

VILLAGE OF INDIANTOWN - Land Development Regulations

Chapter X

ARTICLE 11 – REVIEWERS AND DECISIONMAKERS

Sec. 11-1. – Purpose.

This Article sets forth the duties and responsibilities of Village agencies.

Sec. 11-2. – Authority.

Each Village agency, which is authorized by this LDR to have development review responsibilities, shall make recommendations or decisions on development applications as identified in **Sec. 11-9**.

Sec. 11-3. – Village Council.

(a) In addition to the other authority granted to the Village Council by the Florida Constitution, State law or by the Village Charter, the Village Council has the powers and duties under these LDRs to approve, approve with conditions or modifications, deny and hear appeals from any board or administrative body of the Village as delineated herein.

(b) General responsibilities include but are not limited to:

- (1) Annexations and contractions (de-annexations).
- (2) Comprehensive plan text or map amendments.
- (3) Land development regulations text or map (Rezone) amendments.
- (4) Subdivisions, minor replat, waiver of plat and dedication and vacation of right of way.
- (5) Major site plans.
- (6) Planned Developments.
- (7) Development Agreements and Amendments to Agreements.
- (8) Appeal of Certificates of Use.
- (9) Appeal of Variances.
- (10) Appeal of Special Exceptions.
- (11) Appeal of Vested Rights.
- (12) Appeal of Planning, Zoning and Appeals Board Decisions, including Appeals from PZA Board Decisions on Appeals of Administrative Decisions.
- (13) Appoint members of the Planning, Zoning and Appeals Board.

Sec. 11-4. – Local Planning Agency.

The Village Council is designated the Local Planning Agency (LPA) for the Village. The LPA shall have all the powers authorized under Section 163.3174, Florida Statutes.

(a) General responsibilities include but are not limited to:

- (1) Review comprehensive plan or plan amendments and make recommendations to the Village Council regarding adoption.
- (2) Review proposed land development regulations, land development codes, or

amendments, and make recommendations to the Village Council as to the consistency of the proposal with the adopted comprehensive plan.

(3) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Village Council any changes in the comprehensive plan that may be required from time to time.

(4) Perform any other functions, duties and responsibilities assigned to it by the Village Council.

(b) When reviewing rezoning and comprehensive plan amendments, a representative of the school district appointed to the LPA by the school board shall participate as a nonvoting member when the LPA considers those items that would, if approved, increase residential density on the property that is the subject of the application.

Sec. 11-5. – Planning, Zoning and Appeals Board.

The Planning, Zoning and Appeals Board is established by the Village Council and consists of seven (7) members appointed by the Village Council.

(a) When initially established, three (3) of the seven (7) members shall be appointed for two-year terms while the remaining four (4) shall be appointed for three-year terms. Thereafter, all terms shall be for two years. Board members may serve no more than four consecutive terms. Members may be removed by the Village Council upon written charges at public hearing, and vacancies shall be filled for the unexpired term of any member. Members of this Board shall serve without compensation and shall reside (with a minimum of one-year residency) or be the owner of a business located (for a minimum of one year) within the Village. The Board shall consist of at least five (5) resident members and no more than two (2) business owners.

(b) In the event that any member of the Planning, Zoning and Appeals Board fails to attend three of the regularly scheduled meetings per calendar year, or abstains from voting on a matter before the Board due to a conflict of interest on four different applications within a period of one year, such member shall cease to be a member of the Board.

(c) Any member of the Board, who has a voting conflict under Sec. 112.3143, Fla. Stat. concerning any matter before the Board, shall make that interest known and shall recuse him or herself from participating in that matter, in addition to otherwise complying with the requirements of Sec. 112.3143, Fla. Stat.

(d) Meetings.

(1) The Board shall meet at least once each calendar month, unless canceled by the Board, its Chairperson, or the Director of Community and Economic Development.

(2) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every item.

(3) Three members shall constitute a quorum. Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

(4) The Director of Community and Economic Development, or designee, shall serve as staff to the Board.

(e) General responsibilities include but are not limited to:

(1) To elect a Chair and Vice-Chair.

(2) To hear and recommend approval, denial or modifications to annexation and contraction (de-annexation) applications.

(3) To hear and recommend approval, denial or modifications to comprehensive plan text or map amendments.

(4) To hear and recommend approval, denial or modifications to land development regulations text or map (rezone) amendments.

(5) To hear and recommend approval, denial or modifications to subdivisions, minor replat, and dedication and vacation of right-of-way.

(6) To hear and recommend approval, denial or modifications to major site plans.

(7) To hear and recommend approval, denial or modifications to planned developments.

(8) To hear and recommend approval, denial or modifications to development agreements and amendments to agreements.

(9) To hear and decide appeals of an administrative decision of the Director of Community and Economic Development or designee regarding:

a. Administrative Site Plan

b. Administrative Variance

c. Certificate of Use

d. Any development permit

e. Interpretation of the Code

(10) To hear and approve, approve with conditions, or deny variances from the terms of the Code.

(11) To hear and approve, approve with conditions, or deny Special Exception requests.

(12) To review and make Vested Rights determinations.

(f) Appeal of Decision of Director

(1) Any appeal of a requirement, decision or determination made by the Director charged with the enforcement of the Code shall be filed within thirty (30) days after it is imposed. The Director shall bring said appeal before the Board in a form prescribed by the Village. Those appealing the Director's decision shall specify, in writing with documentation, the grounds on which the decision should be reversed.

(2) The Director shall, upon being notified of the filing of the appeal, schedule a hearing on the matter and transmit to the Board all documents, plans and papers constituting the record of the action from which the appeal was taken and may appear before the Board.

(3) All decisions of the Board shall be made by resolution within thirty (30) days of the filing of the written appeal.

(4) All complete applications for appeals shall include the fee prescribed in the Village's fee schedule.

(5) The Board, by a vote of four (4) concurring members, may reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed. To that end the Board shall have all the powers of the director from whom the appeal is taken.

Sec. 11-6. – Development Review Staff.

The Development Review Staff (DRS) shall be an advisory body to the Department of Community and Economic Development. Members of DRS shall include: Director of Community and Economic Development or designee, Director of Public Works, Director of Parks and Recreation, Director of Building, or their designees, and any other staff as deemed necessary.

The DRS shall have the power to review applications for development orders or permits relative to the requirements, regulations and standards of this chapter including: site plans; plats; vacations or dedications of rights-of-way; or any other type of development or projects that the Director of the Department of Community and Economic Development determines requires DRS review. DRS review and comments shall be based on the criteria as set forth in this and other chapters of the Village Code. Acting in its advisory capacity, the DRS shall make recommendations for approval, approval with conditions or modifications, or disapproval.

When reviewing comprehensive plan and rezoning amendments a representative of the school district may participate when staff considers those items that would, if approved, increase residential density on the property that is the subject of the application.

General responsibilities include but are not limited to:

- (1) Annexation applications.
- (2) Comprehensive plan text or map amendments.
- (3) Land development regulations text or map (Rezone) amendments.
- (4) Subdivisions, minor replat, waiver of plat and dedication and vacation of right of way.
- (5) Major site plans.
- (6) Planned Developments.
- (7) Development Agreements and Amendments to Development Agreements.
- (8) Other items determined by the Director to require review.

Sec. 11-7. – Department of Community and Economic Development.

The Department shall have the duty and responsibility for all planning functions and to administer, determine, interpret and enforce all sections of the land development regulations and Comprehensive Plan. The Department shall promote, protect and improve the health, safety, and welfare of the citizens of the Village by providing an equitable, expeditious and effective method of enforcing this chapter.

General responsibilities include but are not limited to:

- (1) Serve as professional staff and provide technical assistance to the Village Council, Village Manager and Boards and Committees.
- (2) Research.
- (3) Administrative reviews, including permits.
- (4) Enforce and interpret the Comprehensive Plan.
- (5) Enforce and interpret the Land Development Regulations.
- (6) Establish review procedures.
- (7) Review development applications.
- (8) Concurrency.
- (9) Conduct informational meetings.
- (10) Other assigned tasks.

Sec. 11-8. – Agency Development Review Responsibilities.

Table of Development Review Responsibilities					
Development Type	Agency				
	Department of Community and Economic Development	Development Review Staff	Planning, Zoning and Appeals Board	Local Planning Agency	Village Council
Annexation Sec. 12-3.	S, R	R	R		D
Comprehensive Plan – Text or Map Amendments Sec. 12-4.	S, R	R	R	R	D

Land Development Regulations – Text or Map (Rezone) Amendments Sec. 12-5. or Sec. 12-6.	S, R	R	R	R	D
Subdivision Plat Sec. 12-7.	R	R	R		D
Minor Replat Sec. 12-7.	R	R	R		D
Waiver of Plat Sec. 12-7.	R	R	R		D
Dedication of Right of Way Sec. 12-7.	R	R	R		D
Vacation of Right of Way Sec. 12-7.	R	R	R		D
Major Site Plan Sec. 12-8.	S, R	R	R		D
Minor Site Plan Sec. 12-9.	S, D		A		A
Planned Developments Sec. 12-10.	S, R	R	R		D
Development Agreement Article 9	S, R	R	R		D
Amendment to Development Agreement Article 9	S, R	R	R		D
Variance Sec. 12-12.	S, R		D		A
Administrative Variance Sec. 12-13.	S, D		A		
Special Exception Sec. 12-14.	S, R		D		A

Certificate of Use Sec. 12-15.	S, D		A		
Permits Sec. 12-16.	S, D		A		
Zoning Interpretations Sec. 12-17.	S, D		A		
Vested Rights Sec. 12-18.	S		D		A
Appeal of Administrative Decision Sec. 12-19.			D		A

Staff Review – S

Recommendation – R

Decision – D

Appeal - A

Sec. 11-9. – Building Official.

The Building Official, or designees, shall have all the powers authorized under Section 468.604, Florida Statutes.

General responsibilities include but are not limited to:

(1) Administrate, supervise, direct, enforce or perform the permitting and inspection of construction, alteration, repair, remodeling or demolition of structures and the installation of building systems within the boundaries of the Village, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include, as may be amended:

a. The review of construction plans to ensure compliance with all applicable sections of the Code. The construction plans must be reviewed before the issuance of any building, system installation or other construction permit. The review of construction plans must be done by the building official or by a person having the appropriate Plans Examiner license issued.

b. The inspection of each phase of construction where a building or other construction permit has been issued. The Building Official, or a person having the appropriate Building Code Inspector license issued under this

chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable sections of the Code.

(2) Conduct inspections of construction, alteration, repair, remodeling or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. Each Building Code Inspector must be licensed in the appropriate category as defined in s. 468.603. The Building Code Inspector's responsibilities must be performed under the direction of the Building Code Administrator or Building Official without interference from any unlicensed person.

(3) Conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The review of construction plans must be done by the Building Official or by a person licensed in the appropriate Plans Examiner category as defined in s. 468.603. The Plans Examiner's responsibilities must be performed under the supervision and authority of the Building Official without interference from any unlicensed person.