

ORDINANCE NO. 23 – ____

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FINDINGS; PROVIDING FOR PURPOSE AND INTENT; AMENDING CHAPTER 138; ZONING; DIVISION 2; PROVIDING REVISED AUTHORITY AND MEETING NOTICE PROCEDURES FOR THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, (“BCC”) adopted the Land Development Code in 1990; and

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapter 138 of the Land Development Code related to the Development Review Committee; and

WHEREAS, in accordance with Section 138-83 of the Land Development Code the Development Review Committee held a duly noticed and advertised public hearing on June 12, 2023, as to the proposed Ordinance and recommends approval of the proposed amendments contained therein; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on July 12, 2023, as to the proposed Ordinance and recommends that the BCC approve the proposed amendments contained therein; and

WHEREAS, the BCC finds that proposed amendments to the LDC as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in Section 138-64 of the Land Development Code.

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

SECTION 1. Recitals. The recitals set forth above are incorporated herein.

SECTION 2. Purpose and Intent.

It is the purpose of the Board of County Commissioners of Pinellas County to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Pinellas County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Pinellas County Comprehensive Plan.

In order to foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Pinellas County, it is the intent of this Code that the function of the Development Review Committee be clear and efficient, in terms of time and expense; and equitable, in terms of consistency with established regulations and procedures, respect for the rights and interests of property owners within this area.

The Board of County Commissioners deems it to be in the best public interest for the provisions of the Code governing the Development Review Committee to be amended as follows.

SECTION 3. Chapter 138 of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 138. The only section(s) of Chapter 138 being amended are those with revisions reflected herein. Sections of Chapter 138 not included herein remain in full force and effect.

Sec. 138-64. - Development ~~r~~Review ~~e~~Committee (DRC).

(a) *Establishment.* The purpose of the ~~d~~Development ~~r~~Review ~~e~~Committee (DRC) is hereby established to review and act on certain development proposals in order to assist the applicant and ensure compliance with this Code and the ~~e~~Comprehensive ~~p~~Plan. ~~The DRC is established to provide a more collaborative technical review of site plans, subdivisions, waivers and administrative adjustment allowanees, and other similar requests. The DRC is also established to provide technical recommendations to higher review authorities and boards.~~

(b) *Composition.* ~~The DRC shall be composed of designated county staff members.~~

(1) ~~The DRC shall include the development review services director or designee~~ -Building and ~~d~~Development ~~r~~Review ~~s~~Services director or designee shall serve as chairperson.

(2) ~~The other DRC members~~ shall be composed of staff members with representing technical knowledge in the following subject areas listed below. While a staff member may have technical knowledge in more than one of the areas listed below, each member representing one of the areas of expertise shall have only one vote on each proposal before the DRC on final action:

- a. Land use planning/urban design
- b. Civil engineering/Floodplain Management
- c. Utilities
- d. Roadways and transportation
- e. Environmental management/biology
- f. Public safety
- g. Economic development

(c) *Powers and duties.* The DRC shall have the power and duties to review and approve the following development-related applications and requests:

(1)

a. Application/review types:- The DRC shall have the authority to review and take final action on ~~any of the applications/requests designated to the Type 1 – Path B review as listed in Table 138-77.~~ the following applications:

(i) Administrative Adjustments designated to the Type 1 – Path B review.

(ii) Non-Traditional Pets per Section 138-3352.

(iii) Variances per Chapter 158, Floodplain Management.

b. The DRC shall have the authority to conduct completeness and sufficiency reviews on the applications/requests designated to the Type 2, Type 3, and Type 4 review as listed in Table 138-77. Comments made by the DRC are solely for informational purposes and shall not be construed as an approval or denial of any application. Failure of the DRC to identify any required permits or procedures shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body.

c. The DRC shall have the authority to conduct Technical Reviews of Site Plans, Type 1 – Path B review. Comments made by the DRC are solely for informational purposes and shall not be construed as an approval or denial of any application. Failure of the DRC to identify any required permits or procedures shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body.

(2) *Adoption of procedural rules.* The ~~committee~~-DRC shall have the authority to adopt rules of procedure.

(3) *Other authority.* The ~~committee~~-DRC shall have authority to review and take action on such other matters as provided by this Code or as may be assigned by the Board of County Commissioners or county administrator.

(d) *DRC meeting requirements.*

(1) *Record of proceedings.*

a. *Records maintenance.* All records of any proceeding before the ~~committee~~ DRC shall be filed with the county.

b. *Official minutes.* Minutes shall be ~~kept in which applications, recommendations and all determinations or decisions of the committee shall be recorded~~ taken in all meetings of the DRC.

c. *Application files.* Application files shall be held and maintained by the county.

~~(2) *Schedule.* The committee shall determine an appropriate meeting schedule to ensure that issues before the committee are reviewed in a timely manner. The DRC shall meet on a regular schedule established at the discretion of the director of the building and development review services department.~~

~~(3) *Notice of meetings.* Meeting-DRC meetings shall be noticed on the county internet website. pursuant to division 10 of this article. Items upon which the DRC has final decision-making authority as described in subsection “(c) Powers and duties” above shall be exempt from the notice requirements set forth in division 10 of this article. This section shall not be construed to amend or influence the notice requirements for any other county board.~~

(4) *Public meeting.*

a. All meetings of the ~~committee~~DRC shall be open to the public.

b. Applications requiring quasi-judicial proceedings shall be subject to chapter 134, article I, division 2.

(5) *Quorum.* ~~Three~~Four members of the ~~committee~~DRC shall constitute a quorum.

~~(e) *Equitable and reasonable code application.* The DRC shall apply all code standards in a manner that is fair, equitable, reasonable, and furthers the intent of the land development code, comprehensive plan, and aligns with the county's strategic plan(s)~~

~~(1) The DRC may allow for minor adjustments and/or general code interpretations when it is determined that strict application of the Code requirements would~~

~~a. Create an inequitable/unreasonable situation;~~

~~b. Stifle innovative/creative design; and/or~~

~~e. Create undue hardship when applied to a specific project/development~~

~~(2) Any DRC action that applies minor adjustments and/or code interpretation(s) should include the following:~~

~~a. The determination shall not be contrary to requirements of law or the general policies of the Code;~~

SECTION 4. Severability. If any section or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. Codification. It is the intention of the BCC that the provisions of this Ordinance be made a part of the Pinellas County Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word “Ordinance” may be changed to section, article, or other such appropriate word or phrase to accomplish such intentions.

SECTION 6. Filing and Effective Date. Pursuant to Section 125.66(b) of the Florida Statutes, within ten (10) days of adoption of this Ordinance, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Pinellas County Board of County Commissioners. This Ordinance shall become effective upon filing with the State.