

ORDINANCE 006 - 2010

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 102-21 REGARDING THE DEPARTMENT OF PLANNING; AMENDING MONROE COUNTY CODE SECTION 6-55 REGARDING THE BUILDING DEPARTMENT AND UPDATING THE QUALIFICATIONS AND DUTIES OF THE PLANNING DIRECTOR; ELIMINATING SPECIFIC JOB DESCRIPTIONS FOR OTHER POSITIONS; AMENDING THE DUTIES OF THE DEVELOPMENT REVIEW COMMITTEE; DELETING OBSOLETE PROVISIONS; PLACING THE DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL IN A SINGLE LOCATION IN CHAPTER 6 OF THE MONROE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has directed staff to change the requirements for the qualifications of the Planning Director; and

WHEREAS, the current text describing the job qualifications and functioning of the planning department is outdated; and

WHEREAS, the positions and duties of personnel are prescribed by job description in each department, approved by the Human Resources Department; and

WHEREAS, the composition of the divisions and departments of county government are determined by the County Administrator and the Board of County Commissioners and should have a flexible component not constrained by ordinance; and

WHEREAS, it is apparent that the current regulations for the department of planning were to apply to the entire division now known as the Growth Management Division and the terminology has changed since the regulations were written; and

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Section 110-21 shall be amended as follows:

Sec. 102-21. Department of planning.

(a) Duties; composition. The department of planning shall perform the planning functions for the county and shall provide technical support and guidance for action on

applications for development approval and shall perform such other functions as may be requested by the board of county commissioners or the planning commission.

(b) Planning Director.

(1) Creation and appointment. There shall be a planning director selected and approved by the appropriate division director and the county administrator, and the board of county commissioners if desired.

(2) Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties that may be conferred upon the planning director by other provisions of this Code, the planning director shall have the following jurisdiction, authority and duties:

- a. To serve as staff to the planning commission and to inform such body of all facts and information at his disposal with respect to applications for development approval or any other matters brought before it;
- b. To assist the planning commission in the review of the plan, including the capital improvements program, these regulations and proposed amendments thereto;
- c. To maintain the official land use district map and to make a presentation of the map to the board of county commissioners for certification when the land use map is updated;
- d. To maintain development review files and other public records related to the department's affairs;
- e. To review, or cause to be reviewed, all applications for major conditional use permits and plat approvals;
- f. To review and approve, approve with conditions, or deny all applications for minor conditional use permits;
- g. To recommend amendments to the plan and this chapter;
- h. To render interpretations of the plan, this chapter or the boundaries of the official land use district map and future land use map;
- i. To evaluate and act upon claims of nonconforming uses and structures;
- j. To work to coordinate all local, regional, state and federal environmental and other land development permitting processes affecting development in the county;
- k. To plan for and evaluate all transportation improvements for the county, and coordinate such activities with the Florida Department of Transportation;
- l. To issue certificates of compliance and sign pre-application conference letters of understanding in accordance with the procedures set forth in the plan;
- m. To establish such rules of procedure necessary for the administration of his responsibilities under the plan; and
- n. Whenever requested to do so by the county administrator or the board of county commissioners, with the assistance of other county departments, to conduct or cause to be conducted surveys, investigations and studies, and to prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.

(c) Development review committee.

(1) Creation and composition. As required for the items being reviewed, the development review committee shall be composed of the planning director or his or her designee and the planner in charge of the particular item being considered, and depending on the application being reviewed, may also include public works division personnel, health department personnel, the building official or his or her designee, a county biologist and any other county employee or official designated by the county administrator or the planning director. The development review committee also may include representatives of each local, regional, state or federal agency that has entered into an intergovernmental agreement with the county for coordinated development review when appropriate. A representative of the department of community affairs shall serve as an ex officio member of the development review committee as long as the county is located within an area of critical state concern.

(2) Duties. The development review committee shall have the following duties:

- a. To meet at least once a month to consider such business as is prescribed by this article including:
 1. Reviewing all applications for development approval as set forth in the code.
 2. Reviewing all applications for amendments to the plan.
- b. To maintain such minutes and records as are required by state law.
- c. Any action reviewing a permit application shall not preclude the applicant's right to be present when his project is discussed before this body.
- d. Draft staff reports prepared for the items before the development review committee shall be given to the planning director and the applicant.
- e. Public comments by members not in the department of planning may be in writing and delivered to the development review committee, the planning director, and communicated to the applicant.
- f. A final staff report, considering Development Review Committee recommendations and other relevant information shall be prepared after the Development Review Committee meeting for those items proceeding to the Planning Commission.

Section 2. Section 6-55 shall be amended as follows:

Sec. 6-55. Building department.

(a) *Organization and administration.* There is hereby established a department called the building department headed by the building official. Upon recommendation of the county administrator, the department shall be assigned to the division of county government that the board of county commissioners determines appropriate. The county

administrator with the approval of the board of county commissioners shall designate the building official.

(b) *Employee qualifications.* The building official shall be licensed as a building code administrator by the state. All appointed or hired inspectors and plan examiners shall meet the qualifications for licensing in the appropriate trade as established by the state.

(c) *Building official authority and duties.* The building official shall have authority to administer, interpret, and enforce provisions of the Florida Building Code, flood plain management regulations, and this chapter. Such authority, jurisdiction, and duties shall include the following:

- (1) To process building permit applications and issue and revoke building permits;
- (2) To inspect sites, buildings and structures as required by this chapter, the Florida Building Code and the Standard Unsafe Building Abatement Code;
- (3) To issue and revoke certificates of occupancy;
- (4) To maintain building permit, financial, and other public records related to the department's affairs;
- (5) To establish such policies and procedures necessary for the administration of his responsibilities under the Florida Building Code and this chapter;
- (6) To provide a recording secretary for the purpose of keeping the board of adjustment and appeals;
- (7) To be the official source to render interpretations of this chapter and the Florida Building Code;
- (8) To enforce provisions of the Florida Building Code and this chapter;
- (9) To issue stop work orders; and
- (10) To conduct all other such duties and responsibilities as are otherwise required by this chapter.
- (11) To determine the extent of damage or destruction of nonconforming uses and structures, in cooperation with the planning director;
- (12) To review building permit applications for repair within areas of special flood hazard to determine that the proposed repair satisfies the requirements of the floodplain management provisions of the code;
- (13) To review building permit applications for new construction or substantial improvement within areas of special flood hazard to ensure that the proposed construction (including prefabricated and mobile homes) satisfies the floodplain management requirements of the code;
- (14) To advise permittees that additional federal or state permits may be required, and if specific federal or state permits are known to have been issued, to require that copies of such permits be obtained and provided and maintained on file with the building permit application;
- (15) To notify adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to the Federal Emergency Management Agency;
- (16) To ensure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished;

- (17) To verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (18) To verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed;
- (19) In coastal high-hazard areas, to review certifications obtained from registered professional engineers or architects that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- (20) To make interpretations, as needed, as to the exact location of boundaries of the areas of special flood hazard;
- (21) When base flood elevation data has not been provided in accordance with chapter 122, to obtain, review and reasonably use any base flood elevation data available from a federal, state or other source in order to administer the floodplain management provisions of the code; and
- (22) To provide the board of county commissioners and the planning commission with reports and recommendations with respect to matters before such bodies, as directed by the board of county commissioners, growth management division director or planning director, or the county administrator.

Section 3. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 4. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 5. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05 (11) and F.S. 380.0552(9).

Section 6. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 7. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 8. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 17th day of February, 2010.

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| Mayor Sylvia Murphy | <u>Yes</u> |
| Mayor <i>pro tem</i> Heather Carruthers | <u>Yes</u> |
| Commissioner Mario Di Gennaro | <u>Yes</u> |
| Commissioner George Neugent | <u>Yes</u> |
| Commissioner Kim Wigington | <u>Yes</u> |



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

DANNY L. KOLHAGE, CLERK

[Signature]
Deputy Clerk

By *[Signature]*
Mayor Sylvia Murphy

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
[Signature]
SUSAN M. GRIMSLEY
MONROE COUNTY ATTORNEY
2-17-10

FILED FOR RECORD
2010 MAR -4 PM 1:08
DANNY L. KOLHAGE
CLERK CIR. CL.
MONROE COUNTY, FL