

## **CHAPTER 200. DECISION MAKING BODIES AND OFFICIALS**

### **SECTION 201. GENERAL PROVISIONS**

The purpose of this chapter is to establish the authority for review and consideration of development applications and other proposed actions in the County and to assign such authority to the following boards and officials:

- The Board of County Commissioners (BCC);
- The Local Planning Agency (LPA);
- The Planning Commission (PC);
- The Development Review Committee (DRC); and
- County Administration and staff.

#### **201.1. Delegation of Authority**

The BCC is authorized to create boards and agencies to administer the provisions of this Code under the authority prescribed by such regulations and State law. The delegation of authority to these boards and the County administrative officials shall be as set forth in this Code.

The BCC shall have the authority to appoint necessary personnel, designate the proper agencies, and promulgate and establish the necessary rules and regulations for the proper enforcement of this Code.

Whenever a County administrative official is authorized to do some act or perform some duty, it is to be construed to authorize delegation to an appropriate subordinate to perform the authorized act or duty unless the terms of the provision or section specify otherwise.

The BCC hereby retains full discretion to interpret and apply the provisions hereof as it shall deem appropriate, and nothing in this section shall be construed to mean that the BCC relinquishes any legislative authority over the unincorporated area of the County.

#### **201.2. Parliamentary Rules**

When a County board, commission, or committee has not adopted rules of procedure, the current edition of *Robert's Rules of Order*, revised, not in conflict with this Code, shall govern the conduct of those meetings.

For the purpose of this Code, a tie vote on any motion before the BCC, PC, or DRC shall constitute a denial of that motion. However, during public hearings for final determinations before the BCC, PC, or DRC, a tie vote on a motion for final

disposition of a quasi-judicial decision resulting when less than the full BCC, PC, or DRC is voting, due to the absence of a member, shall cause an automatic continuance of the application to a date certain.

201.3. **Ethics and Sunshine**

All County boards, commissions, and committees are subject to the applicable provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, as amended; and the Florida's Government in the Sunshine Law, Section 286.011, Florida Statutes, as amended.

SECTION 202. BOARD OF COUNTY COMMISSIONERS

202.1. The BCC shall render final determinations pertaining to the amendment of the Comprehensive Plan, amendments to this Code, any development order, or any development approval, except where authority for a final determination is delegated to another agency or administrative official pursuant to this chapter.

202.2. The BCC has those expressed and implied powers and duties necessary to carry on County government as contemplated in the Florida Statutes and the Constitution of the State of Florida.

202.3. Any irregularity in complying with the procedures imposed by this Code, other than procedures which compliance is required by statute, may be waived by the BCC in an appropriate motion or by action taken, provided that such a waiver does not materially and substantially injure the interests of the affected party.

SECTION 203. LOCAL PLANNING AGENCY

203.1. The LPA is established pursuant to Section 163.3174, Florida Statutes, and shall have all the duties as required by statute. The BCC hereby designates the DRC as the LPA, and the DRC shall have all the functions, powers, and duties as set forth in Section 163.3174, Florida Statutes.

203.2. The LPA shall include a representative of the District School Board of Pasco County (School Board) appointed by the School Board (district appointee). The School Board member of the County's LPA shall attend and vote at those meetings of the LPA at which the LPA:

- A. Considers proposed Comprehensive Plan Amendments that would, if approved, increase residential density on the property that is the subject of the Amendment; and/or
- B. Adopts or modifies Comprehensive Plan Goals, Objectives, or Policies that pertain to school concurrency, siting or development standards, or the Public School Facilities Element generally.

## SECTION 204. PLANNING COMMISSION

### 204.1. Planning Commission

- A. The PC shall be comprised of eleven (11) voting members, all of whom, except one (1), shall be appointed by the BCC; two (2) members are to be appointed by each commissioner from their respective district. The PC members' terms shall run concurrently with the term of office of the commissioner who appointed them. The remaining member shall be appointed by the School Board (district appointee), pursuant to Section 163.3174(1), Florida Statutes. The district appointee to the PC shall vote on:
1. All matters (including procedural votes and votes on individual conditions) relating to rezonings or land use changes that would allow one (1) or more residential units (regardless of what the existing zoning or land use allows);
  2. All matters related directly to a proposed or existing school site (e.g. whether a site is required, impact fee credit value for a school site, collocation with a proposed school site);
  3. Issues related to roads, interconnections, sidewalks, bike paths or roadway crossings that will be used to access an existing or planned school site and that are within two (2) miles of such school site;
  4. All matters related directly to the application of school concurrency and Level of Service (LOS) standards for schools to a project; and,
  5. All matters related directly to proposed or existing ancillary school facilities, as such facilities are defined by the State Requirements for Educational Facilities, and owned by the School District.
  6. Regardless of the foregoing, the district appointee shall vote in the case of a tie vote of the PC on any other matter. The district appointee shall serve at the pleasure of the School Board until replaced or upon resignation.
- B. If any member, other than the district appointee, is absent from three (3) consecutive meetings without cause and without prior notification to the chairman, the County Administrator or designee shall declare the member's office vacant and the BCC shall promptly fill such vacancy. In any event, the BCC may remove any PC member with or without cause at any time at its discretion.
- C. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the BCC.

- D. A chairman and a vice-chairman shall be elected from among the PC members. In the absence of both the chairman and vice-chairman from a PC meeting, an acting chairman shall be elected.

204.2. **Meetings**

The PC shall meet as required. The presence of six (6) members or more shall constitute a quorum of the PC for items where the district appointee is eligible to vote. On all other items, the quorum shall be five (5).

204.3. **General Functions, Powers, and Duties**

Except in the locations subject to Section 602, where these duties are the responsibility of the Advisory and Policy Committee created pursuant to Section 602.7, the PC shall:

- A. Issue final determinations on special exception applications.
- B. Hold public hearings and transmit to the BCC, recommendations on zoning district amendments, with the exception of MPUD Master Planned Unit Developments.
- C. Hold public hearings and transmit to the BCC recommendations on conditional use applications.

SECTION 205. DEVELOPMENT REVIEW COMMITTEE

205.1. **Development Review Committee**

- A. The DRC shall be composed of the following individuals (1) County Administrator or designee, (2) President of the Pasco Economic Development Council or designated employee, (3) Assistant County Administrator for Public Services, (4) Assistant County Administrator for Utilities Services, (5) Assistant County Administrator for Internal Services, and (6) representative appointed by the School Board. The voting representative appointed by the School Board shall be authorized to vote on:
  - 1. All matters (including procedural votes and votes on individual conditions) relating to rezonings or land use changes that would allow one (1) or more residential units (regardless of what the existing zoning or land use allows);
  - 2. All matters related directly to a proposed or existing school site (e.g., whether a site is required, impact fee credit value for a school site, collocation with a proposed school site);

3. Issues related to roads, interconnections, sidewalks, bike paths or roadway crossings that will be used to access an existing or planned school site and that are within two (2) miles of such school site;
4. All matters related directly to the application of school concurrency and LOS standards for schools to a project; and
5. All matters related directly to proposed or existing ancillary school facilities, as such facilities are defined by the State Requirements for Educational Facilities, and owned by the School District.
6. In all other matters, the representative appointed by the School Board shall not be required to vote.

B. The chairman of the DRC shall be the County Administrator or designee.

205.2. **Meetings**

The DRC shall meet at the request of the County Administrator or designee. The presence of four (4) members or more shall constitute a quorum of the DRC. However, for agenda items that do not require a vote by the representative of the School Board, the presence of three (3) members or more shall constitute a quorum of the DRC. The BCC may establish rules of procedures for the conduct of DRC meetings.

205.3. **General Functions, Powers, and Duties**

The DRC shall:

- A. Make recommendations to the BCC on proposed Master Planned Unit Development zoning amendments, Operating Permit Applications, and certain appeals.
- B. Except where the BCC has specifically delegated variance authority to some other person, body, or entity, or specifically reserved variance authority to itself, the DRC shall hear and issue final determinations on all variance requests pursuant to the requirements of this Code. The DRC's variance authority includes variances from the requirements of land development regulations located in this Code, the Code of Ordinances, and resolutions of the BCC.
- C. The DRC has no authority to grant variances from uses of land or to grant variances from the requirements of State or Federal law.
- D. The DRC has the authority to hear and decide appeals for administrative variances pursuant to Section 407.3.

- E. Hear requests for alternative standards that have not been approved by the County Administrator or designee pursuant to Section 407.5.D.2.
- F. Hear requests for a determination that a proposed change is "minor" when the County Administrator or designee has determined that there will be an adverse impact pursuant to Section 402.2.N.2.i and hear appeals of other determinations by the County Administrator or designee pursuant to Section 402.2.N.
- G. The DRC is authorized to hear and decide appeals as provided for in this Code, Section 407.1.

SECTION 206. ADMINISTRATIVE OFFICIALS

206.1. **Administrative Officials**

- A. Except where State law or the BCC has specifically delegated authority to some other person, body, or entity, or specifically reserved authority to itself, the County Administrator and designated administrative officials are authorized to perform all administrative functions of the County government relating to the administration of this Code.
- B. For the purpose of carrying out the provisions and requirements of this Code and all rules and regulations made pursuant thereto, the County Administrator or designee are duly authorized and empowered by the BCC to investigate possible violations; inspect premises, to the extent allowed by law; and to issue violation warnings and citations to persons violating the terms of this Code. The County Administrator or designee shall have the authority to investigate all alleged violations; to provide evidence to the State or County Attorney's Office relative to such violations; and to testify on matters relating to this Code, regulations, or investigations conducted in accordance with such regulations. Furthermore, the County Administrator or designee shall be responsible for the interpretation and for the enforcement of this Code through appropriate administrative determinations. In any quasi-judicial or judicial proceeding, the administrative interpretation of any provision of this Code shall be presumed to be correct, unless such interpretation is clearly proven to be arbitrary, unreasonable, or contrary to law.
- C. The powers and duties of the County administrative officials or their staff, for the purposes of this Code, may include those listed below and any other duties specifically cited in this Code:
  - 1. To receive applications for development activities and to approve application criteria deviations where appropriate and authorized by this Code.

2. To make all necessary site visits and field inspections and, where necessary and approved by the BCC, to retain experts as they may deem necessary to report on technical issues.
  3. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.
  4. To review and issue final determinations on Administrative Permits as required in this Code.
  5. To make recommendations to the DRC, PC, LPA, and BCC.
  6. To review and issue final determinations on administrative variances and alternative standards.
  7. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.
- D. Neither the County Administrator nor designees or other staff members shall have the authority to permit any construction, use, or change of use which does not conform with the provisions of this Code.