

163.3174 Local planning agency.--

- (1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. The governing body may designate itself as the local planning agency pursuant to this subsection. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by district school boards and applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:
 - (a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.
 - (b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.
- (2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.
- (3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.
- (4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:
 - (a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or

plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

- (b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by s. 163.3191.
 - (c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.
 - (d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.
- (5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

History.—s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341.

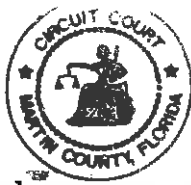
163.3171 Areas of authority under this act.—

- (1) A municipality shall exercise authority under this act for the total area under its jurisdiction. Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, on procedures for joint action in the preparation and adoption of the comprehensive plan, on procedures for the administration of land development regulations or the land development code applicable thereto, and on the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.
- (2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). In the case of chartered counties, the county may exercise such authority over municipalities or districts within its boundaries as is provided for in its charter.
- (3) Combinations of municipalities within a county, or counties, or an incorporated municipality or municipalities and a county or counties, or an incorporated municipality or municipalities and portions of a county or counties may jointly exercise the powers granted under the provisions of this act upon formal adoption of an official agreement by the governing bodies involved pursuant to law. No such official agreement shall be adopted by the governing bodies involved until a public hearing on the subject with public notice has been held by each governing body involved.

The general administration of any joint agreement shall be governed by the provisions of s. 163.01 except that when there is conflict with this act the provisions of this act shall govern.
- (4) The state land planning agency and a local government shall have the power to enter into agreements with each other and to agree together to enter into agreements with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h) and (11)(a), (b), and (c), and 163.3245.

History.—s. 5, ch. 75-257; s. 4, ch. 85-55; s. 8, ch. 95-310; s. 1, ch. 96-416; s. 3, ch. 98-176.

2001



A. To review and approve, approve with modifications or deny certain development applications pursuant to Article 10, Development Review Procedures.

B. To hear appeals of decisions of administrative officials pursuant to Article 10, Development Review Procedures.

ORDINANCE 612 – ADOPTED 5/14/02

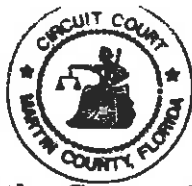
Section 9.3. Local Planning Agency

A. Powers and Duties. The Planning and Zoning Commission and Local Planning Agency established pursuant to Chapter 23, Code of Laws and Ordinances of Martin County, Florida, and in existence prior to the effective date of Article 9, LDR, shall become the Local Planning Agency (LPA) pursuant to the provisions of this Article. Nothing contained herein shall affect the validity of any previous action of either the Planning and Zoning Commission or Local Planning Agency under Chapter 23. The powers and duties of the LPA under the LDR include, but are not limited to, the following:

1. To review and recommend to the Board of County Commissioners for approval, approval with modifications or denial certain development applications pursuant to Article 10, Development Review Procedures.
2. Upon authorization by the Board of County Commissioners, to make its special knowledge and expertise available to any official, department, board or agency.
3. To review and recommend for approval, approval with modifications or denial revisions to the LDR pursuant to Article 10, Development Review Procedures.
4. To adopt rules of procedure not inconsistent with the provisions of the LDR.

B. Membership: Appointment, Qualifications, Terms, and Removal

1. The LPA shall be composed of five (5) members appointed by the Board of County Commissioners. Members shall serve without compensation, but may receive actual and necessary expenses incurred in the performance of their official duties.
2. One member of the LPA shall be appointed from each county commission district. Prior to the appointment, the member shall have been a registered voter in the district for at least one (1) year.
3. The term of office of the LPA member shall coincide with the term



of office of the County Commissioner representing the district from which the member was appointed. The member's term of office shall terminate earlier if the member ceases to be a registered voter in the district from which the member was appointed. In addition, a member may be removed from office at the pleasure of the Board of County Commissioners.

C. Officers

1. At the regular meeting in January each year, the LPA shall elect a Chairman and Vice Chairman from among its members to serve a term of one (1) year. The officers shall be eligible for re-election.
2. The Chairman shall preside at all meetings and hearings of the LPA.
3. In the absence of the Chairman, the Vice Chairman shall preside at any meetings and hearings of the LPA.
4. In the absence of the Chairman and Vice Chairman, the LPA shall select one of its members to preside over any scheduled meeting or hearing.
5. The County shall provide a Secretary to record the meetings and prepare the minutes of the LPA.

D. Role of the County Attorney and the Growth Management Department

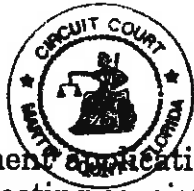
1. The County Attorney or designee shall serve as legal advisor to the LPA.
2. The Growth Management Department shall serve as the staff to the LPA.

E. Quorum and Necessary Vote

No business shall be transacted by the LPA without a quorum consisting of three (3) members. All actions of the LPA require the affirmative vote of a majority of the members present.

F. Meetings and Hearings

1. The LPA shall meet at least once a month and at such other times as it may deem necessary.
2. Special meetings of the LPA may be called by the Chairman.



Development applications may be considered by the LPA during a special meeting consistent with the notice requirements of Section 10.6 of Article 10, Development Review Procedures.

3. The LPA may continue a meeting if all business cannot be completed on that day. The date, time and location of the meeting's resumption shall be stated by the Chairman at the time of the continuance.
4. The LPA may continue a public hearing on a development application consistent with the requirements of Section 10.7 of Article 10, Development Review Procedures.
5. In the event that less than a quorum is present at the beginning of a scheduled meeting or hearing, the proceeding shall be rescheduled, consistent with the notice requirements of Section 10.6 of Article 10, Development Review Procedures.

G. Ex Parte Communications

Members of the LPA shall comply with the provisions of Section 1-11 of the Code of Laws and Ordinances regarding ex parte communications when a development application is considered during a quasi-judicial proceeding.

H. Voting Conflicts

Members of the LPA shall comply with the provisions of Section 112.3143, Florida Statutes, regarding voting conflicts.

I. Financial Disclosure

Members of the LPA shall comply with the provisions of Section 112.3145, Florida Statutes, regarding financial disclosure.

Section 9.4 Development Review Committee

A. Powers and Duties. The Development Review Committee (DRC) established pursuant to Chapter 23, Code of Laws and Ordinances of Martin County, Florida, and in existence prior to the effective date of Article 9, LDR, shall become the Development Review Committee pursuant to the provisions of this Article. Nothing contained herein shall affect the validity of any previous action of the Development Review Committee under Chapter 23. The powers and duties of the Development Review Committee (DRC) under the LDR include, but are not limited to, the following:

MINUTES OF COUNTY COMMISSIONERS REGULAR MEETING, OCTOBER 24, 1972

PASSED AND DULY ENACTED THIS 7th DAY OF NOVEMBER, 1972.BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA

ATTEST:

/s/ Dorothy Pierce
ClerkBY: /s/ Frank A. Wacha
Chairman

APPROVED AS TO FORM AND LEGALITY

/s/ Stephen B. Calvert
County Attorney

(SEAL)

ORDINANCE NO. 15

AN ORDINANCE AMENDING SECTION 2, ENTITLED "PLANNING AND ZONING COMMISSION," OF CHAPTER 61-2466, LAWS OF FLORIDA: REPLACING REQUIREMENT THAT MEMBERS BE FREEHOLDERS AND RESIDENTS OF COUNTY COMMISSIONER DISTRICT AT TIME OF APPOINTMENT WITH REQUIREMENT THAT MEMBERS BE REGISTERED VOTERS IN COUNTY-COMMISSIONER DISTRICT AT THE TIME OF APPOINTMENT, AND THAT MEMBERS SHALL HAVE BEEN FREEHOLDERS IN THE COUNTY FOR AT LEAST ONE YEAR; PROVIDING FOR AUTOMATIC TERMINATION OF OFFICE IF MEMBER CEASES TO BE REGISTERED VOTER IN SUCH DISTRICT; PROVIDING THAT COMMISSION SHALL REVIEW ALL PLATS, EXCEPT MINOR PLATS; THAT PLATS NOT ACTED ON BY THE COMMISSION WITHIN TWO (2) MONTHS SHALL BE DEEMED APPROVED; GIVING COMMISSION POWER TO REVIEW MINOR PLAT DENIALS BY PLANNING AND ZONING DEPARTMENT; AND PROVIDING CONTINUATION OF EXISTING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA:

PART ONE: Section 2, entitled "Planning and Zoning Commission," of Chapter 61-2466, Laws of Florida, is amended to read as follows:

Section 2. Planning and Zoning Commission --There shall be a Commission, to be known as the Planning and Zoning Commission of Martin County, consisting of five (5) members appointed by the Board of County Commissioners. Each member shall be deemed to represent a separate and distinct county-commissioners district and shall be a registered voter in such district. Each member shall have been a freeholder in the county for at least one year. His term of office shall terminate at the same time as the county commissioner representing the district in which he serves, or earlier at the pleasure of the Board of County Commissioners, or automatically if the member ceases to be a registered voter in such district. No person holding elective office shall serve as a member of the Planning and Zoning Commission. The members shall serve without compensation, but may be reimbursed, in accordance with procedures established by the Board of County Commissioners, for their actual and necessary expenses incurred in performance of their duties. By appropriate resolution, subject to amendment, change or repeal, the Board of County Commissioners shall provide further details, which may include an organization plan, procedural rules, use of advisory groups, and other requirements related to the activities of the Planning and Zoning Commission; provided, however, that the terms of any resolution shall not conflict with the provisions of this act. The duties of the Planning and Zoning Commission shall be the following:

- (1) To make studies of the resources, possibilities and needs of Martin County and to report its findings and recommendations with reference thereto, from time to time, to the Board of County Commissioners.
- (2) To prepare, and to keep currently valid, a comprehensive master plan for the future development, redevelopment, and growth of Martin County. Said master plan shall be based on the aforementioned studies and shall show, or include, among other things, the proposed or anticipated patterns of development based on

MINUTES OF COUNTY COMMISSIONERS REGULAR MEETING, OCTOBER 24, 1972

generalized representations of land use and the intensity thereof; proposals for a comprehensive transportation system, including arterial highways, rail and other types of transit systems, and terminal facilities; proposed distribution of public facilities or service; recommended application of regulatory measures in relation to private development or use of land or water areas; and areas in need of measures or programs of redevelopment, rehabilitation, or conservation.

- (3) To review all plats or replats of land, including amendments thereto, except minor plats or replats or amendments thereto as defined elsewhere by ordinance, and to report to the Board of County Commissioners its findings and recommendations with reference to each such matter within two (2) months from the date of the matter's referral to the Planning and Zoning Commission; otherwise approval of the Planning and Zoning Commission shall be deemed to have been given to such matter.
- (4) To review the action of the Planning and Zoning Department in not approving a minor subdivision plat as defined elsewhere.
- (5) On its own initiative, or whenever requested to do so by the Board of County Commissioners, to give advice to the Board of County Commissioners and to other public officials or employees with reference to any matter affecting the aforesaid comprehensive master plan of Martin County.
- (6) In furtherance of the unified planning and development of Martin County, to maintain contact with, and to collaborate with, those agencies, officials or employees of several municipalities of the county designated to have responsibility for comprehensive planning within the municipalities.
- (7) To recommend to the Board of County Commissioners a division of the county into zoning districts, together with the boundaries of such zoning districts and appropriate regulations to be enforced therein; likewise to recommend with reference to all proposed amendments, modifications or alterations, to such boundaries and regulations. Every recommendation shall be preceded by one or more public hearings before the Planning and Zoning Commission, and the Board of County Commissioners shall not hold its public hearings or take action until it has received the final report of the Planning and Zoning Commission with reference to the matter.

PART TWO: The present Planning and Zoning Commission of Martin County, Florida, shall remain in being in accordance with this ordinance, and nothing herein shall affect the validity of any of its past actions or deliberations or the validity of any action now being contemplated or deliberated upon by such commission.

PART THREE: This ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State that this ordinance has been filed in that office.

PASSED AND DULY ENACTED THIS 7th DAY OF NOVEMBER, 1972.

BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA

BY: /s/ Frank A. Wacha
FRANK A. WACHA, CHAIRMAN

ATTEST:

/s/ Dorothy Pierce
DOROTHY PIERCE, CLERK

(Board of County Commissioners Seal)

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephen B. Calvert
STEPHEN B. CALVERT, COUNTY ATTORNEY

DIVISION 2. PLANNING AND ZONING COMMISSION**Sec. 23-22. Creation; membership; qualifications; terms of office; compensation; additional organizational requirements authorized.**

There shall be a commission, to be known as the Planning and Zoning Commission of Martin County, consisting of five (5) members appointed by the board of county commissioners. Each member shall be deemed to represent a separate and distinct county commissioner district and shall be a registered voter in such district. Each member shall have been a freeholder in the county for at least one year. The term of office of each member shall terminate at the same time as the county commissioner representing the district in which he serves, or earlier, at the pleasure of the board of county commissioners or automatically, if the member ceases to be a registered voter in such district. No person holding elective office shall serve as a member of the planning and zoning commission. The members shall serve without compensation, but may be reimbursed, in accordance with procedures established by the board of county commissioners, for their actual and necessary expenses incurred in the performance of their duties. By appropriate resolution, subject to amendment, change or repeal, the board of county commissioners shall provide further details, which may include an organization plan, procedural rules, use of advisory groups, and other requirements related to the activities of the planning and zoning commission; provided, however, that the terms of any resolution shall not conflict with the provisions of this chapter. (Sp. Acts, Ch. 61-2466, § 2; Ord. No. 15, Part 1, 11-7-72)

Sec. 23-23. General duties.

The duties of the planning and zoning commission shall be the following:

- (1) *Studies and recommendations.* To make studies of the resources, possibilities and needs of the county and to report its findings and recommendations, with refer-

ence thereto, from time to time, to the board of county commissioners.

- (2) *Review of plats and replats.* To review all plats or replats of land, including amendments thereto, and to report to the board of county commissioners its findings and recommendations, with reference to each such matter within two (2) months from the date of the matter's referral to the planning and zoning commission; otherwise approval of the planning and zoning commission shall be deemed to have been given to such matter.
- (3) *Comprehensive planning.* To act as the local planning agency pursuant to section 23-6 of this chapter and to perform such other duties and to exercise such other powers granted to the planning and zoning commission by Chapter 61-2466, Laws of Florida, 1961, except to the extent those duties and powers conflict with the duties and powers of this commission acting as the local planning agency. On its own initiative, or whenever requested to do so by the board of county commissioners or by the director of planning and zoning, to give advice to the board of county commissioners and to other public officials or employees with reference to any matter affecting the county comprehensive plan.
- (4) *Recommendations relative to zoning districts; hearings.* To recommend to the board of county commissioners a division of the county into zoning districts, together with the boundaries of such zoning districts and appropriate regulations to be enforced therein; likewise to recommend, with reference to all proposed amendments, modifications or alterations to such boundaries and regulations. Every recommendation shall be preceded by one or more public hearings before the planning and zoning commission, and the board of county commissioners shall not hold its public hearings or take action until it has received the final report of the planning and zoning commission with reference to the matter. (Sp. Acts, Ch. 61-2466, §

2; Ord. No. 15, Part 1, 11-7-72; Ord. No. 88, Part 3, 3-23-76; Ord. No. 171, Part 1, 10-7-80)

Sec. 23-24. Continuation of prior commission; validation of prior action.

The present planning and zoning commission of Martin County shall remain in being in accordance with this chapter, and nothing herein shall affect the validity of any of its past actions or deliberations or the validity of any action now being contemplated or deliberated upon by such commission. (Sp. Acts, Ch. 61-2466, § 2; Ord. No. 15, Part 2, 11-7-72)

**DIVISION 2½. WATER RESOURCES
AND MANAGEMENT ADVISORY COMMITTEE**

Sec. 23-25. Established; composition; appointment of members.

There shall be a committee known as the water resources and management advisory committee of Martin County, Florida, which shall consist of seven (7) to nine (9) members appointed by the board of county commissioners from districts as follows:

- (1) Districts 1, 2, 3, 4, and 5 shall coincide with the county commissioner district with the same number.
- (2) Districts 6, 7, 8, and 9 shall each be county-wide. (Ord. No. 104, Part 1, 3-14-78)

Sec. 23-25.1. Terms of members.

The term of a member representing a district numbered 1, 2, 3, 4, or 5 shall terminate at the same time as the county commissioner representing the same district, or earlier at the pleasure of the board of county commissioners, or automatically if the member ceases to be a registered voter in Martin County. The term of a member representing a district numbered 6, 7, 8, or 9 shall terminate on November 30th each year, or earlier at the pleasure of the board of

fore adopted, shall remain in force and effect until amended or abolished by the board of county commissioners under the provisions of this chapter. (Sp. Acts, Ch. 61-2466, § 11)

Sec. 23-5. Declaration of intent to exercise authority set out in Local Government Comprehensive Planning Act of 1975.

In compliance with Section 5(2) of Chapter 75-257, Laws of Florida, commonly known as the "Local Government Comprehensive Planning Act of 1975," the board of county commissioners of Martin County hereby declares its intent to exercise in the unincorporated areas of Martin County the authority set out in such Chapter 75-257. (Ord. No. 88, Part 1, 3-23-76)

Sec. 23-5.1. Reserved.

Editor's note—The Martin County Comprehensive Plan dated April 1, 1962 and adopted by reference in former § 23-5.1 was repealed by Part 1 of Ord. No. 373, adopted Feb. 20, 1990. At the request of the county, former § 23-5.1, which derived from Ord. No. 189, has been deleted and adoption of the current comprehensive plan is included herein as § 34-1.

Sec. 23-6. Local planning agency.

(a) *Designation of local planning agency.* Pursuant to Section 163.3174 of the "Local Government Comprehensive Planning Act of 1975," as amended, the board of county commissioners of Martin County hereby designates the planning and zoning commission of Martin County as the local planning agency for the unincorporated areas of Martin County.

(b) *Method of choosing members of local planning agency.* The method of choosing members of the local planning agency shall be that established in Division 2 of Article II of this chapter.

(c) *Rules of procedure.* The local planning agency shall, by resolution, adopt rules of procedure and may from time to time amend or repeal those rules of procedure by resolution.

(d) *Officers.* The local planning agency shall elect a chairman and a vice-chairman. The clerk shall be the clerk of the circuit court as ex officio clerk of the board of county commissioners.

(e) *Financial support of local planning agency.* The board of county commissioners shall budget and expend appropriate amounts for financial support of the functions of the local planning agency. Requests for funds to support the staffing and the work of the local planning agency shall be made to the board of county commissioners. The board of county commissioners shall review and approve, amend or deny such request as it may deem appropriate.

(f) *Public meetings and public records.* All meetings of the local planning agency shall be public meetings and all of its records shall be public records.

(g) *Duties, responsibilities and powers.* The local planning agency shall have the following powers:

- (1) General responsibility for the conduct of the comprehensive planning program for the unincorporated areas of the county and for the preparation of the comprehensive plan or elements or portions thereof for such areas.
- (2) Any and all other duties, responsibilities and powers necessary and proper for it to exercise the authority set out in that portion of Chapter 163, Florida Statutes, that includes the "Local Government Comprehensive Planning Act of 1975," as amended. (Ord. No. 88, Part 2, 3-23-76; Ord. No. 171, Part 1, 10-7-80)

Sec. 23-7. Development moratorium established.

(a) A moratorium on all development approvals by Martin County for developments that would impose a density of ten (10) units per gross acre or greater be and hereby is established. The following provisions shall apply to the enforcement of this moratorium:

- (1) The number of gross acres in the development shall include all contiguous property owned and controlled by the person or entity applying for a development approval.
 - (2) The moratorium shall not be effective with respect to developments on individual lots of record in separate
- Supp. No. 19