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ADMINISTRATION

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Sections 21-88 through 21-89 reserved for future use.

ARTICLE VIII
ADMINISTRATION

SECTION 21-80 - PURPOSE

The purpose of this Article is to identify the roles of City Council, City staff and advisory boards that are responsible for the administration and integration of this Land Development Code.

SECTION 21-81 - CITY COUNCIL

21-81.01 – Authority

The City Council’s authority and duties relative to Chapter 21, the Land Development Code, are as follows:

- a. To initiate, review and adopt amendments to the Comprehensive Plan of the City of Edgewater.
- b. To initiate, review and adopt amendments and hear appeals to this Land Development Code.
- c. To initiate, review and adopt amendments to the Official Zoning Map.
- d. To review and grant /deny applications for subdivision plats.
- e. To hear and grant/deny appeals of a decision of the Planning and Zoning Board regarding conditional uses.
- f. To hear and grant/deny appeals of a decision of the Planning and Zoning Board regarding variances.
- g. To review and grant /deny applications for zoning and development agreements.
- h. To review and grant /deny applications for annexation.
- i. To review and grant /deny applications for right-of-way abandonment, easements, plat and street vacations.
- j. To review and grant /deny applications for mining permits.
- k. To hear and grant/deny appeals of a decision of the Construction Board of Adjustment and Appeals regarding contractor discipline.

- l. To hear and grant/deny appeals of a decision of the Construction Board of Adjustment and Appeals regarding a decision of the Building Official or Fire Chief.
- m. To review and grant/deny applications for site plans for buildings of 25,000 square feet or larger.
- n. To review and grant/deny applications for designation of landmarks/sites and historic districts.
- o. To review and grant/deny applications for telecommunication towers.
- p. To establish by resolution a schedule of fees to cover the costs of technical and administrative activities required by this Code.

SECTION 21-82 - CITY MANAGER

For the purposes of this Code, the City Manager shall direct and supervise the administration and enforcement of this Code.

SECTION 21-83 - CITY ATTORNEY

For the purposes of this Code, the City Attorney's duties shall include the following:

- a. Provision of professional advice and support to the City Council.
- b. Provision of professional advice and support to the Planning and Zoning Board.
- c. Provision of advice to the Code Compliance Board regarding applicable law and procedures, but shall not present cases to the Code Compliance Board. The City Council may select an attorney as the Code Compliance Board attorney.

SECTION 21-84 - TECHNICAL REVIEW COMMITTEE (TRC)

21-84.01 - Purpose

There is hereby established a Technical Review Committee to provide technical review and comment regarding various permit applications described in this Land Development Code.

21-84.02 - Membership

At a minimum, the members of TRC shall include the Development Services Director, the City Engineer, the Department of Environmental Services Director, the Building Official, the Fire Chief and the City Manager's Office or their designees. The TRC may include other City staff as may be necessary for a given issue or project.

21-84.03 - Meetings

The TRC shall meet as necessary, provided that ample public notice is given to the members and applicants. TRC meetings are subject to Sunshine Laws.

21-84.04 - Powers & Duties

- a. The TRC members shall provide written comments regarding the technical aspects of annexations, proposed plan amendments, rezonings, subdivision plats, planned unit developments, site plans, conditional use permits, mining permits, development and zoning agreements.
- b. The TRC shall have final authority to approve, modify and/or deny, site plans involving projects with less than 25,000 square feet of gross floor area.

SECTION 21-85 - PLANNING & ZONING BOARD (P&ZB)

21-85.01 - Purpose

The purpose of the Planning & Zoning Board is to provide review and recommendations regarding various planning matters to the City Council and to act as the City's Local Planning Agency pursuant to the requirements of Chapter 163, Part II, FS.

21-85.02 - Membership

- a. The P&ZB shall consist of seven (7) members appointed by the City Council. Members shall be legal residents of the City.
- b. Members shall be appointed to three (3) year staggered terms.
- c. Members shall not appear for, nor represent, any other person than himself/herself at the P&ZB meetings for one (1) year after his/her departure.
- d. The P&ZB, and its members, are subject to the requirements of the Public Records Law (Ch. 119, FS) and the Sunshine Law (Ch. 286, FS).
- e. All members shall serve without compensation, but may receive reimbursement while on official business of the Board.
- f. Any member of the Board may be removed by the City Council at any time.
- g. No member of the Board shall vote on any matter that would inure to a special private gain; or of any principal by which the member is employed, or retained, or to the parent organization, or subsidiary of a corporate principal by which the member is retained; or that would inure to the special private gain of a relative or business associate.

- h. One (1) non-voting member shall be appointed by the Volusia County School Board per FL. Statute Section 163.3174. This member shall serve without compensation from the City and shall be exempt from residency and attendance requirements. The school board member shall comply with all other procedural standards relating to the Planning and Zoning Board.

21-85.03 – Meetings

- a. The Planning and Zoning Board shall meet once a month, if there is sufficient business to warrant a meeting. The P&ZB chairman may call other meetings as necessary, provided that no less than twenty-four (24) hours notice is given to the members and applicants.
- b. The P&ZB shall establish by-laws for conducting their meetings.

21-85.04 - Powers & Duties

The Planning and Zoning Board shall:

- a. Be the responsible agency to initiate review and/or amendments to the City’s Comprehensive Plan and recommend such to the City Council.
- b. Review all proposed amendments to the City’s Land Development Code and make recommendations to the City Council as to the consistency of the proposed amendments to the Comprehensive Plan.
- c. Monitor the effectiveness of the Comprehensive Plan by the formal periodic evaluation process described in Chapter 163.3191, F.S. and its implementing rules.
- d. Provide a coordinated planning effort between the City and the Volusia County School Board per Florida Statutes Sec. 163.31777.
- e. Provide recommendations to the City Council regarding applications for the following:
 - 1. Subdivisions and plats,
 - 2. Proposed development and zoning agreements,
 - 3. Proposed annexations,
 - 4. Proposed rezonings and land use amendments,
 - 5. Proposed abandonment/vacations,
 - 6. Provide recommendations to the City Council regarding site plans over twenty-five thousand square feet (25,000 sq. ft.) of building area.
- f. The Board shall have final authority to approve, modify and/or deny the following unless appealed to the City Council as provided in Article I:
 - 1. Conditional Use Permits
 - 2. Variance applications

SECTION 21-86 - CODE COMPLIANCE BOARD (CCB)

21-86.01 - Purpose

The purpose of the Code Compliance Board is to review alleged violations to the City's Code of Ordinances and the Land Development Code pursuant to the requirements of Chapter 162.02, F.S. The CCB shall be responsible to enforce the Code of Ordinances through the use of administrative fines and/or other non-criminal penalties available to the City under general law.

21-86.02 - Membership

- a. The CCB shall consist of seven (7) members appointed by the City Council. Members shall have been a legal resident of the City for at least one (1) year prior to the appointment.
- b. Members shall be appointed to three (3) year staggered terms.
- c. Members shall not appear for, nor represent, any other person other than himself/herself before the Board for one (1) year after his/her departure.
- d. The CCB, and its members, shall be subject to the requirements of the Public Records Law (CH. 119, F.S.) and the Sunshine Law (Ch. 286, F.S.).
- e. All members shall serve without compensation, but may receive reimbursement while on official business of the Board.
- f. Any member of the Board may be removed for cause by the City Council at any time.
- g. No member of the Board shall bring forward any code enforcement cases. No member of the Board shall vote on any matter that would inure to a special private gain; or of any principal by which the member is employed, or retained, or to the parent organization, or subsidiary of a corporate principal by which the member is retained; or that would inure to the special private gain of a relative or business associate.

21-86.03 – Meetings

- a. The CCB shall meet when there is sufficient business to warrant a meeting.
- b. The Code Compliance Board shall establish by-laws for conducting their meetings. The Chairman may call other meetings as necessary, provided that no less than ten (10) days notice is given to the members and applicants. Special meetings may be called with a written notice signed by three (3) members with at least forty-eight (48) hours notice.

21-86.04 - Powers and Duties

The Code Compliance Board shall have the authority to hear and decide alleged violations of the City Code of Ordinances, including, but not limited to, the following:

- a. All areas of jurisdiction set forth in Chapters 162, 489 and 553, F.S.
- b. Chapter 7, Article IX - Swimming Pools
- c. Chapter 10, Article II - Noise
- d. Chapter 10, Article III - Cleanliness and Sanitation of Premises
- e. Chapter 10, Article IV - Sewage Disposal
- f. Chapter 21, Article V - Site Design Criteria
- g. Chapter 11 - Business Tax Receipt
- h. Chapter 12, Article II - Garage Sales
- i. Chapter 12, Article III - Alarm Systems
- j. Chapter 15 - Streets and Sidewalks
- k. Chapter 21 - Land Development Code

21-86.05 - Powers

The Code Compliance Board shall have the following powers:

- a. Subpoena alleged violators and witnesses to its hearings.
- b. Subpoenas shall be served by the Edgewater Police Department.
- c. Subpoena evidence to its hearings.
- d. Take testimony under oath.
- e. Issue orders having the force of law to compel an adjudicated violator to comply.

SECTION 21-87 - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS (CAA)

21-87.01 - Purpose

The purpose of the Construction Board of Adjustment and Appeals is to provide review and recommendations to the City Council on building and construction related matters pursuant to the Florida Building Code. The CAA is deemed to be competent to sit in judgement on matters concerning the interpretation of the Florida Building Codes and the Florida Fire Prevention Code and its enforcement.

Sections 21-88 through 21-89 reserved for future use.