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DECISIONMAKING AND ADMINISTRATIVE BODIES

§ 5-203

DIVISION 1. CITY COMMISSION

Section 5-101. Powers and duties.

In addition to any authority granted the city commission by state law, City Charter or other regulations of the city, the city commission shall have the power and duty to consider the following level three approvals, in accordance with the procedures of Article 4 Division 6 of this development code:

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Text Amendments	Section 4-601
Zoning Atlas Amendments	Section 4-602
Comprehensive Plan Amendments	Section 4-603
Annexation	Section 4-604
Developments of Regional Impact	Section 4-605
Development Agreements	Section 4-606
Historic Designation	Section 4-607
Neighborhood Conservation Overlay	Section 4-608

DIVISION 2. COMMUNITY DEVELOPMENT BOARD

Section 5-201. Powers and duties.

There is hereby created a community development board to act as the local planning agency of the city and with the following powers and duties:

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
To review and decide appeals from Level One Approvals	Article 4, Division 5
To review and decide applications for Level Two Approvals	Article 4, Division 4
To review and make recommendations to the City Commission in regard to applications for Level Three Approvals	Article 4, Division 6
To impose conditions on Level One and Level Two Approvals which are determined to be necessary to carry out the purposes of this Development Code	
Adopt rules for the conduct of its meetings and/or establish committees	

Section 5-202. Membership; terms; vacancies; removal.

A. The community development board shall be composed of seven regular members and one alternate, who are residents of the city, to be appointed by the city commission.

B. In making appointments to the community development board, the city commission shall seek a membership with diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate.

C. The regular members of the community development board shall serve at the pleasure of the city commission for four year terms with staggered initial terms so that no more than two terms shall expire in any calendar year. Members may be reappointed for one successive term. Appointments to fill any vacancy of the board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one of the two terms for which a member is eligible for appointment, unless the unexpired terms is two years or more. The alternate community development board member shall serve at the pleasure of the city commission for a four year term and may be reappointed for one successive term. In the event the alternate member is appointed as a regular member, the term already served as an alternate shall not be consider part of the allowable term as a regular member.

D. Any member failing to establish a regular attendance record at meetings of the board shall be subject to removal from the board in accordance with the provisions of section 2.066 of the city's code.
 (Ord. No. 6680-01, § 9, 4-5-01)

Section 5-203. Meetings, quorum and required vote.

A. A regular meeting schedule shall be set by the community development board and special meetings may be called by the chairperson or a majority of the board.

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§ 5-203

COMMUNITY DEVELOPMENT CODE

B. No meeting of the community development board may be called to order, nor may any business be transacted, without a quorum consisting of a least five members of the board being present. The alternate member may be called upon to establish a quorum and during such participation shall have all the rights and responsibilities of a regular member. All actions of the board shall require the concurring vote of at least four members of the board. In the event that less than all the members of the board are present at a meeting, an applicant shall have the right to request and obtain a continuance of the hearing of the application for development approval until the next regularly scheduled meeting of the board. The alternate board member shall serve on the board in the absence of a board member at a board meeting or during an agenda item when a regular member can not vote due to a conflict of interest.

C. If a matter is postponed due to lack of a quorum, the chairperson of the board shall set a special meeting as soon as practicable to consider such matter.
(Ord. No. 6680-01, § 10, 4-5-01)

Section 5-204. Officers and staff.

A. The community development board annually shall appoint a chairperson and the community development board shall elect a vice-chairperson from among its members, as well as any other officers determined necessary by the board.

B. All officers shall be elected for one-year terms and shall be eligible for re-election.

C. The community development coordinator shall serve as the secretary to the board and shall provide such support services to the board as may be necessary to assist the board in the performance of its duties.

D. The board may, subject to city commission approval and consistent with appropriate budgetary procedures, recommend the securing of technical and professional services as may be necessary to facilitate the work of the board.

Section 5-205. Rules and records.

The community development board may establish such rules of procedure as it may determine necessary to carry out its duties. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the office of the city clerk.

DIVISION 3. DEVELOPMENT REVIEW COMMITTEE

Section 5-301. Membership.

A development review committee shall be established by the city manager composed of representatives from every department or division of the city administration appropriate to review an application for development approval. The community development coordinator shall be a member of the committee and its chair and shall be responsible for coordinating its meetings and recommendations.

Section 5-302. Responsibilities/procedures.

All applications for development approval shall be reviewed by the development review committee. The committee shall make a recommendation in regard to applications for development approval to the community development coordinator, who shall make the final decision, in the case of level one approvals, or submit a staff recommendation in the case of level two or level three approvals.

DIVISION 4. CODE ENFORCEMENT BOARD

Section 5-401. Powers and duties.

There is hereby created a code enforcement board for the city to perform the following powers and duties:

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Conduct hearings in regard to violations of this Development Code	Article 7, Section 7-102
Adopt rules for the conduct of its meetings	

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DECISIONMAKING AND ADMINISTRATIVE BODIES

§ 5-402

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Issue subpoenas to alleged violators and witnesses	Article 7, Section 7-102
Subpoena evidence to its hearings	Article 7, Section 7-102
Take testimony under oath	Article 7, Section 7-102
Issue orders following a hearing regarding a violation of this Development Code	Article 7, Section 7-102

Section 5-402. Membership; terms; transition; vacancies; removal.

A. There shall be seven members of the code enforcement board to be appointed by the city commission who are residents of the city. Appointments shall be made on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board and wherever possible shall include an architect, a business person, an engineer, a general contractor, a subcontractor and a realtor.

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B. The members of the code enforcement board shall serve at the pleasure of the city commission for three-year terms with staggered initial term. Two members for a term of one year each; three members for a term of two years each; and two members for a term of three years each. Members may be reappointed for one successive term. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

C. Any member failing to establish a regular attendance record at meetings shall be subject to removal from the board in accordance with the provisions of section 2.066 of the city's code.

D. Members of the code enforcement board shall serve without compensation but shall be entitled to be reimbursed for such mileage expenses and per diem expenses as the city commission shall by ordinance authorize.

Section 5-403. Meetings, quorum and required vote.

A. A regular meeting schedule shall be set by the code enforcement board and special meetings may be called by the chairperson or a majority of the board.

B. No meeting of the code enforcement board may be called to order, nor may any business be transacted by the board, without a quorum consisting of a least four members of the board being present. All actions of the board shall require the concurring vote of a simple majority of the members of the board then present and voting.

C. If a matter is postponed due to lack of a quorum, the chairperson of the board shall continue the matter to the next regular meeting of the board or may set a special meeting to consider such matter.

Section 5-404. Officers and staff.

A. The code enforcement board shall elect a chairperson and a vice-chairperson from among its members, as well as any other officers determined necessary by the board.

B. All officers shall be elected for one-year terms and shall be eligible for reelection.

C. The community development coordinator shall serve as the secretary to the board and shall provide such support services to the board as may be necessary to assist the board in the performance of their duties.

Section 5-405. Rules and records.

The code enforcement board may establish such rules of procedure as it may determine are necessary to carry out its duties. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record and shall be maintained and filed in the office of the city clerk.

Section 5-406. Special master.

A. The city commission may appoint one or more code enforcement special masters pursuant to the provisions of F.S. 162.03 who shall have the power and duty to enforce the City Code.

B. Each special master shall serve at the pleasure of the city commission.

C. The special master shall be an attorney and shall be experienced in the fields of zoning, building control, and code enforcement.

D. The special master shall not be a city employee, but may be compensated at a rate established by resolution of the city commission based upon recommendation of the city manager and city attorney. The code special master may be reimbursed for such travel, mileage, and per diem as may be authorized by the city commission.

E. The city commission shall provide such clerical and administrative personnel as the city commission shall deem is reasonably required to support the activities of the special master for the proper performance of his duties. The special master shall not be authorized to engage, hire, or use any person, except those provided or authorized by the city commission, to assist him in the performance of his duties.

F. The special master shall have the following powers and duties:

1. Establish rules of procedure for the conduct of hearings;

2. Issue subpoenas for records, surveys, plats, documentary materials or any other evidence;
3. Subpoena witnesses to appear at its hearings;
4. Take testimony under oath;
5. Issue orders having the force and effect of law which can command such steps as are necessary to bring a violation into compliance with the code or ordinance that has been violated;
6. Order the payment of fines and other costs as is provided for in Article 7.

DIVISION 5. CITY MANAGER

The city manager is the chief executive officer for the City of Clearwater with ultimate authority over the implementation of this development code. The city manager has the authority to delegate his authority to city staff as is necessary for the effective administration of this development code.

DIVISION 6. CITY ATTORNEY

The city attorney serves as the final authority with regard to legal issues involving the interpretation and implementation of this development code.

DIVISION 7. COMMUNITY DEVELOPMENT COORDINATOR

The community development coordinator shall be the director of the community development department and is the official charged with the overall administration of this development code and shall have the following powers and duties:

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Administer the provisions of this Development Code	
Delegate authority to appropriate City staff	
Interpret this Development Code	

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Review and determine compliance of applications for development approval with this Development Code	
Coordinate the meetings and recommendations of the Development Review Committee	Section 4-202; Section 5-302
Approve applications for Level One Approval	Article 4, Division 3
Recommend approval of applications for Level Two and Level Three Approvals	Section 4-403 (Level Two); Article 4, Division 6 (Level Three)
Act as liaison between City departments and Boards	
Periodically review this Development Code and recommend adoption of changes as are appropriate	
Report to City Manager and City Attorney regarding administrative and enforcement issues	
Require inspections of property as needed to determine that the building, structure or use is in accordance with the terms of all approvals	

DIVISION 8. BUILDING OFFICIAL

The building official is responsible for the implementation of the various building codes adopted by the city, included as Chapter 47 of the city's code. The building official issues building permits and certificates of occupancy, upon a determination by the city of compliance of such applications with the city's regulations and any prior approvals by the community development coordinator, the community development board, or the city commission.

DIVISION 9. CITY ENGINEER

The city engineer is charged with the implementation, development and maintenance of the technical standards for site development in the city including the; City of Clearwater Technical Specifications and Standards Manual, Subdivision Design Standards and Platting Procedures Manual and other technical codes incorporated in this Development Code in Article 3, Division 9.

DIVISION 10. HEARING OFFICER

Section 5-1001. Powers and duties.

A hearing officer shall be appointed by the city to hear and decide:

<i>POWERS & DUTIES</i>	<i>APPLICABLE PROCEDURES</i>
Appeals from the Community Development Board's decision on Level One Appeals	Article 4, Division 5
Appeals from Level Two Approval decisions by the Community Development Board	Article 4, Division 5

Section 5-1002. Qualifications.

A. A hearing officer shall be duly licensed, registered or certified to practice as a hearing officer in the state.

B. No hearing officer shall act as an agent or attorney or be otherwise involved with any land use plan or zoning matter which will come before the city during the term of the officer's appointment.

Section 5-1003. Procedures.

All hearings conducted by a hearing officer on behalf of the city shall be conducted in accordance with Section 4-505.

(Ord. No. 6928-02, § 104A, 5-2-02)

DIVISION 11. PUBLIC ART AND DESIGN BOARD

Section 5-1101. Creation.

There is hereby created the Public Art and Design Board of the City of Clearwater.

(Ord. No. 7489-05, § 2, 10-6-05)

Section 5-1102. Composition.

The public art and design board shall consist of seven members; one member of the Clearwater Arts Foundation, one Pinellas County Arts Council member, or designee, one landscape architect, architect, urban planner, or related design professional, one active professional artist, and three private citizens who are knowledgeable in the field of public art, education, or community af-

fairs. Representatives of the Clearwater Arts Foundation and the Pinellas County Arts Council shall be nominated by their respective organizations. Section 2.063, Code of Ordinances notwithstanding, the Clearwater Arts Foundation and the Pinellas County Arts Council representative shall not be required to reside within the City of Clearwater.

(Ord. No. 7489-05, § 2, 10-6-05)

Section 5-1103. Powers and duties.

The public art and design board shall administer the public art and design program. The purpose, functions and responsibilities shall be as follows:

- a. Develops guidelines, selection procedures and organizational policies to facilitate this chapter.
- b. Prepares public art and design master plan in concert with city staff to establish criteria, policies, and priorities for the public art and design program.
- c. Prepares an annual public art and design plan for the expenditure of the public and private monies in the public art program for approval by the city council during the annual budget review process.
- d. Related to city construction projects, in concert with city staff, is responsible for working with appropriate department in program planning; designating sites; determining project scope and budget; managing the artist selection process; providing recommendation for the commission of artworks; approve design, execution and placement of artworks; and overseeing maintenance of the artworks and the process for removal of artworks from the city's public art collection. The public art and design board will review proposed artwork and prepare a recommendation for commission subject to review and approval by city council. Approvals for purchase are then guided by city purchasing requirements.
- e. Related to private development projects, assists the private developer, in concert

with city staff, with the artist selection process if requested. The board will approve the project to ensure that it meets the public art and design program guidelines.

- f. Recruits professionals in the visual arts and design fields to serve in the artist selection process in order to ensure works of highest quality.
- g. Ensures appropriate community participation in this process and public education activities as part of the public art projects.
- h. Coordinates, investigates, reviews and recommends to the city council other means by which artworks may be obtained, including donations to the public art and design program, and grant applications for public art projects.
- i. Administers the city's donation policy for artwork.
- j. Encourages public art throughout the city and shall educate and stimulate the participation of all citizens in a joint public and private effort to promote art in public places.

(Ord. No. 7489-05, § 2, 10-6-05; Ord. No. 8026-09, § 1, 5-7-09)

Section 5-1104. Terms of office of members; officers; rules.

a. Members of the public art and design committee shall be appointed by the city council to serve for a term of four years, staggered such that not more than three terms shall expire in any calendar year. A member shall serve not more than two consecutive complete terms. Once a person has served two full and consecutive terms on the board, that person shall not be eligible for reappointment to the board for a length of time equal to one full term on the board.

b. The board shall annually select a chair and such other officers as the board may find necessary, from its membership.

c. The board may adopt such rules of procedure as the board finds necessary, which shall not be in conflict with state law or ordinances of the city.

d. The board shall meet at such times as the board may find necessary but not less often than quarterly.

e. Board members shall not be compensated. (Ord. No. 7489-05, § 2, 10-6-05)

Section 5-1105. Removal of members.

The city council shall have the power to remove any members of the board for misconduct or neglect of duty. In addition, the city manager shall have the power to remove any member because of the excessive absence of the member from the meetings of the board as defined in Section 2.066.

(Ord. No. 7489-05, § 2, 10-6-05)