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**CHAPTER 102 - ADMINISTRATIVE PROCESSES.**

**ARTICLE I. - IN GENERAL**

**Sec. 102-1. - Public purpose.** The purpose of this chapter is to set forth responsibilities and procedures for the administration of this Unified Land Development Code.

**Sec. 102-2. - Applicability.**

A. Administrative procedures described in this chapter shall apply to all development activities undertaken within the City, unless specifically excepted.

B. It shall be unlawful to commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways or heights of buildings) of any structure, including accessory structures, until the Director has issued a development order for such work.

C. The unlawful activity termed “clearing of land” in subsection (b) above shall not include general lot clearing, removal of underbrush, or clearing of unprotected trees as long as neither protected trees nor their root systems are cut, removed, or damaged during said process. However, nothing contained in this definitional clarification shall authorize any other unlawful activities described above without a development order, e.g., introducing “fill” to a tract as provided in F.S. § 380.04(2); modification of the contours of the land so as to cause/increase erosion or untreated storm water runoff; or negatively impact native vegetation within a special treatment zone as provided in section 105-123. Additionally, “clearing of land,” as authorized herein shall not authorize the owner or developer to avoid the installation of a protective barrier around protected trees as required in Chapter 105 during the clearing process.

**Secs. 102-3 - 102-22. - Reserved.**

**ARTICLE II. - DEVELOPMENT REVIEW PROCEDURES**

**Sec. 102-23. - Purpose and intent.** The purpose of this article is to provide a uniform system for the review of

development or redevelopment activities undertaken within the City.

**Sec. 102-24. - Development review process.**

A. Developers shall comply with the following procedures:

1. An application for development approval must be obtained from the City, which shall be in the form prescribed by the Director and shall be completed by the developer or the developer’s authorized agent.
2. The completed application shall constitute a request from the developer for development approval when submitted to the Director along with the site plan requirements specified in section 102-28.

B. Development review procedures are divided into three primary reviews according to the purpose of the application. The review required for each type of development is as follows:

1. Less Than Minor Development Review. Less Than Minor Development Review requires approval by staff. Activities subject to Less Than Minor Development Review are described in Section 102-25.
2. Minor Development Review. Minor Development Review requires review by staff and approval of the Technical Review Committee (TRC). Activities subject to Minor Development Review are described in Section 102-26.
3. Major Development Review. Major Development Review requires review by staff and the Technical Review Committee, followed by a public hearing before the Planning Board. Major Development activities must be approved by the Planning Board. Activities subject to Major Development Review are described in Section 102-27.

C. Table 1.02.1 contains a list of the types of applications and identifies the entities responsible for reviewing and issuing decisions on applications.

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**Table 102-1: Types of Applications and Entities Responsible for Recommendation and Final Decisions**

Type of Application	Staff <sup>1</sup>	TRC	Planning Board	City Commission
Amendment to the Comp. Plan	R		R	D
Amendments to the ULDCs	R		R	D
Annexations	R			D
Appeal of Administrative Decisions	R		D	
Communication Towers	R	R*	D*	
Development Agreements	R		<u>R</u>	D
Development Orders (Less Than Minor)	D			
Development Orders (Minor)	R	D		
Development Orders (Major)	R	R	D	
Amendments to Development Orders	D			
Expansion or Modification of Nonconformities	R		D	
Subdivision Plats				
Preliminary Plats	R	R	R	D
Final Plats	R	R	R	D
Replats	R	R	R	D
Minor Plats (5 lots or fewer)	D			
Permits (signs, docks, boat structures, grading, lot clearing, etc.)	D			
PUD	R	R	R	D
Rezoning	R		R	D
Vacations (Easements, ROW, Plats)	R		<u>R</u>	D
Variances	R		D	
Zoning Determination	D			

1. Staff means the Planning Director or his/her staff  
D = Final Decision Authority  
R = Recommendation

\* Except for those approved administratively by staff and the TRC, per Chapter 110, Section 110-42

**Sec. 102-25. – Conceptual site plan review.**

**A. Necessity for filing .**

**1. While there is no requirement to file a Conceptual Site Plan (CSP), all applicants have the option to file a CSP to the Planning and Economic Development Department prior to submitting an application for regular Site Plan approval. The**

**applicant is encouraged to participate in a pre-application meeting with appropriate city staff for CSP applications. The applicant may begin plan review by filing a regular site plan application and including applicable fees.**

**2. The TRC will review the CSP application for conformity with this chapter and other development regulations. The Planning Director or his/her designee will notify the applicant of the results of the review. The CSP will be considered as a separate document to the regular site plan.**

**B. Optional submittal. A CSP application shall include the following:**

**1. Conceptual site plan application.**

**a. Statement of ownership of the proposed development, and the names, mailing addresses, email addresses, telephone numbers, and any project engineers, architects, planners or any others representing the developer;**

**b. Legal description;**

**c. Current zoning designation;**

**d. Schematic representation of the proposed use, including building size, shape, and location on the site;**

**e. Schematic representation of vehicular and pedestrian circulation within the site, including driveways, parking areas, and loading areas;**

**f. Schematic representation of storm water pond location(s);**

**g. Schematic representation of points of connection to the public rights-of-way; and**

**h. Other relevant features, as may be requested by the city staff or provided by the applicant.**

**Sec. 102-26. Less Than Minor Development Approval Review.**

A. Activities subject to Less Than Minor Development review are:

1. Construction or renovation of an individual, single-family, detached residence, duplex, triplex, or quadraplex on one lot or parcel; or mobile home; or the construction of an accessory structure on a lot or parcel with legal access.
2. Placement of a single factory-built manufactured home, as herein defined and according to the requirements of the city’s manufactured housing standards set out in Chapter 110 on one lot or parcel.
3. Remodeling, renovation, expansion, or other similar activity involving alterations or additions to an existing residential structure within the property lines on which the structure is located.
4. “Signage activity” including the construction, location, or installation of signs pursuant to Chapter 106.

B. Criteria for review:

1. Compliance with the general standards specified in the application forms provided by the Planning Department.
2. Compliance with site plan requirements in Section 102-29.
3. Compliance with other applicable standards as specified in chapters of this Unified Land Development Code.

C. Additional information may be required for development activities in designated special treatment zones and overlays.

D. Staff may issue development orders for Less Than Minor Development activities, upon Staff review and approval.

**Sec. 102-27. – Minor Development Approval Review.**

A. Activities subject to Minor Development review are:

1. Any residential development with a density of more than 5 units per acre.
2. Any nonresidential development, whether or not in connection with a residential development, of 10 acres or less.
3. Any development in the Light Industry zoning district, including distribution, storage and warehousing facilities, of 10 acres or less.
4. Remodeling, renovation, expansion, or other similar activity involving alterations or additions to an existing commercial or light industry structure within the property lines on which the structure is located.
5. Any development involving telecommunication facilities that are designated as requiring approval by city staff in Chapter 110.

B. Criteria for review:

1. Compliance with the general standards specified in the application forms provided by the Planning and Land Use Department.
2. Compliance with attendant concurrency requirements in Chapter 113.
3. Compliance with site plan requirements in Section 102-29.

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4. Compliance with other applicable standards as specified in chapters of this Unified Land Development Code.

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C. Additional information or impact assessment may be required for development activities in designated special treatment zones and overlays.

3

review authority

D. Minor development orders may be issued by the TRC or the Director without further approval.

4

zoning districts

**Sec. 102-28. – Major Development Approval Review.**

A. Activities subject to Major Development review include:

1. Amendments to the text of this Unified Land Development Code or the Official Zoning Map;

2. Comprehensive Plan and Future Land Use Map amendments.

3. Any manufactured home subdivision development.

4. Any development in the Heavy Industry zoning district.

5. Any commercial development over three stories in height.

6. Any development involving telecommunication facilities that are designated as requiring approval by the Planning Board in Chapter 110.

7. Any development activity which is not subject to Less Than Minor or Minor Development review.

B. Criteria for review:

1. The general standards specified in the application forms provided by the Planning Department.

2. Concurrency requirements set forth in Chapter 103

3. Site plan requirements set forth in Section 102-28

4. Other applicable development standards as specified in other chapters of this Unified Land Development Code.

5. An impact assessment shall address the following issues:

a. Adequacy of public facilities and services to serve the proposed development;

b. Suitability of site conditions including topography and soils and any site modifications necessary to accommodate the proposed development;

c. Ingress and egress to roadways;

d. Drainage or storm water management;

e. Vehicular traffic, including on site parking;

f. Noise;

g. Lighting;

h. Public safety or potential public nuisance;

i. Impacts on natural resources; and

j. Such other criteria deemed necessary by the Planning Director or the Planning Board.

C. Additional information or impact assessment may be required for development activities in special treatment zones and overlays.

D. Development orders may be issued for Major Development activities only after review by the Director, review by the Technical Review Committee, and approval by the Planning Board. Appeals to Planning Board decisions on Major Development activities shall be considered by the City Commission.

**Sec. 102-29. - Development Order Approval Applications.**

A. Any application for development order approval shall be submitted together with a site plan in accordance with the requirements of this section. The application shall include:

1. Concurrency requirements set forth in Chapter 103;

2. Site plan requirements set forth in Section 102-29; and

3. Other applicable development standards as specified in other chapters of this Unified Land Development Code.

B. Site plans or other information concerning requests for amendments to the comprehensive plan or unified land development code shall be submitted on forms approved by the Planning Department.

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C. In addition to the requirements outlined in subsection A., Planned Unit Development (PUD) requirements are defined in Chapter 104 – Zoning Districts

D. In addition to the requirements outlined in subsection A., Plat requirements are defined in Chapter 111.

**Sec. 102-30. - Site plan and approval required.**

A. The developer, or their authorized agent, shall submit a minimum of 4 copies of the proposed site plan, drawn to an acceptable scale, to the Director. Except for Less Than Minor Development activities, all site plans shall be certified by a land surveyor, landscape architect, architect, or engineer licensed by the State of Florida, unless waived by the Director. In addition, a digital version shall be provided for all AutoCAD-produced drawings.

B. The site plan for signage activities shall include:

1. A site plan sketch which depicts the relationship of the proposed sign to all significant sign conditions including setbacks, buildings, adjoining roadways, protected lands, protected trees, and other circumstances likely to be affected by the location, construction, or erection of the sign;

2. The site plan shall also include a legal description of the site; the name, address, and telephone number of the owner of the property, the developer, the designer or contractor as the case may be; and the date of site plan preparation.

C. The site plan for Less Than Minor Development activities shall include:

1. A site plan sketch which depicts the relationship of the proposed sign to all significant sign conditions including setbacks, buildings, adjoining roadways, protected lands, protected trees, and other circumstances likely to be affected by the location, construction, or erection of the sign.

D. The site plan for Minor and Major Development activities shall include:

1. A vicinity sketch showing: the relationship of the site to adjacent designated land uses and streets; location of the proposed development on the site (lot or parcel), including driveways and parking; access to adjacent streets; % of the site to be covered by impervious surfaces; flood zones and base flood elevations, spot elevations, and finished floor elevations, and environmental features including wetlands, shoreline vegetation or construction on submerged lands, if

any, and the location of protected trees;

2. The boundary lines and dimensions of the area shown in the site plan including angles, dimensions, and references; a north directional arrow; map scale; and the proposed use of the lands;

3. A legal description of the site; the name, address, and telephone number of the owner, developer, and designer or contractor (if applicable); and the date of site plan preparation.

4. The existing and proposed grades, the drainage and erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations;

5. The shape, size, and location of all structures, including the flood elevations; the floor area and ground coverage ratios, and the relative finished ground and basement floor grades;

6. Natural features such as wetlands, shoreline, lakes or ponds, and protected trees; man-made features such as existing roads, sidewalks, walls, fences, or other structures, indicating which are to be retained, removed, or altered; the adjacent properties and their existing uses; and land use designations;

7. Proposed streets, driveways, sidewalks, and parking facilities; vehicular turnarounds, curb cuts, and loading areas; the location of solid waste receptacles; the inside radii of all curbs; the width of streets, driveways, and sidewalks; the total number of available parking spaces specifying the type of construction with critical dimensions; and the ownership of the various facilities;

8. The size and location of all existing and proposed public and private utilities or easements; water and sewer tap locations; sewer clean outs and turns; and water meter types, sizes, and locations; and

9. All proposed landscaping, landscaped buffers, and the dimensions and location of all proposed signs.

**Sec. 102-31. - Review period.** All applications for development approval shall be submitted to the Director. Required city staff and Technical Review Committee reviews and subsequent recommendations shall be completed by the City within 30 days after the date the division is satisfied that the application contains all required information, except for affordable housing

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applications which may be completed within 25 days. Applications which are determined to be incomplete shall be promptly returned to the applicant.

**Sec. 102-32. - Withdrawal of applications.** Application for development approval may be withdrawn at any time prior to final action. Any fees or charges required for development review shall be forfeited by the applicant upon the withdrawal of an application.

**Sec. 102-33. - Fees and charges.** The City Commission may establish by resolution and periodically adjust the schedule of fees or charges for development review. No development orders shall be issued until all applicable fees and charges have been paid by the applicant.

**Sec. 102-34. - Certifications.** Unless waived by the Director, all certifications of forms or materials required by the Unified Land Development Code must be completed and affixed before the document or application will be considered for development review.

**Sec. 102-35. - Development orders.**  
A. Development orders may be issued by the Planning Director or his or her designee after review and approval of an application for a development order and may be conditionally issued subject to project approval by other governmental bodies having jurisdiction over the development. No building permits shall be issued for a development until a development order has been issued and all conditions satisfied pursuant to the provisions of this Unified Land Development Code.

B. Development order requirements. The decision to issue a development order shall be based upon the following requirements, including but not limited to:

1. The proposed development must not be in conflict with or contrary to the public interest;
2. Unless otherwise exempted, the proposed development must be consistent with the Comprehensive Plan and the provisions of this Unified Land Development Code;
3. The proposed development must not impose a significant financial liability or hardship for the City;
4. The proposed development must not create an unreasonable hazard or nuisance, or constitute a threat to the general health, welfare or safety of the City's inhabitants;

5. The proposed development must comply with all other applicable laws, statutes, ordinances, regulations or codes.

C. Other permits required. In addition to obtaining a development order from the City, the developer must also obtain all other applicable permits or exemptions as may be required by law.

D. Issuance and validity of development orders.

1. Upon the approval of a development, the applicant shall have one year from the date of approval to obtain his development order.

2. Upon the approval of a Major development order, the Planning Department shall within 10 days after the date of such approval send written notification to the applicant advising the applicant that he or she has one year from the date of the approval of the development to obtain the development order from the department. The notice shall be sent to the applicant at the address set forth in his application or to the agent of owner who may have filed the application on behalf of the owner. The notice must state the expiration date of the one-year period. If the expiration date falls on a Saturday, Sunday, or other legal holiday, the expiration shall be extended to the next working day. If the notice is returned to the department unserved, the notice shall nevertheless, be deemed effective notice to the applicant, unless the applicant or his or her agent has advised the department, in writing, of a change in their address before the notice was sent. If an applicant fails to obtain his or her development order within the one-year period, the approval shall become null and void and the applicant or his or her successor in interest will have to reapply for a new development order. Payment of all attendant fees is a prerequisite of entitlement to a development order.

3. Unless otherwise specified in the development order, a development order shall remain effective for a period of 12 months from the date of issuance, except for those issued for docks and boat structures whose expiration date shall be concurrent with that of applicable regulatory agencies with jurisdiction over the project, i.e., FDEP and the CORPS. Extensions may be granted by the Director in the event the developer is unable to obtain other applicable permits pursuant to subsection (c) above.

4. Notwithstanding the provision in subsection (3), if a development order is timely challenged (as defined



by Florida Statutes) by a third party adverse to both the City and the applicant for the development order in any legal proceeding, then the time period for commencement of the work authorized by such permit shall be tolled until the final disposition of that legal proceeding challenging the development order. The final disposition of the legal proceeding challenging the development order shall serve as the date of issuance of the development order for the limited purposes of determining the term of the development order as contemplated in subsection (3).

E. Development agreement. To provide flexibility and to insure that the intent of this Unified Land Development Code is satisfied, the City may enter into a development agreement with a developer. Development agreements shall be governed by the provisions of F.S. §§ 163.3220—163.3243, as amended.

**Sec. 102-36. - Exceptions.** No development order shall be required when:

1. A development order has been issued by the City prior to the adoption of this Unified Land Development Code and development has commenced and continued in good faith in reliance upon such order.
2. The development or redevelopment activity is included as part of a larger plan of development or a phased development for which a development order is issued pursuant to this Unified Land Development Code.

**Sec. 102-37. - Final site inspection and acceptance.**

A. The construction of all developments shall comply with all conditions of the development order and site plan, or development agreement, if applicable.

B. Upon completion of the development, the developer shall provide a “notice of development completion” to the Director. The developer shall also provide the City with an as-built survey in a format specified by the Planning Department, and other certifications as required by City departments. The Director or the Director’s designated representative shall, within 5 working days after receipt of such notice and required related documentation, conduct a final site inspection to ensure that the development was constructed in accordance with the approved development order or development agreement.

C. The Director shall, within 5 working days following a final site inspection, either accept or reject the com-

pleted development.

1. Upon acceptance, the Director shall certify that the completed development is in compliance with the approved development order or development agreement and shall authorize the building official to issue a certificate of occupancy;

2. If the completed development is rejected, the Director shall provide written notice to the developer and the building official describing the basis or circumstances upon which the development was rejected.

D. No certificate of occupancy shall be issued, nor shall the utilities or electric service be connected, nor acceptance of dedicated streets or easements be authorized until a certification of acceptance is issued by the Director.

**Sec. 102-38. - Right of entry.** The Director or the Director’s designated representative shall have the right to enter upon any public or private property at all reasonable times before, during or after the development to inspect the improvement or premises to insure compliance with this Unified Land Development Code.

**Secs. 102-39.—102-40. - Reserved.**

**Sec. 102-41. - Amendments to the comprehensive plan / zoning changes.**

A. Requests for Plan Amendments / zoning changes shall be submitted to the Planning Department on forms to be provided by the City. The request shall be reviewed by the Planning Board which shall submit recommendations to the City Commission for final action. Requests for Plan Amendments / zoning changes involving small-scale developments may be considered by the Planning Board at any regular or special meeting in accordance with section 102-42.

B. Requests for small scale and large-scale Plan Amendments and the associated zoning changes will be considered by the Planning Board after review by the Planning Department and public notice. Final action shall be taken by the City Commission in accordance with section 102-42.

C. The Planning Department shall submit to the State and planning agency Plan Amendments approved by the City Commission for consistency review pursuant to F.S. § 163.3184 and 163.3187.

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D. The procedure for the amendment of the Comprehensive Plan shall comply with the requirements of F.S. Ch. 163.

E. The Planning Board shall not recommend approval of a Plan Amendment / zoning change unless it makes a positive finding, based on competent evidence, on each of the following:

1. The proposed Plan Amendment / zoning change will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
2. The proposed Plan Amendment / zoning change is in harmony with the general intent of the comprehensive plan;
3. The proposed Plan Amendment / zoning change will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
4. Changes in land use designations or districts must be compatible with adjacent land uses and districts, and one that will not become a potential nuisance.

**Sec. 102-42. - Variance process.** Any person desiring to undertake a development activity that does not comply with this Unified Land Development Code may apply to the planning official for a variance to the bulk regulations. All variances shall be subject to review and approval by the **board of adjustment Planning Board** so long as the variance does not require an amendment to the comprehensive plan, is not expressly prohibited and is not a use variance. In addition, it is not contrary to the public health, safety, and welfare, and is granted due to an unnecessary hardship to the property owner.

**A. Applicability. Variance requests that satisfy the criteria of section 102-42.D. are authorized from the following regulations and standards:**

- 1. Height;**
- 2. Yards;**
- 3. Off-street parking and loading;**
- 4. Landscaping and buffers;**
- 5. Separation of uses;**
- 6. Lot coverage;**
- 7. Such other provisions of the code which do not specifically prohibit such requests.**

**B. The City shall not act upon any variance request**

**that would:**

- 1. Allow a use that is specifically or by inference prohibited in any zoning district classification, including an increase in the maximum density allowed within the zoning district;**
- 2. Apply to any provisions for which the code specifically prohibits waiver or modification.**

**C. Supplemental application requirements.**

**In addition to the general application requirements, the applicant shall provide a site plan of sufficient detail to clearly identify the variance request, and an explanation of how the variance is in accordance with the criteria of section 102-42D.**

**D. Variance review criteria; city action. The Planning Board shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the petitioner has demonstrated that the criteria provided in the following subsections 1 through 5 have been satisfied:**

- 1. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;**
- 2. That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;**
- 3. That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the City;**
- 4. That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome; and**
- 5. That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.**

**E. In granting any variance, the Planning Board may prescribe conditions and safeguards intended to mitigate potential adverse impacts from the variance and**

**to ensure that the intent and purpose of the code is maintained. Violation of such conditions and safeguards shall be deemed a violation of this Code.**

F. No variance shall supersede or abrogate the requirements of flood damage prevention, or the requirements of the National Flood Insurance Program.

**Sec. 102-43. Effect of Variance approval or denial.**

**A. A variance shall run with land once established (i.e., not expired or revoked).**

**B. Whenever the Planning Board has denied a variance, the same shall not consider any further substantially equivalent request for variance on any part of the same property for a period of twelve (12) months from the date of such action (or date of any final court order upholding denial of the variance), unless this restriction is waived by a unanimous vote of the members of the planning board present at the time of the vote.**

**Sec. 102-44. - Public notice process and participation/due process.** The purpose of this section is to set forth the requirements and procedures for public notice requirements to afford due process of law. Public notice requirements shall be as follows:

A. Public notice requirements are mandatory for the following actions taken by the City Commission, or Planning Board (as applicable):

1. Variance requests. Advertisement in the local newspaper at least 10 days prior to the hearing before the Planning Board. Signage shall be placed on the parcel at least 10 days prior to the Planning Board hearing. A public notice shall be mailed to surrounding property owners within a 300-foot radius of the subject parcel and be postmarked at least 14 days prior to the Planning Board hearing.
2. Comprehensive plan map amendments and zoning requests (see sec. 102-55). Advertisement in the local newspaper at least 10 days prior to the hearing before the Planning Board (the local planning agency). Signage shall be placed on the parcel at least 10 days prior to the Planning Board hearing. A public notice shall be mailed to surrounding property owners within a 300-foot radius of the subject parcel, and shall be postmarked at least 14 days prior to the Planning Board hearing.
3. Vacations of rights-of-way (ROW) (see sec.

109-44D). Signage shall be placed at each end of the ROW subject segment at least 10 days prior to the first reading of the ordinance. If the vacation is an alleyway, a public notice shall be mailed to all property owners within the block of the subject request. Other ROW vacation requests shall require a public notice mailed to property owners within 200 feet of the segment. All mailed notices shall be postmarked at least 14 days prior to the City Commission hearing.

4. Development Order (DO). Development Orders for Major Development Applications shall require public notice on the property and on the City website. Signage shall be placed on the parcel upon determination of the public hearing date.

B. Public notices also have the following requirements:

1. All public notice costs shall be borne by the applicant. This includes, but is not limited to, all costs incurred due to advertising in the local newspaper and postage.
2. All notices shall be mailed through the U.S. Postal Service certified by the applicant, and such receipts shall be submitted to the Planning Department with the list of recipients prior to the corresponding hearing for verification. If the receipts cannot be verified against the list of recipients, this may be cause for delay of any applicable hearing.
3. Public notices may not be mailed prior to 30 days before the scheduled Planning Board hearing.
4. The public notice shall be in the format supplied by the Planning Department.
5. The applicant shall use the most recent property appraiser data for determination of the mailing list for surrounding property owners.

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