

# ARTICLE 17

## DECISION MAKING BODIES

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# ARTICLE 17

## DECISION MAKING BODIES

### CHAPTER A BOARD OF COUNTY COMMISSIONERS

#### Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- A. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
- B. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; **[Ord. 2007-013]**
- D. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; **[Ord. 2009-040]**
- E. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
- F. to hear, consider and approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned Development District (MXPDP), Multiple Use Planned Development District (MUPDP), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPDP), Recreational Vehicle Park Planned Development District (RVPDP), Traditional Marketplace Development (TMD), and Traditional Town Development (TTD);
- G. to hear, consider and approve, approve with conditions, or deny applications for development permits for Class A conditional uses;
- H. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission (ZC) on applications for development permits for Class B conditional uses;
- I. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
- J. to establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
- K. to act to ensure compliance with development orders or permits as approved and issued;
- L. to hear and consider administrative inquiries;
- M. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; **[Ord. 2009-040]**
- N. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; **[Ord. 2007-013]**
- O. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: Article 4.B.1.A.70-1,a.1) Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; and **[Ord. 2007-013] [Ord. 2009-040]**
- P. to hear, consider and approve, approve with conditions, or deny application for Unique Structures. **[Ord. 2009-040]**

### CHAPTER B GENERAL PROVISIONS

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. 95-1806. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail.

#### Section 1 Board Membership

##### A. Qualifications

Unless otherwise noted, each member of a board described in this Article, Decision-Making Bodies shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

##### B. Term of Office

1. The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.
2. There shall be no limit on the number of terms a person may serve on a board or commission.

**C. Vacancy**

1. The BCC shall fill a vacancy within 60 days.
2. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

**D. Maximum Number of Boards**

The maximum number of boards a person may serve on at one time shall be three. [Ord. 2006-004]

**E. Elected Office**

Members shall not be prohibited from qualifying as a candidate for elected office.

**Section 2 Appointments and Termination**

**A. Appointments**

**1. Individual BCC Appointments**

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

**2. At-Large BCC Appointments**

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

**3. Attendance**

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meeting shall not be counted towards the attendance requirements.

**4. Termination**

In the event that any board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of the member.

**5. Immediate Removal**

Members removed pursuant to [Article 17.B.2.A, Appointments](#), through [Article 17.B.2.A.4, Termination](#), above, shall not continue to serve on the board and such removal shall create a vacancy.

**Section 3 Conflict of Interest**

**A. Substantive Conflict**

No board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a board member.

**B. Provisions Related to Conflict of Interest**

To implement this policy, members are directed to:

1. be governed by the applicable provisions of state and local law;
2. not accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
3. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
4. abstain from using membership on the board to secure special privileges or exemptions;
5. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
6. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and
7. refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

**C. Board Action**

Willful violation of this Section which affects a vote of a board member shall render that action voidable by the BCC.

## **Section 4      Officers**

### **A. Chair and Vice-Chair**

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the chair, the vice-chair shall act as Chair and shall have all the powers of the Chair.

## **Section 5      Rules of Procedure**

### **A. Quorum and Voting**

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simply majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

### **B. Robert's Rules of Order**

All meetings shall be governed by [Robert's Rules of Order](#). Each board may by majority vote of the entire membership adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations.

### **C. Meetings**

1. The location of all meetings shall be in PBC, Florida.
2. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
3. All meetings and public hearings shall be open to the public.
4. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to [F.S. §286.0105](#).

### **D. County Attorney's Office**

The County Attorney's Office shall provide counsel and interpretation on legal issues.

## **Section 6      Compensation**

Board members shall receive no compensation for their services with exception of Code Enforcement Special Master and Hearing Officers who may be compensated for their services at discretion of the BCC. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC staff that are necessary to fulfill the responsibility of membership on the particular board. **[Ord. 2006-036]**

## **CHAPTER C    APPOINTED BODIES**

### **Section 1      Land Development Regulation Advisory Board**

#### **A. Establishment**

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

#### **B. Powers and Duties**

The LDRAB shall have the following powers and duties under the provisions of this Code:

1. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
2. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
3. to serve as Land Development Regulation Commission (LDRC) as provided by [F.S. § 163.3164\(22\)](#) and [F.S. § 163.3194](#).

#### **C. Board Membership**

**1. Appointment**

- a. The LDRAB shall be composed of 17 members and two at-large alternate members.
- b. Ten of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in [Table 17.C.1.C-1, LDRAB Expertise](#).
- c. Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in [Article 17.C.1.C.2, Qualifications](#).
- d. The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in [Article 17.C.1.C.2, Qualifications](#).

**2. Qualifications**

- a. The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in [Table 17.C.1.C-1, LDRAB Expertise](#).
- b. Each BCC appointment shall be with consideration in the following areas of expertise:
  - 1) Landscape Architecture.
  - 2) Redevelopment Expertise.
  - 3) Fiscal Impact Analysis Expertise.
  - 4) Land Use/Real Estate Law.
  - 5) Natural Sciences.
  - 6) Business Development.
- c. No two members of the LDRAB shall represent the same occupation or business.

**Table 17.C.1.C-1 LDRAB Expertise**

<b>Occupations</b>	<b>Organizations</b>
1. Residential Builder	Gold Coast Builders
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Fla. Society of Professional Surveyors
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress

**3. Terms of Office**

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

**D. Staff**

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

**E. Meetings**

**1. General**

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

**2. Subcommittees**

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. **[Ord. 2009-040]**

**Section 2 Code Enforcement Special Master**

**A. Creation and Appointment**

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County

Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary.

**B. Qualification**

Special Master shall have the following minimum qualifications:

1. be a graduate of a law school accredited by the American Bar Association;
2. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
3. be a current member, in good standing, of the Florida Bar Association;
4. have such other qualifications that may be established by resolution of the BCC; and
5. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

**C. Powers and Duties**

Special Master shall have the following powers and duties:

1. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected;
2. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
3. to issue subpoenas compelling the production of evidence at code enforcement hearings;
4. to take testimony under oath;
5. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;
6. to assess fines pursuant to [Article 10.B.3, Administrative Fines, Costs, Liens](#);
7. to lien property; and
8. to assess costs pursuant to [Article 10.B.3, Administrative Fines, Costs, Liens](#).

**D. Rules of Procedure**

The BCC shall have the authority prescribe rules of procedure for the conduct of hearings before the Special Master by resolution.

**E. Term**

Special Master shall serve a term of one year from the date of appointment by County Administrator. Special Master may be reappointed at the discretion of County Administrator. There shall be no limit on the number of terms a person may serve as a Special Master.

**F. Removal**

At any time during the appointment, County Administrator shall have the authority to remove a Special Master with or without cause upon ten days written notice.

**G. Vacancy**

If any Special Master resigns or is removed prior to expiration of his or her term or County Administrator determines that the Special Master should not be reappointed, County Administrator shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

**H. Conflicts of Interest**

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.

**I. Meetings**

**1. Scheduling**

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in [Article 10.B.1, Procedure](#), a hearing may be called as soon as practical.

**2. Operating Procedures**

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

### Section 3 Development Review Appeals Board

#### A. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

#### B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and **[Ord. 2007-013]**
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

#### C. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

#### D. Officers; Staff

##### 1. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

##### 2. Staff

PZB staff shall be the professional staff for the DRAB.

#### E. Meetings

##### 1. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

### Section 4 Environmental Appeals Board

#### A. Establishment

There is hereby established an Environmental Appeals Board (EAB).

#### B. Powers and Duties

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of [Article 15, HEALTH REGULATIONS](#), made by the PBCHD or the Environmental Control Officer.

#### C. Board Membership

##### 1. Qualifications

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

##### 2. Terms of Office

All EAB members shall serve a term of three years.

#### D. Officers

##### 1. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

##### 2. Staff

The PBCHD shall be the professional staff of the EAB.

#### E. Meetings

##### 1. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

### Section 5 Environmental Control Hearing Board

#### A. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

**B. Powers and Duties**

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under [Chapter 77-616](#), Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
  - a. to refrain from committing, creating, maintaining, or permitting the violations;
  - b. to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
  - c. to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
  - d. to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
  - e. to administer oaths to any or all persons who are to testify before the ECHB.

**C. Qualifications**

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

**D. Officers**

**1. Secretary**

The Environmental Control Officer shall serve as Secretary of the ECHB.

**2. Staff**

The PBCHD shall be the professional staff of the ECHB.

**E. General or Special Meetings**

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

**Section 6 Groundwater and Natural Resources Protection Board**

**A. Establishment**

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

**B. Powers and Duties**

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce [Article 14, ENVIRONMENTAL STANDARDS](#). ERM may refer alleged violations of [Art. 14 Environmental Standards](#), and [Art. 4.D, Excavation](#), Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; **[Ord. 2006-004]**
2. to adopt rules of procedure for the conduct of hearings;
3. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
4. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
5. to take testimony under oath;

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6. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of [Article 14, ENVIRONMENTAL STANDARDS](#);
7. to lien property; and
8. to assess administrative fines and costs pursuant to [Article 14, ENVIRONMENTAL STANDARDS](#).

**C. Board Membership**

**1. Qualifications**

The GNRPB shall be composed of seven members appointed by the BCC. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization.

**2. Terms of Office**

All members shall serve a term of three years. All members serving on the GNRPB on the effective date of this Code shall complete their terms according to their prior appointments.

**D. Secretary and Staff**

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

**E. Meetings**

**1. General**

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.

**Section 7 Hearing Officers**

**A. Creation and Appointment**

County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Master, as established and appointed pursuant to [Article 17.A.1, Powers and Duties](#), may serve ex officio as Hearing Officers as set forth in this Section. Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered.

**B. Minimum Qualifications**

A hearing officer shall have the following minimum qualifications:

1. be a graduate of a law school accredited by the American Bar Association;
2. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and
3. hold no other appointive or elective public office or position in PBC during the period of appointment.

**C. Duties**

A hearing officer shall have the following duties:

1. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
2. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;
3. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
4. to perform such other tasks and duties as the BCC may assign.

**Section 8 Historic Resources Review Board**

**A. Establishment**

There is hereby established a Historic Resources Review Board (HRRB).

**B. Powers and Duties**

The HRRB shall have the following powers and duties under the provisions of this Code:

1. develop, administer and update an accurate inventory of historic resources in unincorporated PBC and on PBC owned property in municipalities. The inventory shall be used to formulate a map of

historic district boundaries and historically significant properties meriting protection to be incorporated into the land use element of the Plan.

2. pursuant to [Article 9.B, Historic Preservation Procedures](#), nominate and accept nominations for public and private properties for designation and regulate and administer such properties, structures, buildings, sites, districts, etc. so designated as historic sites and/or districts. The Department, in conjunction with the HRRB, shall establish a schedule for nominations for public and private properties for designation;
3. participate in the National Register program in Florida to the greatest possible extent, as defined by the 1981 and subsequent amendments to the Historic Preservation Act of 1966 and regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Bureau of Historic Preservation;
4. act as a regulatory body to approve, deny or modify Certificates of Appropriateness as specified by [Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION](#);
5. make recommendations concerning amendments to the Plan, this Code, Building and other development related codes as they relate to the preservation of Historic Resources;
6. make recommendations regarding historic and archeological resources on property owned by PBC;
7. pursuant to [Article 9.B.4.B, Waiver of the Code Provisions](#), review and comment to the BCC concerning waiver of Code provisions of the Code for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places;
8. develop, establish, and administer guidelines concerning contemporaneous architectural styles, colors, building materials and so forth for historic sites and historic districts. Such guidelines will be subject to approval by the BCC;
9. coordinate with other entities to support increased public awareness of the value of historic preservation;
10. after PBC qualifies as a Certified Local Government, make recommendations to PBC Commission concerning the use of grants from Federal and State agencies, to augment PBC funding in order to promote the preservation and conservation of archaeological sites of historic significance, historic sites and historic districts;
11. cooperate and coordinate with property owners, public and private organizations, businesses and other individuals to help ensure the conservation and preservation of archaeological sites, contents within said sites, buildings, structures and districts of historic significance, especially those for which demolition or destruction is proposed;
12. create and approve the design of standardized historic markers and plaques and issue recognition to designated historic sites and historic districts within PBC;
13. execute any other needed and appropriate historic resource preservation functions which may be approved by the BCC;
14. develop and administer a Historic Preservation Manual for PBC to help property owners fulfill the regulations and requirements of this ordinance;
15. hear, consider and approve, approve with conditions or deny applications for Certificate to Dig;
16. make recommendations to the BCC regarding proposed amendments to the map of known archeological sites;
17. initial resources shall be dedicated to those functions which shall qualify PBC as a Certified Local Government;
18. make every effort to be represented at meetings, conferences and workshops pertaining to the functions of the HRRB scheduled by the State Historic Preservation offices or the Florida Conference of Preservation Boards and Commissions;
19. seek expertise or proposals of matters requiring evaluation by a professional of a discipline not represented on the HRRB; and
20. the HRRB's responsibilities shall be complementary to the powers of the State Historic Preservation Office.

### **C. Board Membership**

#### **1. Qualifications**

There shall be nine members of the HRRB. Members of the HRRB shall be residents of PBC, Florida and demonstrate an interest in local history. One member with professional experience shall be appointed from each of the following five professional disciplines: history, architecture, archeology, architectural history and historic architecture. Other historic preservation related disciplines, such as Urban Planning, American Studies, American Civilization, Cultural Geography or Cultural Anthropology shall be considered when choosing appointments for these five of the nine members of

the HRRB. Each of these five positions shall meet the requirements outlined in the Professional Qualifications Standards of the [Florida Certified Local Government Guidelines](#). In addition to the above five positions, there shall be a sixth person with a demonstrated interest, degree or experience in one of the above professional disciplines who is also a resident of the area of PBC West of Twenty Mile Bend, including any of the incorporated or unincorporated communities in proximity to Lake Okeechobee. There are no specific requirements for the other three positions as a prerequisite to appointment but consideration shall be given to the following with a demonstrated interest in history, architecture or related disciplines: business person, engineer, contractor in a construction trade, landscape architect, urban planner, attorney, and resident of areas identified by 1990 PBC Historic Sites Survey as containing 25 or more structures with potential for historic preservation. Persons seeking appointment to the HRRB shall be willing to invest time to assist staff in site evaluations, establishing priorities, public education efforts, survey and planning activities of the Certified Local Government Program and the other responsibilities of the HRRB. Board members shall attend pertinent educational conferences and seminars.

**2. Appointment**

The members of the HRRB shall be appointed at large by the BCC.

**3. Terms of Office**

Each appointment shall be made for a term of three years. Any member may be reappointed for one successive term upon approval of the BCC as provided for herein.

**D. Secretary and Staff**

**1. Secretary**

The Planning Director of the PZB shall serve as Secretary to the HRRB.

**2. Staff**

The Planning Division shall be the professional staff of the HRRB. The Board shall make every effort to minimize demands on staffing in consideration of budgetary constraints.

**E. Meetings**

**1. General**

General meetings of the HRRB shall be held at least quarterly. Special meetings may be called by the Chair of the HRRB, or in writing by a majority of the members of the Board. Staff shall provide 24-hours written notice to each Board member prior to a special meeting.

**Section 9 Impact Fee Appeals Board**

**A. Establishment**

There is hereby established an Impact Fee Appeals Board (IFAB).

**B. Powers and Duties**

The IFAB shall have the following powers and duties:

1. to hear and decide appeals from decisions of the Impact Fee Coordinator on independent calculation studies pursuant to [Article 13, IMPACT FEES](#); and
2. to hear and decide appeals from an interpretation of the Impact Fee Coordinator on [Article 13, IMPACT FEES](#).

**C. Board Membership**

**1. Qualifications**

The IFAB shall be composed of five members. There shall be one traffic engineer, one accountant, one attorney, one representative of the general public, and one developer/builder on the IFAB. No member of the Impact Fee Review Committee may serve on the IFAB.

**2. Appointment**

The members of the IFAB shall be approved at large by a majority vote of the BCC.

**3. Terms of Office**

All IFAB members shall serve a term of three years.

**D. Secretary and Staff**

The Impact Fee Coordinator shall serve as Secretary of the IFAB. The staff of PZB shall be the professional staff of the IFAB. County Attorney shall attend meetings to serve as counsel to the IFAB. The Impact Fee Coordinator shall represent PBC by presenting PBC's position to the IFAB.

**E. Meetings**

**1. General**

General meetings of the IFAB will be called as necessary to carry out business, but no more frequently than once a month. Special meetings may be called by the Chair of the IFAB, or in writing

by a majority of appointed members of the Board. Staff shall provide 24-hour written notice to each IFAB member for a special meeting.

## **Section 10 Impact Fee Review Committee**

### **A. Establishment**

There is hereby created an Impact Fee Review Committee (IFRC).

### **B. Powers and Duties**

The IFRC shall have the following powers and duties under the provisions of this Code:

1. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:
  - a. the implementation of [Article 13, IMPACT FEES](#);
  - b. actual levels of service for the impact fees exacted in [Article 13, IMPACT FEES](#);
  - c. the collection, encumbrance, and expenditure of all impact fees collected pursuant to [Article 13, IMPACT FEES](#);
  - d. the validity and assumptions in the technical memoranda used to support the impact fee schedules in [Article 13, IMPACT FEES](#); and
  - e. any recommended amendment to [Article 13, IMPACT FEES](#).
2. review amendments to [Article 13, IMPACT FEES](#) prior to their consideration by the BCC.
3. perform such other duties as the BCC deems appropriate.

### **C. Board Membership**

#### **1. Qualifications**

The IFRC shall be composed of seven members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, three representatives from the business community, and one member selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC three representatives from the business community, and one member selected at large. The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

### **D. Officers**

#### **1. Secretary**

The Impact Fee Coordinator shall serve as Secretary of the IFRC.

### **E. Meetings**

#### **1. General or Special Meetings**

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

### **F. Annual Report**

The IFRC shall submit an annual report to the BCC. The form, substance and submittal date for the report shall be established by the County Administrator in a Policy and Procedure Memorandum. **[Ord. 2009-040]**

## **Section 11 Planning Commission**

### **A. Establishment**

There is hereby established a Planning Commission (PLC). **[Ord. 2008-003]**

### **B. Powers and Duties**

The PLC shall have the following powers and duties under the provisions of this Code: **[Ord. 2008-003]**

1. to serve as the Local Planning Agency (LPA) per [F.S. § 163.3174](#), and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
2. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
3. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;

4. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments;
5. to make additional or amended rules of procedure not inconsistent with this Section to govern the PLC's proceedings; **[Ord. 2008-003]**
6. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
7. to submit an Annual Report to the BCC summarizing its annual activities; and
8. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to [Article 12, TRAFFIC PERFORMANCE STANDARDS](#).

**C. Board Membership**

**1. BCC Appointed Members**

The PLC shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC. **[Ord. 2008-003]**

**a. Qualifications**

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

**b. Appointment**

Each member of the BCC shall appoint two members to the PLC. One member of the PLC shall be appointed at large by a majority vote of the BCC. **[Ord. 2008-003]**

**c. Terms of Office**

Members of the PLC shall hold office until the first Tuesday after the first Monday in June of the year their term expires. **[Ord. 2008-003]**

**2. School District Member**

The School District of PBC shall appoint a representative to attend those meetings at which the PLC will consider a Plan amendment which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum. **[Ord. 2008-003]**

**D. Officers; Secretary; Staff**

**1. Chair and Vice-Chair**

The Chair and Vice Chair positions shall rotate annually and shall only be held by regular members. No Board member shall serve consecutive terms as Chair or Vice-Chair. **[Ord. 2008-003]**

**2. Secretary**

The Planning Director of PZB shall serve as Secretary of the PLC. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PLC, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the PLC members voting. In addition, the Secretary shall maintain all records of PLC meetings, hearings, proceedings, and the correspondence of the PLC. The records of the PLC shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours. **[Ord. 2008-003]**

**3. Staff**

The Planning Division of PZB shall be the professional staff of the PLC. The Planning Division staff shall be responsible for, providing a recommendation to the PLC on all items scheduled for its consideration. Plan amendments, including amendments to any maps included as part of the Plan. **[Ord. 2008-003]**

**E. Rules Applicable to Local Planning Agency**

1. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA. **[Ord. 2008-003]**
2. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to [F.S. § 163.3174](#), as may be amended from time to time.

**F. Meetings**

General meetings of the PLC shall be held as needed to dispense of matters properly before the PLC. Special meetings may be called by the Chair or in writing by a majority of the members of the PLC. Staff

shall provide 24-hour written notice to each PLC member before a special meeting is convened. **[Ord. 2008-003]**

## **Section 12 Traffic Performance Standards Appeals Board**

### **A. Establishment**

There is hereby established a Traffic Performance Standards Appeals Board (TPSAB).

### **B. Powers and Duties**

The TPSAB shall have the following powers and duties under the provisions of this Code:

1. to hear and decide appeals from decisions of PBC Engineer or a Municipal Engineer pursuant to [Article 12, TRAFFIC PERFORMANCE STANDARDS](#); and
2. to issue subpoenas to compel attendance of witnesses and production of documents.

### **C. Board Membership**

#### **1. Qualifications**

There shall be five members of the TPSAB appointed by the BCC. They shall consist of the Director of the Metropolitan Planning Organization (MPO), a professional Traffic Engineer employed by a municipality in PBC as a Traffic Engineer, a professional Traffic Engineer employed by another Florida County, a professional Traffic Engineer employed by FDOT District IV, and a professional Traffic Engineer who generally represents developers. Any person serving on the TPSAB shall not be a person who participated in the decision being appealed, or shall not work for or be retained by a party to an appeal, or be a person who would be directly affected by the matter being appealed. The members of this board do not have to be PBC residents.

#### **2. Terms of Office**

All TPSAB members shall serve a term of four years.

#### **3. Vacancy**

When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.

### **D. Officers**

#### **1. Staff**

The County Engineer's office shall be the professional staff of the TPSAB.

### **E. Meetings**

#### **1. General or Special Meetings**

General meetings of the TPSAB shall be held as needed to dispense of matters properly before the TPSAB. Special meetings may be called by the Chair of the TPSAB, or in writing by three members of the Board. Staff shall provide 24-hour written notice to each TPSAB member for a special meeting.

## **Section 13 Zoning Commission**

### **A. Establishment**

There is hereby established a Zoning Commission (ZC).

### **B. Powers and Duties**

The ZC shall have the following powers and duties under the provisions of this Code:

1. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; **[Ord. 2009-040]**
2. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.1.b, Zoning Commission; **[Ord. 2009-040]**
3. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications. **[Ord. 2006-036]**
4. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;
5. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
6. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
7. to consider and render a final decision on appeals of denials of green architecture application. **[Ord. 2009-040]**

### **C. Commission Membership**

#### **1. BCC Appointed Members**

The ZC shall be composed of nine members, to be appointed by the BCC. Each member of the BCC shall appoint one member to the ZC. The remaining two members shall be appointed by a majority vote of the BCC. [Ord. 2009-040]

**a. Qualifications**

- 1) Consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, interior design, land planning, natural resource management, real estate, and related fields. [Ord. 2009-040]
- 2) The two members appointed by a majority vote of the BCC shall be architects registered in the State of Florida and shall be nominated by the PBC Chapter of the American Institute of Architects. [Ord. 2009-040]

**b. Terms of Office**

Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires. [Ord. 2009-040]

**D. Officers; Quorum; and Voting**

**1. Chair and Vice-Chair**

No member shall serve as Chair for more than two consecutive terms.

**2. Quorums and Voting**

A simple majority of a quorum shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the BCC. A simple majority shall be necessary for the ZC to make a final decision approving an application for a development permit. In the event the ZC fails to make a final decision due to a tie vote, the petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed.

**E. Meetings**

**1. General**

General meetings of the ZC shall be held as needed to dispense of matters properly before the ZC. Special meetings may be called by the Chair or in writing by a majority of the members of the ZC. Staff shall provide 24-hour written notice to each ZC member before a special meeting is convened.

**CHAPTER D STAFF OFFICIALS**

**Section 1 Building Director**

**A. Creation and Appointment**

The Building Director of PZB shall be the division head of the Building Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the provisions of Chapter 1 (Administration) of The [Florida Building Code](#) with PBC Amendments.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Building Director of PZB by other provisions of PBC Code, the Building Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to review and approve, approve with conditions, or deny applications for development permits for building permits; and
2. to review and approve, approve with conditions, or deny applications for development permits for certificates of occupancy or completion.

**Section 2 Code Enforcement Director**

**A. Creation and Appointment**

The Code Enforcement Director shall be the head of enforcement of this Code, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Code Enforcement Director of PZB by other provisions of PBC Code, the Code Enforcement Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to monitor and assist in the enforcement of this Code; and
2. to ensure compliance with conditions of a development order.

**Section 3 County Administrator**

**A. Creation and Appointment**

PBC Administrator shall be the head of the PBC staff, and shall be appointed and serve at the pleasure of the BCC.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be conferred upon PBC Administrator by other provisions of PBC Code and [PBC Charter](#), County Administrator shall have the following jurisdiction and authority under this Code:

1. to administer PBC administrative officials charged with regulatory authority under this Code;
2. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements; and
3. to appoint Hearing officers as set forth in [Article 17.C.7, Hearing Officers](#).

**Section 4 County Attorney**

**A. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon County Attorney by other provisions of [PBC Code](#) and [PBC Charter](#), County Attorney and his/her designated staff shall have the following jurisdictions, authority and duties under this Code:

1. to review and approve as to form and legal sufficiency all orders and resolutions issued by all decision making and administrative bodies described in this Article;
2. to review and approve as to form Agreements, PDD Agreements, easements, declarations of covenants, letters of credit, performance bonds or other such documentation in connection with any requirement of this Code; and
3. to advise the BCC, PBC Departments, and the decision making and administrative bodies, in regard to the legal issues which may arise in the implementation of this Code and the Plan.

**Section 5 County Engineer**

**A. Creation and Appointment**

County Engineer shall be the agency head of the Department of Engineering and Public Works (DEPW), and shall be appointed and serve at the pleasure of County Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon County Engineer by other provisions of PBC Code and PBC Charter, County Engineer shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to [Article 6.C, DRIVEWAYS AND ACCESS](#), [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#), and [Article 12, TRAFFIC PERFORMANCE STANDARDS](#);
2. to review and approve or deny applications for Technical Compliance for Subdivision;
3. to review applications and approve development orders for Land Development Permits; and
4. to review and acknowledge the completion of Required Improvements for Subdivision.
5. to review and approve or deny applications for development permits for Final Plats of subdivisions, including replats of lands within record plats previously approved for recording by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the public records. Said approval authority may be delegated only as follows:
  - a. to either the Deputy County Engineer or the Assistant County Engineer during a prearranged absence of County Engineer, such as for vacation or seminar attendance, for a period of five or more consecutive days, provided that said delegation shall be in writing and signed by County Engineer; or
  - b. to the Deputy County Engineer in the event that County Engineer is absent or otherwise incapacitated for a period of five or more days due to an emergency or other unforeseen circumstances, provided that said delegation shall be in writing and signed by County Administrator.

The Clerk of the Circuit Court shall be notified of each incident of delegation made pursuant to the above, and said delegation shall terminate upon County Engineer's return to normal duty; and

6. to review, consider, and approve, approve with conditions, or deny requests for deviations from Article 11 within the PO Zoning District; and **[Ord. 2007-013]**

7. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements.

## **Section 6 PBC Health Department Director**

### **A. Creation and Appointment**

PBC Health Department Director shall be the agency head of the PBC Health Department (PBCHD) and shall be appointed by the Secretary of the Department of Health after consultation with the State Health Officer and the District Administrator, and concurrence by the BCC.

### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon PBC Health Department Director by other provisions of PBC Code, PBC Health Department Director shall have the following jurisdictions, authority and duties under this Code:

1. to review, consider, enforce and render interpretations to [Article 15, HEALTH REGULATIONS](#); and
2. to review and approve, approve with conditions, or deny all applications for development permits pursuant to [Article 15, HEALTH REGULATIONS](#).

## **Section 7 Development Review Officer**

### **A. Establishment**

There is hereby established a Development Review Officer (DRO).

### **B. Powers and Duties**

The DRO shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and determine the sufficiency of applications for and make recommendations to approve, approve with conditions, or deny applications for official zoning map amendments;
2. to hear, consider, and determine the sufficiency of applications for and recommendations to the /BCC to approve, approve with conditions, or deny applications for development permits for conditional and requested uses
3. to hear, review, consider and approve, approve with conditions, or deny applications for development orders for site plans;
4. to hear, review, consider and approve, approve with conditions, or deny applications for development permits for Final Subdivision Plans;
5. to hear, review, consider and approve, approve with conditions, or deny applications for TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to [Article 5.G.3, Transfer of Development of Rights](#);
6. to request other PBC officials and other agencies to provide factual information on applications for development permits as is deemed appropriate; and
7. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the DRO.

### **C. Comments and Recommendations**

1. The DRO may seek comments and recommendations from the following PBC departments and divisions, as well as other local government and state government agencies, as deemed appropriate by the DRO: **[Ord. 2008-037]**
  - a. Zoning Division.
  - b. Planning Division.
  - c. Engineering Department.
  - d. PBC HD.
  - e. ERM.
  - f. Parks and Recreation Department.
  - g. Building Division.
  - h. Department of Airports.
  - i. Water Utilities Department.
  - j. Fire-Rescue Department.
  - k. PREM.
  - l. Housing and Community Development (HCD).
  - m. PBC School Board.
  - n. Lake Worth Drainage District.
  - o. Department of Environmental Protection (DEP) for Type III Excavation **[Ord. 2008-037]**

2. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

#### **D. Procedures**

##### **1. DRO**

The Executive Director of PZB shall designate a DRO.

##### **2. Secretary**

The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO. The records shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.

##### **3. Staff**

The Zoning Division of PZB shall be the professional staff for the DRO.

##### **4. Certification**

All actions shall require approval by the DRO. The DRO shall only withhold approval when a proposed project fails to meet a Code standard based upon a recommendation from an affected agency.

##### **5. Record of DRO**

Upon request, the DRO may provide, at cost, copies of recommendations upon which a decision is based.

##### **6. Appeal**

Appeal of any decision of the DRO shall be made to the DRAB within ten working days after the notice indicating the decision is rendered.

### **Section 8 Director of ERM**

#### **A. Creation and Appointment**

The Director of the Department of Environmental Resources Management (ERM) shall be the agency head of the ERM, and shall be appointed and serve at the pleasure of County Administrator.

#### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Director of ERM by other provisions of [PBC Code](#) and [PBC Charter](#), the Director of ERM shall have the following jurisdictions, authority and duties under this Code:

1. to review, consider and render interpretations to [Article 14, ENVIRONMENTAL STANDARDS](#);
2. to review and approve, approve with conditions or deny applications for development or permits for sea turtle protection and sand preservation, wetlands protection, wellfield protection, upland vegetation preservation and protection, excavation, water and irrigation conservation, stormwater pollution prevention, and other ordinances as may be assigned by the BCC;
3. to initiate enforcement action pursuant to [Article 14, ENVIRONMENTAL STANDARDS](#), whenever evidence has been obtained or received establishing that a violation has been committed. The Director of ERM shall issue a notice to correct the violation, a citation to cease the violation, or a notice of violation and cause same to be served upon the violator;
4. to terminate an investigation or an enforcement action commenced under the provisions of [Article 14, ENVIRONMENTAL STANDARDS](#), and to resolve the alleged violations by execution of a written consent (settlement) agreement between PBC and the person(s) who is(are) the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of the Code by said person(s). The consent agreement may, at the discretion of the Director of ERM, provide the following: remedial or corrective action; environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of PBC in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant and aquatic life of PBC to their former conditions; and costs of PBC for investigation, enforcement, testing, monitoring, and litigation executed written consent agreements are hereby deemed to be lawful orders or contracts of PBC; and
5. to refer unresolved violations to the appropriate enforcement board or to make recommendations to the BCC for initiation of suits in the appropriate courts of competent jurisdiction.

### **Section 9 Director of Land Development**

#### **A. Creation and Appointment**

The Director of the Land Development Division of the DEPW shall be the division head of the Land Development Division of DEPW, and shall be appointed and serve at the pleasure of County Engineer.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Director of the Land Development Division by other provisions of PBC Code, the Director of the Land Development Division shall have the jurisdiction, authority and duty under this Code to administer PBC staff review of [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).

**Section 10 Director of Parks and Recreation**

**A. Creation and Appointment**

The Director of the Parks and Recreation Department shall be the agency head of the PBC Parks and Recreation Department and shall be appointed and serve at the pleasure of PBC Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be confirmed upon the Director of Parks and Recreation by other provisions of PBC Code and PBC Charter, the Director of Parks and Recreation shall have the following jurisdiction, authorities, and duties under this Code:

1. to review and render interpretations on park related land development regulations and to assure park related land development regulations are met; and
2. to administer the Parks and Recreation Department, including the Parks Division and the Recreation Division.

**Section 11 Executive Director of Planning, Zoning and Building**

**A. Creation and Appointment**

The Executive Director of PZB shall be the agency head of the PZB, and shall be appointed and serve at the pleasure of County Administrator.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority, and duties which may be conferred upon the Executive Director of PZB by other provisions of [PBC Code](#) and [PBC Charter](#), the Executive Director of PZB shall have the following jurisdiction, authorities, and duties under this Code:

1. to review and render interpretations to all provisions of this Code and the Official Zoning Map, except for [Article 6.C, DRIVEWAYS AND ACCESS](#), [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#), [Article 12, TRAFFIC PERFORMANCE STANDARDS](#), [Article 13, IMPACT FEES](#), [Article 14, ENVIRONMENTAL STANDARDS](#), [Article 15, HEALTH REGULATIONS](#), [Article 16, AIRPORT REGULATIONS](#).
2. to administer PBC's TDR Program including accepting applications, and reviewing and preparing staff reports recommending approval, approval with conditions, or denial of applications for receiving area designation.
3. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, and the Code Enforcement Division; and
4. to waive or modify development review fees upon demonstration that the applicant is indigent pursuant to PBCHD standards, or the applicant can demonstrate review fees are in excess of actual staff costs.

**Section 12 Impact Fee Coordinator**

**A. Creation and Appointment**

The Impact Fee Coordinator shall be responsible for the administration of PBC's impact fee program, and shall be appointed and serve at the pleasure of the Director of the Office of Financial Management and Budget.

**B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Impact Fee Coordinator by other provisions of PBC Code, the Impact Fee Coordinator shall have the following jurisdictions, authority and duties under this Code:

1. to review and render interpretations to [Article 13, IMPACT FEES](#);
2. to administrate [Article 13, IMPACT FEES](#);
3. to review and approve or deny applications for independent calculation studies pursuant to [Article 13, IMPACT FEES](#);

4. to review and approve or deny applications for credit pursuant to [Article 13, IMPACT FEES](#), with the input, assistance, and approval of PBC department or agency receiving the impact fees for which the credit is sought;
5. to provide assistance to the IFRC;
6. to present appeals to the IFAB;
7. to coordinate PBC, municipalities, and agencies receiving impact fee funds; and
8. to provide technical assistance and advice to the municipalities in their administration of [Article 13, IMPACT FEES](#).

## **Section 13 Planning Director**

### **A. Creation and Appointment**

The Planning Director of PZB shall be the division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Planning Director of PZB by other provisions of PBC Code, the Planning Director of PZB shall have the following jurisdictions, authority and duties under this Code:

1. to undertake the current and long range comprehensive planning responsibilities of PBC under [F.S. § 63.3161 et seq.](#), as amended;
2. to review the Plan every seven years;
3. to recommend annually any necessary amendments to the Plan;
4. to accept, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for Site Specific (FLUA) amendments to the Plan; and
5. to administer the process of Development of Regional Impact (DRI) review for projects within municipalities in PBC.

## **Section 14 Zoning Director**

### **A. Creation and Appointment**

The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

### **B. Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning Director by other provisions of PBC Code, the Zoning Director shall have the following jurisdictions, authority and duties under this Code:

1. to coordinate all pre-application conferences;
2. to accept, review, approve, and update all applicable application requirements;
3. to set the Zoning calendar, as required by [Article 2.A, GENERAL](#);
4. to accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for re-zonings, Class A and Class B conditional uses, requested uses, waivers, site plans, subdivisions, special permits, DRIs and variances;
5. to review and approve, approve with conditions, or deny applications for development permits for special use permits and administrative variances and time extensions;
6. to recommend annually any necessary amendments to this Code;
7. to administer the process of DRI review in unincorporated PBC;
8. to submit administrative inquiries to the BCC. These inquiries are not public hearings and are not subject to the advertising and notice requirements of [Article 2, DEVELOPMENT REVIEW PROCESS](#). An administrative inquiry may be made by a public agency through the Zoning Director. The purpose of the inquiry shall be to ask for procedural direction from the board, or resolve an inconsistency in the Code or in a development approval, or provide an interpretation where it is clear there is a question of meaning in a Code provision or a condition of development approval. The decision of the Board shall be binding. Appeals of administrative decisions and Code interpretations filed by an applicant or citizen shall be heard by the BA, pursuant to [Article 17, DECISION MAKING BODIES](#).
9. to review and approve or deny applications for Adequate Public Facilities (Concurrency); and
10. to revoke or suspend, if necessary, any development order or permit, including a special permit, which was issued in violation of this Code.
11. to review and approve or deny requests for administrative waivers pursuant to the applicable section(s) of the ULDC. **[Ord. 2009-040]**

**Amendment History:**

**[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009]**