city clerk shall serve as secretary to the agency and shall keep the minutes and records of all proceedings of the agency. The agency shall fix the time and place for its regular and special meetings. Meetings may be held at the call of the

chair or by a majority vote of the membership. Proceedings of the agency shall be made public and recorded as provided in this division.

(UDC 1990, § 27-3-12-3)

**Sec. 134-124. Voting; quorum.**

In taking a vote of the members of the local planning agency, all decisions shall be by a majority vote. A quorum shall consist of at least four members of the agency.

(UDC 1990, § 27-3-12-4)

**Sec. 134-125. Duties.**

The local planning agency shall make recommendations to the city commission and other interested parties concerning the future development of the city. The local planning agency shall also make recommendations and studies upon the following matters:

- (1) *Planning.* The local planning agency shall make studies or have such studies made to plan for the development of the city and its designated planning area. The agency may call public hearings or consult with such persons as it deems necessary to obtain information for such studies. The city manager shall supply such administrative data as is necessary for these studies.
- (2) *Review of plats.* In accordance with the subdivision regulations of the Uniform Development Code, the local planning agency shall examine all preliminary plats before they are presented to the city commission for approval. The preliminary plats shall be presented to the agency so that they might designate changes, alterations, or revisions to the design and proposed facilities before the final engineering is done. In the event of deviations from the preliminary plat, the local planning agency shall review the revised plat and make recommendations of approval of the final plat, disapproval or approval with specific recommendations, revisions or deletions of the final plat, before it is presented to the city commission for their review and action.

- (3) *Amendments.* The local planning agency shall make recommendations to the city commission concerning amendments to the city comprehensive plan, amendments to the comprehensive land use plan for the county (on parcels of land lying within the city limits), amendments to the city regulatory land use plan map, amendments to the zoning map/atlas, zonings following annexations, and amendments to the text of this chapter. The city manager, or his designee, will gather evidence and facts necessary for proper consideration by the local planning agency and the city commission. The city manager shall assign appropriate city employees and properly authorized consultants to assist him in the finding of fact and technical opinion as he deems necessary and is properly authorized by the city commission. The local planning agency may request additional or independent opinion as it deems necessary. The city manager, or his designee, shall assemble all facts and opinions and present to the agency a unified technical recommendation for this consideration.
- (4) *Review of site plan.* The local planning agency shall review and make recommendations for site plans submitted under the special requirements in planned districts as required in article VIII of this chapter and as delineated in sections 134-231 and 134-232.
- (5) *Review of utility installations.* When new facilities are to be built, or when additions or changes are to be made in existing light poles, substations, distribution centers or any existing public or private utility installation, the local planning agency shall confer with the proper officials of the utility company and of the city and shall make recommendations on such matters as setbacks, off-street parking, storage of materials and equipment, type of light poles, adequate fencing and screening, sodding and underground wiring.
- (6) *Review of zoning of annexed territory.* The local planning agency shall make recom-

mendations to the city commission regarding the zoning of annexed territory within 60 days after the effective date of the annexation or before the expiration of an extended date of the annexation or before the expiration of an extended period as may be allowed by the city commission.  
(UDC 1990, § 27-3-12-5)

**Secs. 134-126—134-150. Reserved.**

### ARTICLE III. AMENDMENTS

#### **Sec. 134-151. Types of amendments.**

(a) The city comprehensive plan, the comprehensive land use plan for the county and this chapter may from time to time be amended as provided for by law. The types of amendments are:

- (1) Amendments to the city comprehensive plan, other than to the regulatory land use plan map.
- (2) Amendments to the city regulatory land use plan map, and amendments to the comprehensive land use plan (CLUP) for the county.
- (3) Amendments to the zoning map/atlas (also known as rezonings), and zoning following annexations.
- (4) Amendments to the text of this chapter.

(b) The city commission may by its own motion, or on the recommendation of the local planning agency, or by request of an administrative official, or by petition of the property owner, consider and enact such amendments as are provided for in this section.

(UDC 1990, § 27-3-13-1)

#### **Sec. 134-152. Referral/review by local planning agency.**

(a) Before final action may be taken on any proposed amendment from whatever source, the matter shall be referred to the local planning agency for study, review and recommendation.

## ARTICLE XII. PLANNING AND ZONING BOARD

### Sec. 27-12-1. Creation.

The planning and zoning board of the City of Dunedin, Florida, is hereby created to assist the city commission, various appointive boards, and administrative officials in advice  
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§ 27-12-1

DUNEDIN CODE

§ 27-12-3

and counsel concerning matters relating to the planning of future development of the City of Dunedin and its adjacent urbanized planning area.

The planning and zoning board may accept donations of funds from private or public sources solely for the purpose of assisting the board in planning the future development of Dunedin and its planning area.

### Sec. 27-12-2. Membership.

The board shall consist of seven (7) members appointed by the city commission to serve for a term of two (2) years each. The terms will be staggered so that four (4) members shall serve for terms ending on December 31 in each odd-numbered year and the remaining three (3) members shall serve terms ending on December 31 in each even-numbered year.

Appointments shall be for terms beginning on January 1 or for the remainder of any unexpired term created by resignation or other vacancy.

A member shall receive no compensation for his participation as a member of the board but shall be allowed to receive reimbursement for actual expenses incurred in the performance of his duties. (Ord. No. 77-25, § 1, 6-6-77)

### Sec. 27-12-3. Officers, meetings, and records.

The planning and zoning board each year shall elect from its own membership, a chairman who shall preside at all meetings attended by him, and a vice-chairman who shall preside in the absence of the chairman. The city clerk shall serve as secretary to the board and shall keep the minutes and records of all proceedings of the board. The board shall fix the time and place for its regular and special meetings. Meetings may be held at the call of the chairman or by a majority vote of the membership. Proceedings of the board shall be made public and recorded as provided in this chapter.

Supp. No. 9

**ORDINANCE 08-05**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA AMENDING SECTION 134-122 OF THE DUNEDIN CODE OF ORDINANCES UPDATING MEMBERSHIP PROVISIONS FOR THE LOCAL PLANNING AGENCY TO INCLUDE THE APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD WHERE NO OPPORTUNITY CURRENTLY EXISTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

WHEREAS, the City Commission of the City of Dunedin desires that the Dunedin Code of Ordinances be amended to allow for the opportunity of alternate member appointments to the Local Planning Agency (LPA) in addition to regular membership, similar to other Boards and Committees citywide to potentially prevent the future inability of the Local Planning Agency from meeting due to lack of quorum; and

WHEREAS, the City Commission of the City of Dunedin finds that this ordinance improves upon and promotes the health, safety and welfare of the development community and the general public; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 134-122 of the Code of Ordinances of the City of Dunedin is hereby amended, to read as follows:

“Section 134-122. Membership. (Local Planning Agency).”

The Local Planning Agency shall consist of seven members appointed by the City Commission to serve for a term of two years each. The terms will be staggered so that four members shall serve for terms ending on December 31 in each odd numbered year and the remaining three members shall serve terms ending on December 31 in each even-numbered year. Appointments shall be for terms beginning January 1 or for the remainder of any unexpired term created by resignation or other vacancy. A member shall receive no compensation for his participation as a member of the agency but shall be allowed to receive reimbursement for actual expenses incurred in the performance of his duties. The City Commission shall also appoint two alternate members to the Board. The alternate members shall be appointed for two-year terms and shall be required to have the same qualifications as regular members. The alternate members shall be authorized to participate fully in the business of the Board in the absence of a regular member.

Section 2. This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DUNEDIN, FLORIDA, THIS 1st day of MAY, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

PASSED ON FIRST READING: April 10, 2008

PASSED ON SECOND READING: May 1, 2008

ORDINANCE NO. 128

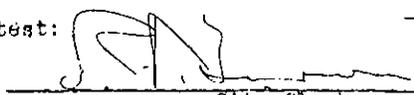
AN ORDINANCE ENTITLED: AN ORDINANCE TO CREATE A CITY PLANNING BOARD FOR THE CITY OF DUNEDIN, FLORIDA, AND PRESCRIBING THE COMPENSATION, POWERS AND DUTIES OF SUCH BOARD.

BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF DUNEDIN:

SECTION I. That there be hereby created a City Planning Board for the City of Dunedin, Florida, to be composed of not more than nine nor less than five members appointed by the Mayor-Commissioner of the City of Dunedin, by and with the approval and consent of the Commissioners.

SECTION II. Be it further ordained, that the Special Act of the General Assembly of the State of Florida, at the regular session for the year 1925, being an act providing a supplemental, additional and alternative method for the establishment, government and maintenance of City Planning Boards within municipalities of the County of Pinellas, State of Florida, and prescribing their powers and duties, and being Chapter 11046 (No. 1024) of the Laws of Florida, as bound in Volume II of the Special Acts 1925, of said legislature, be, and the same is, hereby adopted and incorporated in this Ordinance as a part thereof as fully as if copied verbatim herein, which act for the purposes of this Ordinance shall constitute the full power and authority of the City Planning Board for the City of Dunedin, Florida, as hereby created.

Passed and Adopted this 15 day of Feb, A.D. 1927.

Attest:   
\_\_\_\_\_  
City Clerk.

  
\_\_\_\_\_  
Mayor Commissioner.