

ARTICLE II – ADMINISTRATIVE MECHANISMS

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**2.00.00. - FINDINGS AND INTENT GENERALLY**

A. Findings. The County Commission finds that:

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
2. All development proposals should undergo a development review process to assure compliance with the requirements of this Land Development Code.
3. Developments of large potential impact on the community – including Developments of Regional Impact (DRIs) – should go through a more rigorous review process than others.
4. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
5. Enforcement of development orders and the provisions of this Code should be through procedures that are efficient, effective, and consistent with the code enforcement procedures established by State law.

B. Intent. The administrative mechanisms delineated herein are intended to set forth the rules and procedures pertaining to the Land Development Code. The following administrative mechanisms are established to administer the provisions of this Code under the authority prescribed by this Code and Florida law. It is the intent of the County Commission through this Article:

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1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Land Development Code, the County's Comprehensive Plan, and other applicable County ordinances and regulations.
2. To promote efficiency, predictability, and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Land Development Code through rigorous, but fair enforcement actions.

**2.01.00. - GROWTH MANAGEMENT DEPARTMENT OF PLANNING AND ZONING**

- 2.01.01. - Establishment of Growth management Department.
- 2.01.02. - Growth Management Department Director of planning and zoning.
- 2.01.03. - Growth Management Department Organization.

**2.01.01. - Establishment of Growth Management Department.**

There is hereby created a Growth Management Department department of planning and zoning. The ~~d~~Department shall perform all administrative functions of the ~~e~~County government relating to the administration of this Code. The Growth Management Department shall serve as staff to the Planning and Development Board under the direction of the County Administrator or designee.

**2.01.02. - Growth Management Department Director of planning and zoning.**

- A. ~~Establishment of position.~~ There is hereby established the position of director of planning and zoning.<sup>1</sup>
- B. ~~Duties and powers.~~
  1. The Growth Management Department planning and zoning director is authorized and empowered on behalf of and in the name of the governing body to administer and enforce provisions of this Code to include receiving applications, inspecting premises, and issuing certificates of compliance for uses and structures which are in conformance with the provisions of this Code. The Deputy County Administrator is

<sup>1</sup> The Growth Management Department is established at s. 2.01.01. above.

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authorized to make necessary interpretations of this Code and to interpret the permissible, prohibited, and special exception land uses listed in each zoning district upon a written request for an interpretation being submitted to the Growth Management Department together with any prescribed fee. The request shall contain sufficient information to enable the Deputy County Administrator to make the necessary interpretation.<sup>2</sup>

2. The Growth Management Department ~~planning and zoning director~~ does not have the authority to take final action on applications or matters involving variances, nonconforming uses, or other exceptions which this Code has reserved for public hearings before the ~~Planning and Development Board~~ or the ~~County Commission~~.
3. The Growth Management Department ~~planning and zoning director~~ shall keep records of ~~all and any~~ and all permits, maps, plats and other documents with notation of all special conditions involved. ~~The Department~~ He shall file and safely keep copies of all sketches and records ~~of his office~~ and the records shall be a public record of Flagler County.
4. The Growth Management Department is authorized to interpret the zoning map and to act upon disputed questions of district boundary lines and similar questions upon an application for an interpretation being submitted to the Growth Management Department together with any prescribed fee. The application shall contain sufficient information to enable the Growth Management Department to make the necessary interpretation.
5. ~~4. The planning and zoning director or his representative~~ A representative of the Growth Management Department may attend all meetings of the Planning and Development Board and County Commission ~~and the planning board.~~

**2.01.03. - Growth Management Department Organization.**

- A. Generally. The department Growth Management Department shall have such offices and employees as are deemed necessary by the County Administrator to accomplish its

<sup>2</sup> This change is consistent with s. 1.08.04. *Delegation of authority for interpretation.*

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administrative functions.<sup>3</sup> ~~a long range planning office, current development office and a code enforcement office and other offices created by the county commission.~~

~~B. Long range planning office.~~

- ~~1. The long range planning office shall be headed by the director of planning and zoning or as appointed by him.~~
- ~~2. The long range planning office shall be responsible for comprehensive planning and programming of capital facilities throughout the county.~~
- ~~3. The long range planning office shall provide staff support for the long range planning and land development review board.~~

~~C. Current development office.~~

- ~~1. The current development office shall be headed by the director of planning and zoning or as appointed by him.~~
- ~~2. The current development office shall be responsible for all investigation, analysis, inspection and review required by this Code. It shall perform its duties and responsibilities in conjunction with, and as staff for, the planning board.~~

~~D. Code enforcement office.~~

- ~~1. The code enforcement office shall be headed by the director of planning and zoning or as appointed by him.~~
- ~~2. The code enforcement office shall be responsible for enforcing the provisions of this Code and all development plans and permits issued thereunder by providing staff support for the code enforcement board.~~

**2.02.00. - TECHNICAL REVIEW COMMITTEE**<sup>4</sup>

2.02.01. – Establishment of Technical Review Committee; appointment of chair.

2.02.02. - Technical Review Committee membership.

2.02.03. - General functions, powers and duties of Technical Review Committee.

<sup>3</sup> Cuts in budget and staff have eliminated the various divisions; the Department has become more horizontally-integrated in function.

<sup>4</sup> This section has been relocated from the previous section 2.06.00 so that the ordering goes from staff-level review to P&D Board.

**2.02.01. - Establishment of Technical Review Committee; appointment of chair.**

There is hereby established a Technical Review Committee (TRC) to be chaired by the Deputy County Administrator or designee.

**2.02.02. - Technical Review Committee membership.**

Members of the Technical Review Committee shall include various County department heads or their designees who are or will be procedurally included in the review of a development project. Other County, local, State or Federal agencies may be consulted by the TRC for advice or recommendations on any matter or application being considered by the TRC.

**2.02.03. - General functions, powers and duties of Technical Review Committee.**

- A. The Technical Review Committee may, at the discretion of the Deputy County Administrator or designee unless otherwise required herein, review applications and make recommendations to appropriate reviewing authorities regarding approval or denial and, where applicable, include such conditions and safeguards to be placed upon the approval of applications required by the County Code.
- B. The TRC shall meet at least monthly to review development proposals as prescribed in this Code. The TRC may meet either prior to or as soon as practicable following a formal submission of an application. Nothing contained herein shall prevent informal discussions with an applicant from taking place.
- C. Members of the TRC shall provide written comments to an applicant following review and shall indicate for the applicant any and all pertinent regulations and identifiable impacts of the proposed development project. The comments of the TRC are intended to provide general direction to the applicant and are not deemed to be binding on either the members of the TRC or upon the applicant unless such comments are incorporated into a final decision of the TRC.
- D. The Deputy County Administrator or designee may call additional meetings and may refer additional matters to the TRC for review and comment.

**2.03.00. - CITIZEN BOARDS RESERVED**

2.032.01. - Generally.

2.032.02. - Planning and Development Board membership and officers.

2.032.03. - General functions, powers and duties of Planning and Development Board.

2.03.04. - Planning and Development Board procedures.

2.032.054. - Planning and Development Board Legal representation.

~~2.02.05. - General functions, powers and duties.~~

2.032.06. - Application fees.

**2.032.01. - Generally.**

All citizen boards created to administer the County's Land Development Code shall be governed by the following or similar provisions.

**2.032.02. - Planning and Development Board membership and officers.**

4A. The Planning and Development Board shall have seven (7) members appointed by the Flagler County Commission meeting the following requirements in addition to any other overall County requirements:

a1. Each member shall be an elector of Flagler County.

b2. Each member shall be a full-time permanent resident of unincorporated Flagler County.

c3. Members shall be selected from one (1) of the following areas specifically, with only one (1) member selected per area. To be eligible for membership, the selectee shall be a full-time permanent resident of the unincorporated area as verified by a valid homestead exemption in their name maintained throughout their term in office. The areas are:

ia. East of the Intracoastal Waterway.

ib. West of US 1 and south of SR 100.

ic. West of US 1 and north of SR 100.

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~~iv~~d. Between US 1 and the Intracoastal Waterway, north of SR 100.

~~v~~e. Between US 1 and I-95, south of SR 100.

~~vi~~f. Between I-95 and the Intracoastal Waterway, south of SR 100.

~~vii~~g. One (1) at-large member.

~~viii~~h. Should an area be deemed by the ~~b~~Board of ~~e~~County ~~e~~Commissioners to no longer be a viable area for drawing qualified volunteers, the ~~b~~Board may designate an additional at-large member by simple majority vote of the ~~b~~Board.

~~4~~4. Whenever there are competing applications for a ~~b~~Board opening, those applicants with experience in the field of planning and zoning shall receive special consideration and, whenever possible, the ~~b~~Board of County Commissioners should attempt to include applicants selected from each of the following fields/professions:

~~1~~a. An architect, landscape architect or urban planner.

~~2~~b. A neighborhood or environmental activist.

~~3~~c. An agricultural interest (e.g., farmer, timber/sod, cattle).

~~4~~d. A person engaged in real estate sales or development.

~~5~~e. A businessman or an attorney.

~~6~~f. An engineer or botanist, biologist, geologist or similar geoscience professional.

~~2~~B. Each member of the ~~p~~Planning and ~~d~~Development ~~b~~Board shall not, by direct employment or otherwise, derive a substantial portion of their income from matters related to actions which come before the ~~p~~Planning and ~~d~~Development ~~b~~Board and all members shall comply with all conflict of interest provisions of Chapter 112, Florida Statutes.

~~3~~C. Members shall be appointed in accordance with established ~~b~~Board of ~~e~~County ~~e~~Commissioners policies and procedures related to the establishment of and appointment of boards and committees.

~~4~~D. Members may be removed without notice and without assignment of cause by a majority vote of the ~~e~~County ~~e~~Commission.

~~5~~E. The members of the ~~p~~Planning and ~~d~~Development ~~b~~Board shall annually elect a ~~e~~Chair and ~~v~~Vice-~~e~~Chair from among the members and may create and fill other offices as the ~~b~~Board deems needed.

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- 6F. The eCounty aAdministrator or designee shall appoint a eCounty employee to serve as sSecretary of the pPlanning and dDevelopment bBoard, who shall serve as the recorder and custodian of all bBoard records.
- 7G. Members shall not be compensated, but may be paid for travel and other expenses incurred on bBoard business under procedures prescribed in advance by the cCounty eCommission.
- 8H. The eCounty eCommission may appropriate funds to permit the pPlanning and dDevelopment bBoard to perform its prescribed functions.
- 9I. If any Board member fails to attend three (3) successive ~~– or six (6) in any calendar year~~ – meetings or workshops that have been noticed, the sSecretary of the pPlanning and dDevelopment bBoard shall notify the Board of eCounty Commissioners administrator, who may at their discretion determine that the seat has been vacated and solicit applications of qualified individuals to fill the vacant position, to be appointed by the County Commission.<sup>5</sup>
- 10J. The Flagler County Board of County Commissioners shall serve as the land development regulation commission and local planning agency pursuant to Florida ~~[Statutes]~~ Chapter 163, Florida Statutes. The pPlanning and dDevelopment bBoard may provide recommendations to the eCounty eCommission concerning any necessary or desirable amendments to the eCounty's Iand dDevelopment eCode ~~[this appendix]~~.
- 11K. The Flagler County Board of County Commissioners may waive the elector, full-time permanent residency, homestead, and geographic area representation limits (i.e., no more than one (1) representative selected from each area) as listed herein ~~at subsection 2.02.02.1.a. through c., respectively,~~ through a super-majority vote of the eCounty eCommission.

(Ord. No. 95-06, § 1, 8-21-95; Ord. No. 97-05, § 2, 3-3-97; Ord. No. 2009-07, § 2, 9-8-09; Ord. No. 2009-10, § 2(1), 11-2-09)

<sup>5</sup> Addition allows for filling of vacated positions by the BCC.

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**2.032.03. - General functions, powers and duties of Planning and Development Board.**<sup>6</sup>

- A. The Planning and Development Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable County ordinances.
- B. The Planning and Development Board shall, with advice from County staff, monitor and oversee the operation, effectiveness and status of the County Land Development Code and recommend amendments to the County Commission that are consistent with the County's Comprehensive Plan.
- C. The Planning and Development Board may obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the County.
- D. The Planning and Development Board may keep the County Commission and the general public informed and advised on the land use policies of the County through their regular meetings and ad hoc scheduled workshops. Individual Board members are not authorized to represent the County when not in a properly convened meeting.
- E. The Planning and Development Board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the County Comprehensive Plan and Land Development Code.
- F. The Planning and Development Board shall review redevelopment plans prepared under Chapter 163, Part III, Florida Statutes.
- G. The Planning and Development Board shall perform other lawfully assigned duties.

**2.03.04 - Planning and Development Board procedures.**

- 4A. The ~~p~~Planning and ~~d~~Development ~~b~~Board shall adopt rules of procedure to carry out its purposes, subject to the rules ~~p~~roocedures established by the ~~b~~Board of ~~e~~County ~~e~~Commissioners. All rules must conform to the ~~e~~County ~~l~~Land ~~d~~Development ~~e~~Code, other ~~e~~County ordinances, regulations and state law.

<sup>6</sup> This subsection has been moved up to conform to other sections.

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- 2B. The planning and development board shall meet at least once each calendar month, unless cancelled by the board or its chair, ~~and more often at the call of the chair or the county commission.~~
- 3C. The planning and development board shall keep minutes of its proceedings, indicating the attendance of each member, and the motion and vote of every question.
- 4D. Four (4) members shall constitute a quorum for the planning and development board.
- 5E. Each decision of the planning and development board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- 6F. The planning and development board is subject to and governed by the Open Records Law and Sunshine Law of the State of Florida.

(Ord. No. 95-06, § 1, 8-21-95; Ord. No. 2009-07, § 2, 9-8-09)

**2.032.054. - Planning and Development Board Legal representation.**

The county attorney's office shall provide legal counsel to represent the planning and development board. The County Attorney may, at his sole discretion, appoint outside counsel to represent the Planning and Development Board and, if so appointed, such outside counsel may serve for an indefinite term at the discretion of the County Attorney.

(Ord. No. 2009-07, § 2, 9-8-09)

**~~2.02.05. - General functions, powers and duties.~~<sup>7</sup>**

- ~~1. The planning department shall serve as staff to the planning and development board under the direction of the county administrator or designee.~~
- ~~2. The planning and development board shall review and act upon applications for development review pursuant to the county land development code and other applicable county ordinances.~~

<sup>7</sup> Entire section moved to subsection 2.03.03.

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- ~~3. The planning and development board shall, with advice from county staff, monitor and oversee the operation, effectiveness and status of the county land development code and recommend amendments to the county commission that are consistent with the comprehensive plan.~~
- ~~4. The planning and development board may obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the county.~~
- ~~5. The planning and development board may keep the commission and the general public informed and advised on the land use policies of the county through their regular meetings and ad hoc scheduled workshops. Individual board members are not authorized to represent the county when not in a properly convened meeting.~~
- ~~6. The planning and development board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the county comprehensive plan and land development code.~~
- ~~7. The planning and development board shall review redevelopment plans prepared under Chapter 163, Part III, Florida Statutes.~~
- ~~8. The planning and development board shall perform other lawfully assigned duties.~~

~~(Ord. No. 2009-07, § 2, 9-8-09)~~

**2.032.06. - Application fees.**

The eCounty eCommission shall adopt by resolution a schedule of Growth Management Department application fees for functions performed by the planning and development board in response to applications submitted by any person, corporation, organization or governmental entity.<sup>8</sup>

(Ord. No. 01-19, § 1, 10-1-01; Ord. No. 2009-07, § 2, 9-8-09)

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<sup>8</sup> Reference is made to general fees of the Growth Management Department versus specific Planning and Development Board fees. Ultimately all fees would be adopted by appropriate Fee Resolution as is presently the practice.

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**2.03.00. – RESERVED** <sup>[108]</sup>

<sup>(108)</sup> ~~Editor's note~~ — Section 2 of Ord. No. 2009-07, adopted Sept. 8, 2009, deleted 2.03.00, which pertained to long range planning and land development review board, in its entirety and, at the editor's discretion, reserved said division for future use. Similar provisions can be found under 2.02.00.

**2.04.00. – RESERVED** <sup>[109]</sup>

<sup>(109)</sup> ~~Editor's note~~ — Section 2 of Ord. No. 2009-07, adopted Sept. 8, 2009, deleted 2.04.00, planning board, in its entirety and, at the editor's discretion, reserved said division for future use. Similar provisions can be found under 2.02.00.

**2.05.00. – CODE ENFORCEMENT BOARD**<sup>9</sup>

- ~~2.05.01. – Establishment.~~
- ~~2.05.02. – Board membership.~~
- ~~2.05.03. – Board procedures.~~
- ~~2.05.04. – Powers.~~
- ~~2.05.05. – Administrative fines; liens.~~
- ~~2.05.06. – Appeal.~~
- ~~2.05.07. – Notices.~~

**2.05.01. – Establishment.**

~~A code enforcement board is established to enforce the provisions of this Code pursuant to Chapter 162, Florida Statutes.~~

**2.05.02. – Board membership.**

~~A. — *Membership.*~~

<sup>9</sup> Recent comments from the BCC reflect multi-faceted Code Enforcement processes which may ultimately include citations, Code Enforcement Board, and a Special Master/Magistrate process. These will be specifically included within the Code of Ordinances at Chapter 9 to permit broad applicability of Code Enforcement activities to all County Code sections, not just the County's Land Development Code.

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- ~~1. There is hereby created a Code Enforcement Board of Flagler County, Florida, which shall consist of seven (7) members appointed by the board of county commissioners. Each commissioner of the board of county commission shall nominate one (1) person to serve on the enforcement board. The nomination shall be subject to the confirmation of a majority vote of the board of county commission. In addition to these appointments, the board of county commission shall appoint two (2) persons to serve on the code enforcement board as at-large appointments. All members of the code enforcement board may be appointed at-large by commissioners but must be residents of Flagler County, Florida. Members of the code enforcement board shall receive reimbursement for such travel, mileage and per diem expenses where authorized by the board of county commissioners or as otherwise provided by law.~~
- ~~2. Membership of the code enforcement board shall, whenever possible, include a member from some or all of the following professions: an architect, business person, engineer, general contractor, landscape architect, land use planner, subcontractor, realtor and attorney.~~

~~B. *Terms of members.* The initial appointments to the code enforcement board shall be as follows:~~

- ~~1. Two (2) members appointed for a term of one (1) year each.~~
- ~~2. Three (3) members appointed for a term of two (2) years each.~~
- ~~3. Two (2) members appointed for a term of three (3) years each.~~

~~Thereafter, any appointment shall be made for a term of three (3) years. Any member may be re-appointed for one (1) successive term upon approval of the board of county commissioners, as provided for herein.~~

~~C. *Filling vacancies.* Any appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two (2) of three (3) successive meetings without providing notice prior to the meeting of said member's absence from the meeting to the code enforcement officer or the chairperson of the code enforcement board, the code enforcement board may declare the member's office vacant. The board of county commissioners shall promptly fill such vacancy. Members of the code enforcement board may be suspended or removed for cause. The~~

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~~statutory method for filling vacancies on the county code enforcement board due to unexcused absences [shall be as follows:]~~

~~(1) If any code enforcement board member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the code enforcement board shall inform the county commission promptly, and the board of county commissioners for the county shall promptly fill such vacancy.~~

~~(2) Application for the chairman's prior approval of an absence shall be made through the code enforcement board secretary or other staff as designated.~~

~~D. *Officers.* At the first meeting of the code enforcement board, the members shall elect a chairperson and vice chairperson. The chairperson and vice chairperson shall serve a one (1) year term, but may be re-elected for additional terms at the discretion of the code enforcement board. The chairperson shall preside at all meetings and shall direct the business affairs of the code enforcement board, subject to the directions of the code enforcement board. The vice chairperson shall act in the absence of the chairperson in the conduct of meetings or otherwise and shall perform such duties as may be delegated to him/her by the chairperson from time to time. In acting in the chairperson's absence, the vice chairman shall have all the powers of and be subject to all restrictions upon, the chairperson. The election of a chairperson and vice chairperson shall occur during the month of the one year anniversary of the code enforcement board's first meeting and each subsequent yearly anniversary thereafter.~~

~~(Ord. No. 95-07, § VII, 8-21-95)~~

**2.05.03. – Board procedures.**

~~A. *Quorum.* Four (4) members shall constitute a quorum for the purposes of a meeting. The affirmative vote of a majority of the members present at any meeting of the code enforcement board shall be necessary to take action. In the event of a tie vote, the proposed motion shall be considered to have failed.~~

~~B. *Meetings.* Regular meetings of the code enforcement board will be convened on an "as needed" basis, as determined by the code enforcement officer. Written notice and a~~

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~~formal agenda package will be prepared and forwarded to each member of the code enforcement board. Special meetings of the code enforcement board may be convened by the chairperson upon the giving of written notice thereof to each member of the code enforcement board. Unless waived by a majority of the board, notice of a special meeting shall be given at least twenty four (24) hours prior thereto.~~

~~C. — *Minutes and records.* Minutes shall be maintained of all hearings held by the code enforcement board, and all hearings shall be open to the public. The planning department shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for proper performance of its duties. The county attorney or his/her designee shall attend meetings to serve as counsel to the enforcement board. The planning and zoning director or his designee shall represent the county by presenting alleged violations to the code enforcement board.~~

~~D. — *Jurisdiction.*~~

~~1. The code enforcement board shall have the jurisdiction and authority to hear and decide alleged violations of the codes and ordinances enacted by Flagler County including, but not limited to, the following codes: building, electrical, environmental, fire, gas, health, landscape, plumbing, sign, zoning and any other similar type codes which may be passed by Flagler County in the future which regulate aesthetics, construction, environmental health, safety, or location of any structure on real property in Flagler County.~~

~~2. The provisions of this Code are supplemental and shall not prohibit the county from enforcing its codes by other legal means.~~

**2.05.04. – Powers.**

~~The code enforcement board shall have the power to:~~

~~A. — *Rules.* Adopt rules for the conduct of its hearings.~~

~~B. — *Subpoenas.*~~

~~1. Subpoena alleged violators and witnesses to its hearing. Subpoenas may be served by a sheriff or other authorized persons consistent with Rule 1.410(c), Florida Rules of Civil Procedure upon request by the chairperson.~~

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~~2. Subpoena records, surveys, plats and other documentary materials.~~

~~C. Testimony. Take testimony under oath.~~

~~D. Orders. Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.~~

~~E. Fines. Assess fines pursuant to section 2.05.05 of this Code.~~

~~F. Liens. Lien property pursuant to section 2.05.05 of this Code.~~

**2.05.05. – Administrative fines; liens.**

~~A. Whatever one of the code enforcement board's orders has not been complied with by the time set for compliance, or if the same violation has been repeated by the same violator, the code enforcement board may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day thereafter during which each violation continues past the date set for compliance. In determining the amount of a fine, the code enforcement board shall consider the following factors:~~

~~1. The gravity of the violation;~~

~~2. Any actions taken by the violator to correct the violation; and~~

~~3. Any previous violations committed by the violator.~~

~~The code enforcement board may consider any other factors pertaining to the violator or violation which it deems relevant and shall not be limited to the above recited factors.~~

~~B. The planning and zoning director or his/her designee may record a certified copy of an order imposing a fine in the public records in the office of the clerk of the circuit court in and for Flagler County, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation exists, or if the violator does not own the land upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment, including levy against the personal property. Once recorded, the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the code enforcement board lien.~~

~~C. After six (6) months from the filing of any such lien which remains unpaid, the county may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall be superior to all other liens except liens for taxes, and shall bear interest at the rate of ten~~

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~~(10) percent per annum from the date recorded. No lien created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under Article X, Section 4, of the Florida Constitution.~~

**~~2.05.06. – Appeal.~~**

~~Any aggrieved party may appeal an order of the code enforcement board, including Flagler County, to the Circuit Court of Flagler County, Florida. Such appeal shall not be a hearing de novo, but shall be a petition for writ of certiorari and the court shall be limited to appellate review of the record created before the code enforcement board. Any appeal filed pursuant to this article shall be considered timely if it was filed within thirty (30) days after the hearing at which the order was announced. The timely filing of an appeal shall stay the accrual of any fines ordered to be paid pursuant to section 2.05.05 of this Code until the final disposition of the appeal. The county may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with Section 119.07, Florida Statutes.~~

**~~2.05.07. – Notices.~~**

~~All notices required by this section shall be by certified mail, return receipt requested, or when mail is not effective, by hand delivery by a code inspector. Notice may also be provided by publication or posting, consistent with the provisions of Chapter 162, F. S. This section shall not apply to notices of special meetings as described in section 2.05.03(B) of this Code. Notices placed shall contain at a minimum, the date, and time of the scheduled meeting of the code enforcement board during which time the alleged violator is required to appear; the name and address of the alleged violator; the address or legal description of the property wherein the alleged violations have occurred; and those codes or provisions of a code for which the alleged violator has been cited. Alternative methods of notice, as provided by law, include posting on the subject property and at the courthouse.~~

~~(Ord. No. 95-07, § VI(C), 8-21-95; Ord. No. 04-22, § 3, 12-20-04)~~

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~~2.06.00. – TECHNICAL REVIEW COMMITTEE~~<sup>10</sup>

~~2.06.01. – Establishment; appointment of chair.~~

~~2.06.02. – Committee membership.~~

~~2.06.03. – General functions, powers and duties.~~

~~2.06.01. – Establishment; appointment of chair.~~

~~There is hereby established a technical review committee (TRC) to be chaired by the planning and zoning director.~~

~~2.06.02. – Committee membership.~~

~~Members of the technical review committee shall include representatives of various county departments having a direct interest in new development including but not limited to, the planning and zoning director, engineering department, building department, road and bridge department and the fire department. Other county, local, state or federal agencies may be consulted by the TRC for advice or recommendations on any matter or application being considered by the TRC.~~

~~2.06.03. – General functions, powers and duties.~~

~~The committee shall review applications and make recommendations to appropriate reviewing authorities regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications required by the County Code. The committee shall meet at least monthly to review development proposals as prescribed in this Code. Also, the planning and zoning director may call additional meetings and may refer matters to the committee for review and comment.~~

2.047.00. - LEGAL NOTICE REQUIREMENTS<sup>11</sup>

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<sup>10</sup> Entire section moved to section 2.02.00.

<sup>11</sup> These requirements – and the included table – may ultimately be placed within a supplemental Technical Manual or separate policy document. The goal of staff is to include these in the broadest possible manner to ensure that the

ARTICLE II – ADMINISTRATIVE MECHANISMS

A. *Intent.* It is the intent of this article to provide the citizens of Flagler County with notice of public hearings before advisory boards and the ~~b~~Board of ~~e~~County ~~e~~Commissioners to effect the widest possible public participation in the decision-making process in a manner that meets or exceeds the minimum requirements of Florida Statutes.

B. *Definitions.* ~~For the purposes of this section the following terms shall mean:~~

~~*Newspaper.* A daily newspaper of general paid circulation in Flagler County pursuant to Chapter 50, F.S., being of general interest and readership in the community, not one of limited subject matter.~~

~~*Property owner.* Person (or persons), natural or corporate who, by reference to the current ad-valorem tax records, owns the real property within the specified distance of any point on the perimeter boundary of the subject property.~~

~~*Subject property.* The parcel or parcels included in the application for which the public notice is provided.~~

~~C.~~B. *Types of public notice.* The different types of public notice are as follows:

*Newspaper publication.* Publication of public notice in a newspaper shall consist of publication in a newspaper of general paid circulation in Flagler County and of general interest and readership in the community, not one of limited subject matter. Applicants are responsible for the out-of-pocket cost of such publication(s). There are two (2) ~~three (3)~~ forms of newspaper publications of public notice:

2 X 10 ~~ad with map~~. In this form the required advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in Flagler County and shall meet the standards of F.S. § 125.66(4)(b)(2).~~7~~ If the advertisement is required to include a map the including geographic location map

public is fully aware of the notice requirements. Inclusion in a Technical Manual may be advantageous in permitting the legal notice requirements to be changed more easily than through an ordinance amending this section within the LDC.

ARTICLE II – ADMINISTRATIVE MECHANISMS

which clearly indicates the area covered by the ~~proposed ordinance or resolution.~~  
~~item described in the ad and shall identify~~ The map shall include major street names as a means of identification of the general area.

~~2 X 10 without map.~~ In this form the required advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in Flagler County and shall meet the standards of F.S. § 125.66(4)(b)(2).

*Legal advertisement.* The notice shall state the title and substance of the requested action, name of the applicant, the date, time and place of the hearing(s), the location where the public may inspect the petition and supporting information. The notice shall advise that interested parties may appear at the meeting and be heard and can phone, write or e-mail the Growth Management ~~planning and zoning~~ Department to register an opinion or request information. The required advertisement may be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation.

*Mailed notice.*<sup>12</sup> Mailed notice shall consist of the first class mailing of a notice of the public hearing(s) to each real property owner within three hundred (300) feet of the perimeter of the property that is the subject of the hearing. The ~~director of~~ Planning and Zoning ~~Director~~ or designee shall certify the list of owners and the date of mailing.

*Posted notice.*<sup>13</sup> Posting shall consist of a sign to be posted on the parcel of land that is the subject of the public hearing(s). The sign will be visible from the adjacent street affording principal access to the property. Such sign shall measure at least three (3)

<sup>12</sup> Clarified as advisory in nature; may be eliminated, however LDC currently goes “above and beyond” minimum notice requirements.

<sup>13</sup> Clarified as advisory in nature; may be eliminated, however LDC currently goes “above and beyond” minimum notice requirements.

ARTICLE II – ADMINISTRATIVE MECHANISMS

square feet in area, shall be of a color distinguishable from the surrounding landscape, and shall contain notice of the public hearing.

Website posting.<sup>14</sup> Website posting shall consist of a webpage or linked file, in a format that would permit online viewing by the general public utilizing available resources. The webpage or linked file would be accessible from the County’s website, www.flaglercounty.org. If a duration is provided for the website posting, then this duration shall be determined as commencing when the webpage or linked file is first made available online and terminating when the webpage or linked file is removed from the website. Website posting is not required to continue indefinitely and is maintained as other public records are maintained by the County.

*Additional and optional notice.*<sup>15</sup> The ~~b~~Board of ~~e~~County ~~e~~Commissioners or ~~e~~County ~~a~~Administrator may direct that additional and optional notice be given as they may deem as proper for the circumstances involved for the particular hearing, but such additional notice shall not be deemed as legally required.

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<sup>14</sup> Clarified as advisory in nature; may be eliminated, however LDC currently goes “above and beyond” minimum notice requirements.

<sup>15</sup> Additional notice may be determined to be necessary; emphasis is that this additional notice is optional. Experience has had limited use of this additional notice in the past and such additional notice, if used, has been considered as without strict requirements and with broad discretion as to its minimum requirements (i.e., typically considered as a “courtesy notice”).

ARTICLE II – ADMINISTRATIVE MECHANISMS

D-C. Minimum legal notice type and lead time, in calendar days, for public notice requirements.

TYPE OF APPLICATION	TYPE OF PUBLIC HEARING	Published Notice			Mailed Notice	Posted Notice	<u>Website Posting</u>
		Legal Ad	2 X 10 with map	2 X 10 w/o map			
Comprehensive Plan Amendment – <u>State Coordinated Review</u>	<u>Planning and Development Board</u>	<u>10</u>	14		14	14	
	<u>BOCC (LPA) Proposed Amendment</u>	<u>10</u>	14		14	14	
	<u>BOCC Transmittal</u>		<u>7</u>				
	<u>BOCC Adoption</u>		5				
<u>Comprehensive Plan Amendment – Expedited Review</u>	<u>Planning and Development Board</u>	<u>10</u>					
	<u>BOCC (LPA) Proposed Amendment</u>	<u>10</u>					
	<u>BOCC Transmittal</u>		<u>7</u>				
	<u>BOCC Adoption</u>		<u>5</u>				
<u>Small Scale Comprehensive Plan Amendment</u>	<u>Planning and Development Board</u>	<u>10</u>					
	<u>BOCC (LPA) Transmittal</u>	<u>10</u>					
	<u>County Initiated BOCC Adoption</u>				<u>30</u> (to owners of re-designated land)		
	<u>BOCC Adoption</u>	<u>5</u>					
Change of Listed Use(s)	Long Range-PB			14			
	<u>Planning and Development Board</u>			14			

ARTICLE II – ADMINISTRATIVE MECHANISMS

TYPE OF APPLICATION	TYPE OF PUBLIC HEARING	Published Notice			Mailed Notice	Posted Notice	<u>Website Posting</u>
		Legal Ad	2 X 10 with map	2 X 10 w/o map			
	BOCC First			14			
	BOCC Second			14			
Rezoning; County-Initiated less than 10 acres	<u>Planning and Development Board</u>	14			30*	14	
	BOCC First	14			30*	14	
Rezoning; County-initiated 10 acres or greater	<u>Planning and Development Board</u>		14		14	14	
	BOCC First		14		14	14	
	BOCC Second		5		14	14	
Rezoning or small-scale Comprehensive Plan Amendment; Owner initiated	<u>Planning and Development Board</u>	14		14	14		
	BOCC First	14			14	14	
Special Exception	<u>Planning and Development Board</u>				14	14	
Variance	<u>Planning and Development Board</u>				14	14	
<u>Wetland Alteration Permit</u>	<u>N/A – Administrative process</u>	<u>w/in 30 days of complete application</u>			<u>Required</u>	<u>10</u>	<u>Required</u>
PUD [only] site plan	<u>Planning and Development Board</u>				10	10	
	BOCC				10	10	
Public, semi-public and special use	<u>Planning and Development Board</u>	<del>30</del> <u>14</u>			<del>30</del> <u>14</u>	<del>30</del> <u>14</u>	
	BOCC	<del>30</del> <u>14</u>			<del>30</del> <u>14</u>	<del>30</del> <u>14</u>	
Preliminary Plat	<u>Planning and Development Board</u>				10		
	BOCC				10		

ARTICLE II – ADMINISTRATIVE MECHANISMS

TYPE OF APPLICATION	TYPE OF PUBLIC HEARING	Published Notice			Mailed Notice	Posted Notice	<u>Website Posting</u>
		Legal Ad	2 X 10 with map	2 X 10 w/o map			
Change of nonconforming use	<u>Planning and Development Board</u>				10	10	
Expansion of nonconforming use	<u>Planning and Development Board</u>				10	10	
	BOCC				10	10	

\* Mailed notice to each real property owner whose land is subject to rezoning in addition to surrounding property owner notice.

(Ord. No. 04-22, § 2, 12-20-04)

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ARTICLE II – ADMINISTRATIVE MECHANISMS  
SUPPLEMENTAL

2.00.00. - FINDINGS AND INTENT GENERALLY

**2.00.00. - FINDINGS AND INTENT GENERALLY**

A. Findings. The County Commission finds that:

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
2. All development proposals should undergo a review process to assure compliance with the requirements of this Land Development Code.
3. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
4. Enforcement of development orders and the provisions of this Code should be through procedures that are efficient, effective, and consistent with the code enforcement procedures established by State law.

B. Intent. The administrative mechanisms delineated herein are intended to set forth the rules and procedures pertaining to the Land Development Code. The following administrative mechanisms are established to administer the provisions of this Code under the authority prescribed by this Code and Florida law. It is the intent of the County Commission through this Article:

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Land Development Code, the County's Comprehensive Plan, and other applicable County ordinances and regulations.
2. To promote efficiency, predictability, and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Land Development Code through enforcement actions.