

RESOLUTION 2015 - 208

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; CREATING AND ADOPTING BYLAWS, OPERATING PROCEDURES, AND MEMBERSHIP CRITERIA FOR THE NORTH COASTAL DESIGN REVIEW BOARD.

WHEREAS, Ordinance No. 99-51, St. Johns County Land Development Code Part 3.09.00, North Coastal Overlay, and 3.10.00 Vilano Beach Town Center Overlay establishes the North Coastal Design Review Board and specifies that the Board of County Commissioners shall adopt Bylaws, Operating Requirements, and Membership Criteria for the Design Review Board;

WHEREAS, the Board of County Commissioners finds that adoption of bylaws leads to the efficient and organized enforcement and application of the Land Development Code; and

WHEREAS, the Board of County Commissioners at this time wishes to adopt such bylaws consistent with the Land Development Code and Florida Statutes

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County that:


1. The above WHEREAS statements are adopted as findings of fact.
2. The Bylaws of North Coastal Design Review Board, attached and incorporated herein as Exhibit A and B, are hereby adopted by the Board of County Commissioners.
3. Such Bylaws shall take effect upon the effective date of Ordinance 2015-48 and passage and adoption of this Resolution.
4. To the extent that there are typographical, scrivener or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED this 21 day of July 2015

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 
Priscilla L. Bennet, Chair

ATTEST: Cheryl Strickland


Deputy Clerk

RENDITION DATE 7/23/15



EXHIBIT A

BYLAWS OF THE NORTH COASTAL DESIGN REVIEW BOARD

Bylaws of The North Coastal Design Review Board

Revised:

ARTICLE I

PURPOSE

The purpose of the North Coastal Design Review Board is to maintain, protect and enhance the diverse and unique character of the North Coastal Corridor and its established beach community, respect the well-documented history of the area and achieve specific goals and objective of the St. Johns County Comprehensive Plan. The Design Review Board's (DRB) primary responsibility is to determine compliance with Part 3.09.00 North Coastal Overlay District and Part 3.10.00 Vilano Beach Town Center Overlay of the St. Johns County Land Development Code, Ordinance 99-51, as amended.

ARTICLE II
MEMBERSHIP

Establishment. The North Coastal Design Review Board (DRB) shall consist of five (5) regular members and two (2) alternate members. Members shall be appointed by the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause.

Membership Requirements.

- a. All members must be St. Johns County residents.
- b. All members shall have demonstrated an interest in the history and design of the North Coastal and Vilano Community.
- c. At least two (2) regular members shall own or operate an active business with a physical presence within the District. These members do not need to meet the Membership Area overlay residency requirement.
- d. At least one (1) regular member shall demonstrate experience and expertise in architecture, design, planning, landscape architecture, history, or other relevant expertise of the North Coastal and Vilano Community. This member does not need to meet the Membership Area overlay residency requirement.
- e. All other members shall meet the Membership Area overlay residency requirements as below.

Membership Area Overlay Residency Requirements.

Applicable members shall reside:

- a. within the North Coastal Overlay District; or
- b. within the Vilano Town Center Mixed Used Overlay District.

Preference for appointment shall be given to applicants meeting the above Residency Requirements. Only in the event that no applicant for a position meets the above Residency Requirements, an applicant may be appointed as an alternate or regular member if they reside:

- c. within the area bounded to the north by the City of St. Augustine City Limits, to the west by the San Sebastian River, to the South by Kings Street, and to the east by the Vilano (Usina) Bridge.

Initial Term.

In order to ensure continuity on the initial Board, the terms of the initial appointee Members shall be staggered as follows:

- a. One (1) regular member shall be appointed to a one (1) year term.
- b. One (1) regular member and one (1) alternate shall be appointed to two (2) year terms.
- c. One (1) regular member and one (1) alternate shall be appointed to three (3) year terms.
- d. Two (2) regular members shall be appointed to four (4) year terms.
- e. Initial appointee members serving an initial term of less than four (4) years may serve for another two (2) consecutive four (4) year terms.
- f. Initial appointee members serving for four (4) years may only serve for one (1) additional term.

The Board of County Commissioners may appoint specific members to specific terms or the initial appointee Members may draw lots at the first meeting of the DRB to determine which members shall serve which terms.

Regular Term and Appointments

Except for the initial term, Members shall be appointed by the Board of County Commissioners to a four (4) year term, with an additional term of four (4) years as may be approved by the Board of County Commissioners. No Member shall serve more than two (2) consecutive terms unless otherwise approved by the Board of County Commissioners.

In the event that a member is appointed to complete an unexpired term two (2) years or less in length, that member is eligible to serve an additional two (2) four (4) year term. A Member whose term has expired may be allowed to continue to serve until said Member's successor has been appointed and has commenced service on the DRB.

Regular Members

Regular members shall be those appointed to such position by the Board of County Commissioners and shall meet the attendance requirements as below. Regular members shall have full voting rights and privileges.

Alternate Members

Alternate members shall be those appointed as such and are appointed to assist with meeting quorum requirements to conduct business. Alternate members shall meet the same attendance requirements as regular members. In the absence of any regular member an alternate member shall have full voting rights and privileges. Alternates with appropriate qualifications may be recommended to move into vacancies created among regular members, subject to appointment by the Board of County Commissioners.

Subject to ethics, Government in the Sunshine, and Public Records Laws

The DRB is an appointed board subject to the State of Florida ethics laws, chapter 112, the Government in the Sunshine Laws, chapter 286, and the Public Records Laws, chapter 117. Members shall be provided with a copy or summary of Chapters 112, 119, and 286, Florida Statutes, upon request. Training may be provided by the County Attorney's Office.

Subject to Limited Disclosure of Financial Interest

Members of this Board meet the definition of Local Officer pursuant to Section 112.112.3145(1)(a)(2)(d), Florida Statutes (2015). Within thirty (30) days of appointment and from then on no later than July 1 of each year each Member shall file a statement of financial interests.

ARTICLE III
ORGANIZATION

Officers. The Design Review Board shall elect a Chair and a Vice-Chair, each of whom shall serve for one (1) year and until a successor is chosen, unless otherwise provided for, with respect to a particular Board/Committee. Staff support will notify County administration annually of the names of members who serve as officers. The Chair and Vice-Chair serve at the pleasure of the majority of the Board and may be removed and replaced at the pleasure of a majority of the full membership of the Board.

Method of Election. The Chair and Vice Chair shall be elected one at a time beginning with the Chair. The vote will be viva voce for each office and the nomination serves as a motion. The nomination must be seconded. The different names shall be repeated by the outgoing or acting Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes.

Duties and Authority of the Chair. The Chair shall be the presiding officer of the Board and shall take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Board to order, call the roll on the appearance of a quorum, and proceed to the business of the Board. The Chair shall sign all orders and written determinations approved by the Board. The chair shall be responsible for the proper execution of these bylaws, and the orderly proceeding of the meeting.

Duties and Authority of the Vice-Chair. The Vice-Chair shall, in the absence, disability, or conflict of the Chair be the presiding officer of the Board and exercise such administrative powers vested in the Chair.

Minutes. Minutes will be taken and maintained by a County staff member, be it the Staff Support person or staff designated as recording secretary for the purpose of the meeting. Copies of minutes will be made available as requested.

Term limitations. Regular appointments will be made for four (4) year terms. No member may serve more than two (2) consecutive terms.

Staff and Administrative Support. A County employee shall be appointed by the County Administrator to serve as Staff Support for each Board appointed by the Board of County Commissioners. The Staff Support will be assigned to monitor activities, serve as liaison, and promote communication. The Staff Support may prepare Agendas and present items and applications for determination by the Board. The Staff Support may receive authorization to sign an order or written determination previously authorized by the Design Review Board.

Legal Assistance. Legal advice will be provided by the County Attorney's Office as reasonably requested, and approved by the Board of County Commissioners. At the request of the Board, the County Attorney's Office may provide information and training on ethics, the Government in the Sunshine law, the Public Records law, and procedural duties.

Annual Reports. The Design Review Board must submit an Annual Report to the Board of County Commissioners by April 1st indicating its activities and accomplishments for the previous calendar year. The report should include the mission statement of the Board/Committee, projections for the current calendar year and any other relevant information, such as the proposed budget.

ARTICLE IV

MEETINGS

Meeting Schedule. The North Coastal Design Review Board shall hold regular meetings on the Second Wednesday of the month, and may meet more frequently if needed or may meet on an alternate day as provided in its rules. The DRB shall meet at least annually.

Agenda. The Staff Support is to prepare an agenda for all Board meetings and workshops in accordance with board instructions. Items on the Agenda shall be reasonably noticed.

Quorum. A majority of the membership of the Board shall constitute a quorum for the purpose of meetings and transacting business. The physical presence of three (3) members shall constitute a quorum.

If the Board is unable to obtain a quorum a regularly scheduled meeting, it shall continue all items and hold another meeting not more than ten (10) days after the regularly scheduled meeting to hear all items continued. If the Board is unable to obtain a quorum at the continued hearing, all items may be administratively approved.

Attendance. If any appointed member of a Board fails to attend three (3) consecutive regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Board, the Board shall declare the member's office vacant and the vacancy shall be filled.

If the Board meets twice a month on a regular basis, the attendance threshold shall be six (6) consecutive regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops of the Board. Staff shall maintain a record of absences and enforce the attendance policy.

Hearings. All hearings shall be public hearings meeting the requirements of Chapter 286, Florida Statutes, including the requirement that a verbatim record is required to appeal. Reasonable notice of the meetings shall be provided. Each notice shall state that one or more County Commissioners may attend and participate. All meetings shall be open to the public. All hearings to determine compliance with Land Development Code Part 3.09.00 North Coastal Overlay and Part 3.10.00 Vilano Beach Town Center Overlay and shall be quasi-judicial hearings subject to Section 9.06.03 of the Land Development Code.

The DRB shall hear an application and determine compliance with the requirements of the Part 3.09.00 North Coastal Overlay and Part 3.10.00 Vilano Beach Town Center Overlay of the Land Development Code. The DRB may approve, approve with conditions, deny, or continue an application.

Rules of Decorum and Civility. It shall be the responsibility of the Chair, or in the Chair's absence, the Vice-Chair, to promote and preserve order and decorum. Members shall neither by conversation nor otherwise delay or interrupt the proceedings or peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its Chair.

Public Comment. Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Board, prior to any official action. Additionally members of the public shall be given an opportunity to be heard on items not appearing in the agenda and which reasonably may need the attention of the board. No person shall address the board unless permitted by the Chair. Each person addressing the Board shall limit comments to three (3) minutes, unless extended by the Chair for good cause. Public Comment shall not require an immediate response by any member of the board.

Ex-Parte Communications. Pursuant to Section 286.0115, Florida Statutes, and St. Johns County Resolution 95-126, ex-parte communications may be received by local quasi-judicial officials if such communications are properly disclosed. Site visits, written communications, and communications outside the public hearing process shall be disclosed prior to any official action on the matter so that persons who

have opinions contrary to those expressed in the ex-parte communication are given reasonable opportunity to refute or respond to the communication.

Board Member to Vote. Florida Statutes, Section 112.311 through 112.326 sets forth a code of ethics for public officers and employees. A board member may not abstain from voting unless there is, or appears to be, a possible conflict of interest under Florida Statutes sections 112.311, 112.313 or 112.3143. A board member may not participate in any matter which would inure to the member's special private gain or loss, knows would inure to the special private gain or loss of any principal, or inures to the special private gain or loss of a relative or business associate, without first disclosing the nature of the interest. In a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

Voting. Action by the Board shall be by motion nominated and seconded. Approval of the motion shall be by majority vote of those members present. Failure to receive a majority vote shall act as a denial of the proposed motion. Failure to receive a majority vote of the members present shall act as a denial of the application or other matter that is before the DRB.

Final Order. A Final Order on each application shall be rendered and signed by the Chair, or in the Chair's absence, the Vice-Chair. The Design Review Board may also authorize Staff Support to sign and render an Order approved by the DRB. A Final Order may contain findings of fact and conclusions upon which the Order is based, and may include such conditions and safeguards as are appropriate.

ARTICLE V

AMENDMENTS AND SUSPENSION

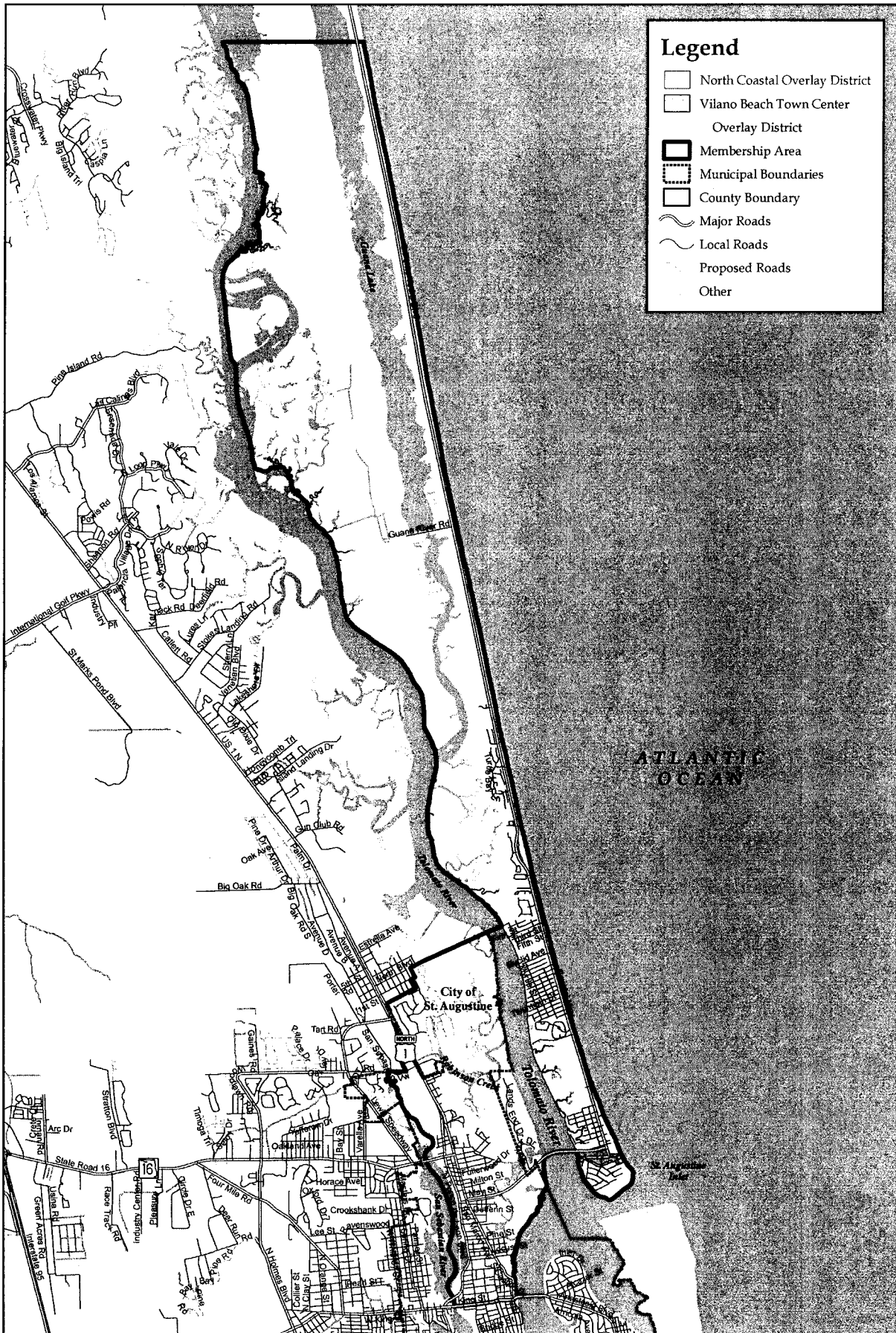
Proposal. Any member of the Design Review Board or the Board of County Commissioners may propose amendments to these bylaws. Bylaws may be amended by resolution accepted and approved by the Board of County Commissioners.

Suspension. A motion to suspend any provision of these rules may be made by any County Commissioner. A suspension is a non-debatable motion. These bylaws may only be suspended by a majority plus one of Commissioners present. Once suspended, the rules remain suspended only for the time indicated in the motion.

No invalidation. These bylaws are for the efficient operation of the Board. Non-compliance of any particular Rule shall not independently be grounds for the invalidation of any Board action.

Conflict. In the event of a conflict between these Bylaws and the enacting Ordinance or Statute, the Ordinance or Statute shall prevail and apply only to this Board. In the event of a conflict between these Bylaws and any other Rules and Policies, these Bylaws shall prevail and apply only to this Board.

EXHIBIT B
MEMBERSHIP AREA MAP



Legend

- North Coastal Overlay District
- Vilano Beach Town Center Overlay District
- Membership Area
- Municipal Boundaries
- County Boundary
- Major Roads
- Local Roads
- Proposed Roads
- Other



DISCLAIMER:
 This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown herein.
 Map Prepared: June 25, 2015
 116524

**North Coastal
 Design Review Board**
 (Ordinances 2001-01 & 2006-66)

