

CHAPTER XIII DECISION MAKING AND ADMINISTRATIVE BODIES

13.00.00 Generally.

13.01.00 Board of County Commissioners.

13.02.00 Reserved.

13.03.00 Board of Adjustment.

13.04.00 Lake County Zoning Board.

13.05.00 Reserved.

13.06.00 Reserved.

13.00.00 Generally.

The following Boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

13.01.00 Board of County Commissioners.

13.01.01 Powers and Duties. The Board of County Commissioners Shall have the following powers and duties under this Code:

- A. The powers to initiate, review, adopt, adopt with conditions or deny proposed Comprehensive Plan Amendments;
- B. The powers to initiate, review, and adopt amendments to the text of this Code and the Official Zoning Maps;
- C. The powers to review and grant or deny Plat applications;
- D. The powers to review and grant, grant with conditions or deny preliminary Development Plans for Planned Unit Developments (PUD), and rezoning Permits;
- E. The powers to review and grant, grant with conditions or deny proposed Developments of Regional Impact (DRI's), Florida Quality Developments (FQD's) with PUD rezonings and conditional use Permits;
- F. The powers to review and grant, grant with conditions, or deny Development agreements;
- G. The powers to establish a schedule of fees in order to cover the costs of technical and administrative activities;
- H. The powers to hear and decide Appeals initiated by a decision with respect to the Vested Rights provisions for Development in the Wekiva River Protection Area;
- I. Three (3) members of the Board of County Commissioners Shall constitute a quorum necessary

to hold a meeting and take any action; and

- J. Any Person aggrieved by any decision of the Board of County Commissioners may Appeal by certiorari to the circuit court within thirty (30) days of the written decision.

13.02.00 Reserved.

Editors Note: Ord. No. 1996-88, § 12, adopted Nov. 26, 1996, repealed §§ 13.02.00--13.02.03, which pertained to the Environmental Protection Board. See the Code Comparative Table.

13.03.00 Board of Adjustment.

13.03.01 Powers and Duties. The Board of Adjustment Shall have the following powers:

- A. To hear and decide Appeals as provided for in Section 14.15.00.
- B. To hear and grant Variances and Waivers as provided for in Section 14.15.00.
(Ord. No. 1996-88, § 13, 11-26-96; Ord. No. 1997-44, § 16, 6-17-97; Ord. No. 2002-28, § 7, 4-16-02)

13.03.02 Membership, Rules of Procedure, Voting, Relief, Salary.

- A. The Board of Adjustment Shall consist of seven (7) members, who are qualified electors of said County, each to be appointed by the Lake County Board of County Commissioners for a term of four (4) years. Such membership Shall be staggered and Shall consist of one (1) member from each county commissioner district and two (2) at-large members. Initially, the terms of the members representing commission districts 1, 3, and 5 Shall expire on January 31, 2001 and the terms of the members representing commission districts 2 and 4 and the two (2) at-large member's terms Shall expire on January 31, 2003. Thereafter, all appointments Shall be made for a term of four (4) years each. Vacancies Shall be filled by the Lake County Board of County Commissioners, for the unexpired term of any member, whose term becomes vacant. A majority of the Board of County Commissioners may Remove a member at any time.
- B. Meetings of the Board Shall be held at the call of the chairman and at such times as the Board may determine. Such chairman, or in his absence the vice-chairman, Shall have authority to administer oaths. All meetings of the Board Shall be open to the public. The Board Shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and Shall keep records of its examination and other official actions, all of which Shall be immediately filed in the office of the Board of County Commissioners of said County and Shall be a public record.
- C. All members of the Board of Adjustment are expected to attend all Board meetings. If any member of the Board of Adjustment fails to attend three (3) Board meetings without cause within a calendar year, or fails to attend a total of six (6) Board meetings with or without cause in a calendar year, the County Manager or designee Shall notify the Board of County Commissioners in writing. The Board of County Commissioners Shall declare the member's office vacant and promptly fill such vacancy. Examples of absences for cause are: Board member is ill or on vacation, or death or illness of a member of the Board member's family.

- D. The County or any Person aggrieved by any decision of the Board of Adjustment may Appeal by certiorari to the circuit court within thirty (30) days after the filing of the written decision.
- E. A majority of the appointed members of the Board must be present to constitute a quorum.
- F. Election of a chairman and vice-chairman Shall take place at the first meeting in May and upon appointments of new members.

G. The members Shall serve without compensation.

(Ord. No. 1998-97, § 1, 12-15-98; Ord. No. 1999-93, §§ 1, 2, 9-21-99)

13.04.00 Lake County Zoning Board.

13.04.01 Functions, Powers and Duties. The Board of County Commissioners does hereby establish the Lake County Zoning Board. The functions, powers and duties of the Lake County Zoning Board shall be, in general:

- A. To make recommendations to the Board of County Commissioners on applications affecting the land use and zoning of individual parcels of property within the unincorporated area of Lake County.
- B. To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for growth and improvement and to the Lake County Land Development Regulations.
- C. To conduct such public hearings as may be required to review such proposed developments.
- D. To perform any other duties which may be lawfully assigned to it.

(Ord. No. 2004-13, § 2, 3-16-04)

13.04.02 Membership.

A. The Lake County Zoning Board shall have eight (8) members, including one (1) from each County Commissioner's district, one (1) member at-large, one (1) member recommended by the Lake County School Board, and one (1) ex-officio, nonvoting representative of a military installation acting on behalf of all military installations within Lake County. The member recommended by the Lake County School Board shall be a voting member.

B. Each Lake County Zoning Board member shall be appointed by the Lake County Board of County Commissioners for a term of four (4) years. Initially the terms of the members representing commission districts 1, 3, and 5 shall expire on January 31, 2005, and the terms of the members representing commission districts 2 and 4, the at-large category, and the Lake County School Board shall expire on January 31, 2007. Thereafter, all appointments shall be made for a term of four (4) years each. Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment for the remainder of the term. Any

member of the Lake County Zoning Board may be removed from office by a majority vote of the Board of County Commissioners.

(Ord. No. 2004-13, § 2, 3-16-04; Ord. No. 2006-47, § 3, 5-16-06)

13.04.03 Chairman, Vice-Chairman and Secretary. The Lake County Zoning Board shall elect a chairman, vice-chairman and a secretary from among members of the board at the first meeting in April and every April thereafter. The board may create and fill such other offices as it may determine are necessary. Terms of all offices shall be for one (1) year, with eligibility for reelection. Members of the Lake County Zoning Board shall receive no salaries for their services thereon, but may receive necessary travel, per diem and other expenses as determined by the Board of County Commissioners while performing their official duties.

(Ord. No. 2004-13, § 2, 3-16-04)

13.04.04 Procedures.

- A. All meetings shall be held in a public place and shall be open to the public pursuant to Chapter 286, Florida Statutes. Meetings shall not be held at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in such a manner as to unreasonably restrict public access to such facility.
- B. All meetings shall be noticed and minutes kept.
- C. Robert's Rules of Order, Newly Revised, shall be the final authority on all questions of parliamentary procedure.
- D. A quorum for conducting business shall be a majority of the members.
- E. The County Manager or designee shall determine who shall serve as staff to the Lake County Zoning Board.

(Ord. No. 2004-13, § 2, 3-16-04)

13.05.00 Reserved.

Editors Note: Ord. No. 1996-77, § 14, adopted Sept. 17, 1996, repealed § 13.05.00, which pertained to the technical review committee. See the Code Comparative Table.

13.06.00 Reserved.

Editors Note: Ord. No. 1999-74, § 1, adopted July 6, 1999, repealed App. E, § 13.06.00 and renumbered §§ 13.06.01 and 13.06.02 as §§ 8-1 and 8-2. See the Code Comparative Table.