

ARTICLE II

ADMINISTRATIVE
PROCEDURES

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Sec. 2-1. PURPOSE

The purpose of this Article is to describe and set forth responsibilities and procedures for the administration of this Code and for approval of development undertaken within the City.

Sec. 2-2. APPROVAL REQUIRED

No development activity may be undertaken within the area of jurisdiction by any person unless such activity has been reviewed and approved by the City in accordance with the provisions of this Code, or such activity has been exempted from the provisions of this Code. "Development activity" shall be synonymous with the word "Development" as defined in this Code and shall include, but not be limited to: land clearing for purposes of construction; construction of principal or accessory structures; construction of necessary or required appurtenances; substantial rehabilitation or redevelopment of existing structures or buildings; and, any other action which will materially change the use or appearance of land as set forth in Section 380.04, Florida Statutes.

Section 2-3. EXEMPTIONS

Development activities shall not be required to undergo development review nor shall additional approval be required by the City pursuant to this Code when:

1. The development has been duly authorized by the City and a valid building permit has been issued by Jackson County prior to the adoption of this Code, provided that development has commenced and continued based on substantial reliance upon the issued permit; or,
2. The development activity is part of larger plan of development for which a valid permit has been issued for the entire plan of development including all principal and accessory structures, utilities, parking, or any other appurtenant structures.

Section 2-4. DEVELOPMENT REVIEW

2-4.1 Applicability

Unless otherwise exempted, all proposed development and redevelopment activities shall be subject to review by the City. Such review shall be in conformance with the provisions of this Code and shall constitute the basis for approval, conditional approval or denial of development applications.

2.4.2 Development Review Process

The following process shall be adhered to during the course of development review.

1. Developers wishing to engage in development activities shall first obtain from the City an application for development approval. Such application shall be in the form prescribed by the City Clerk and shall be completed by the developer or an agent authorized to act on behalf of the developer.
2. Development reviews shall be conducted using only those forms or materials established and approved by the City, including the site plan requirements specified herein or any other information considered necessary for purposes of development review.
3. Development review shall be undertaken at one of the following two (2) levels of detail as follows.

a. Minor Development

The term "Minor Development" shall include, but not be limited to the following, and shall be allowable uses in each land use district as described in Section 4-1:

- i. Construction, renovation, placement or substantial rehabilitation of an individual single-family detached, duplex, triplex, or quadraplex residential dwelling on one lot or parcel;
- ii. Placement or location of a single mobile home or manufactured housing unit on one lot or parcel, whether temporary or permanent;
- iii. Construction or placement of accessory structures which are not intended for human occupancy or habitation including fences, garages/carports, storage sheds, swimming pools, decks, etc. (See Section 4-2);
- iv. Any remodeling, renovation, expansion or other similar activity involving alterations or additions to an existing residential or nonresidential structure provided such activity does not increase the total lot coverage by more than 25% over the existing lot coverage consistent with the maximum allowed in Section 4-1 of this Code;
- v. Construction, location or placement of public utilities such as water and sewer lines, streets, lift stations or other similar structures.

In addition to any other required information an applicant for approval of a minor development must submit a site plan, drawn to an acceptable scale, which shows the following:

- i. Boundaries, property lines, and configuration of the property upon which the proposed development will take place;
- ii. Location of the proposed development on the property along with the location of existing structures;

- iii. Existing land use and land use districts for all adjacent properties;
- iv. Location of all driveways or parking areas, if applicable;
- v. Location and names of adjacent streets and location of driveway access or connection(s) onto adjacent streets, if applicable.
- vi. Location of alleys, easements, or other public ways, if applicable;
- vii. Location of environmental features such as conservation zones, flood zones, wetlands, streams, creeks, protected trees, vegetated buffers or other similar resources, if applicable.
- ix. For habitable structures, location of nearest available water and sewer lines and proposed connection points.
- x. Drainage and stormwater management facilities as specified in subsection 4-5.1,4.

After review of the required information, a development order may be granted by the City Clerk pursuant to Section 2-5 of this Code or, at the discretion of the City Clerk, referred to the Planning Board for further review.

b. Major Development

The term "Major Development" means any development activity which is not a minor development.

In addition to any other required information, applicants for approval of major development activities must submit detailed site plan drawings which show the following:

- i. A vicinity sketch showing the relationship of the site in relation to surrounding roadways, land use districts, and flood zones with base flood elevations, if applicable.
- ii. A description of the land; the name, address, and telephone number of the owner, developer, and designer or architect, and the date of site plan preparation.
- iii. The boundary lines and dimensions of the area or lots included in the site plan including angles, dimensions and references; a North directional arrow and map scale; and the proposed use of the land by areas.
- iv. The existing and proposed grades, the drainage plan, erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations.
- v. The shape, size and location of all structures, including the floor area and elevations thereof;

the floor area and ground coverage ratios and the relative finished ground and basement floor grades.

vi. Natural features such as wetlands, shoreline, lakes or ponds, and protected trees, and man-made features such as existing roads, sidewalks, walls, fences or

other structures, indicating which are to be retained, removed or altered and the adjacent properties, their existing uses and land use designations.

- vii. Proposed street, driveways, sidewalks, and parking facilities; vehicular turnarounds, curb cutouts, and loading areas; the location of solid waste receptacles; the inside radii of all curves; the width of streets, driveways and sidewalks and the total number of available parking spaces specifying the type of construction and critical dimensions, and the ownership of the various facilities.
- viii. The size and location of all existing and proposed public and private utilities and easements; water and sewer tap locations; sewer cleanouts and turns; and water meter types, sizes and locations.
- ix. All proposed landscaping and the dimensions and location of all proposed signs (See Article V).
- x. All applicable requirements as specified in Article IV of this Code.
- xi. Verification that the concurrency requirements of Article have been met.
- xii. Other information as may be deemed necessary by the City.

Applicants for approval of major development activities must submit all information and site plan drawings as specified in this subsection. In addition, the City may require the developer to provide a detailed development impact analysis which includes, but may not be limited to, the following parameters:

- i. Adequacy of public facilities and services available to serve the proposed development;
- ii. Suitability of site conditions including topography and soils, and the extent to which site modifications will be necessary to accommodate the proposed development;
- iii. Ingress and egress to roadways;
- iv. Drainage or stormwater management;
- v. Vehicular traffic, including on-site parking;
- vi. Required permits from other governmental agencies;
- vii. Noise;
- viii. Lighting;
- ix. Public safety and/or potential to create a public nuisance; and
- x. Impacts on natural resources.

After review of the required information, a development order(s) for major development activities may be granted by the Town Council after review by the Planning Board as specified in Section 2-5 of this Code.

Section 2-4.3 Review Period

All applications for development approval shall be submitted to the City Clerk. Required reviews and subsequent final action shall be completed by the City after the application is deemed complete by the City Clerk as follows: Minor Development, 30-day review period; Major development, 90-day review period. Submittal of incomplete applications will not start any review period.

Section 2-4.4 Withdrawal of Applications

An application for development approval may be withdrawn at any time prior to issuance of final development order by the City Clerk, Planning Board, or Town Council as appropriate; however, any fees or charges required for development review shall be forfeited by the person paying such fees.

Section 2-4.5 Fees and Charges

The City Clerk may establish and periodically adjust a schedule of fees or charges for development review, subject to approval by the Town Council.

Section 2-4.6 Certifications

Site plan drawings submitted by applicants for major development activities must be certified by a professional engineer or architect, as applicable, registered with the State of Florida. Such certifications shall be completed and affixed before the application for development approval will be accepted for final action by the City.

Section 2-5. DEVELOPMENT APPROVAL

Upon review of an application for development approval as set forth in Section 2-4, the City may approve, approve with conditions, or deny such application. Action taken by the City shall be based upon considerations and standards as set forth in this Code and shall constitute either a preliminary or final development order, as may be applicable.

Section 2-5.1 Construction Permits

No permits relating to building construction, electrical, plumbing, gas, or water/sewer connections may be issued within the City until such time as development approval has been obtained by the developer pursuant to the provisions of this Section.

Section 2-5.2 Other Required Permits or Approvals

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, except those associated with building construction. In the event a development order from the City is prerequisite to obtaining other required permits, the City

may issue a development order which states that the proposed development is in compliance with this Code, and that such development order is conditioned upon the developer obtaining all other required permits. The developer must provide proof to the City that all required permits or exemptions have been granted prior to starting development. Failure to provide such proof will result in the developer not being able to obtain a certificate of occupancy until such time as all permits or exemptions have been obtained.

Section 2-5.3 Development Approval Standards

The decision by any authorized person or board to issue a development order shall be based upon general standards, including but not limited to:

1. The proposed development must not be contrary to the public interest;
2. Unless otherwise exempted, the proposed development must be in conformance with the Comprehensive Plan and all applicable provisions of this Code;
3. The proposed development must not have the potential to cause significant financial liability or hardship for the City;
4. The proposed development must not create an unreasonable hazard or nuisance to adjacent property owners, or otherwise constitute a threat to the general health, safety and welfare of the public at-large;
5. The degree to which the proposed development promotes other important community objectives such as redevelopment of underutilized or blighted areas, affordable housing, or economic development.
6. The extent to which the developer is willing to provide improvements or facilities to either compensate for or mitigate any adverse impacts caused by the proposed development;
7. The availability of public facilities and services needed to accommodate the proposed development;
8. The proposed development must be in conformance with all other applicable laws, statutes, ordinances, regulations or codes; and,
9. Other standards as may be considered necessary by the City.

Section 2-5.4 Responsibility for Development Approval

Responsibility for final development order(s) shall be as follows.

1. Minor Development: City Clerk.
2. Major Development: Town Council, after review and approval by the Planning Board.

Section 2-5.5 Validity

Unless otherwise specified in the development order, such order(s) shall only remain valid for a period of six (6) months from the date of issuance. All construction and development activity must be completed within the 6 month period. Extensions may be granted by the Town Council in the event that performance by the developer is prevented due to inability to obtain other applicable permits pursuant to subsection 2-5.2 or other extenuating circumstances to be determined by the City Clerk.

2-5.6 Development Agreement

In order to provide flexibility and additional certainty to be comprehensive planning and land development regulation process the City may enter into a development agreement with a developer. Development agreements shall be governed by the provisions of Sections 163.3220 through 163.3243, Florida Statutes.

Section 2-6. PROTECTION OF LANDOWNER'S RIGHTS

It is the specific purpose and intent of the Town Council to ensure that each and every landowner has beneficial use of his property in accordance with the U. S. Constitution and the Florida Constitution, and to provide conditions and procedures whereby landowners who believe they are deprived of all beneficial use of their property may secure relief through non-judicial procedures.

2-6.1 Development as of Right

Development as of right is that which is allowable in a land use district provided such development is considered to be in conformity with this Code and all other applicable laws, statutes, ordinances, codes or regulations.

2-6.2 Vested Rights

A property owner's right of development prior to adoption of this Code shall be vested, even if such development is not in conformance with this Code, subject to the following circumstances.

1. Final development approval has been granted to the developer by the City and a valid, unexpired building permit has been issued to the developer by the Building Official and development has commenced and continued in good faith prior to adoption of this Plan.
2. Within six (6) months after adoption of this Plan the property owner has requested and received approval of vested rights status from the Town Council.

3. All vested development shall be undertaken in strict conformance with the design plans and specifications approved by the City and the Building Official. Any modifications, additions or alterations to the approved plans and specifications shall not be considered vested development.

2-6.3 Nonconforming Development

Non-conforming development is considered to be those land uses or structures which are in existence on the effective date of this Code and which by use, design or construction do not comply with the provisions of this Code.

Subject to the following restrictions non-conforming development may, if lawfully in existence on the effective date of this Code, remain in its non-conforming state.

1. Public Hazard or Nuisance. The development must not constitute a threat or nuisance to the general health, safety and welfare of the public, or adjacent property owners.
2. Ordinary repair and maintenance. Normal maintenance and repair to permit continuation of non-conforming development may be performed.
3. Expansions or extensions. Non-conforming uses shall not be extended onto adjacent properties or expanded by more than 10% of the floor area or lot coverage, whichever is less, of the existing non-conforming use.
4. Abandonment or discontinuance. Where non-conforming development is abandoned or the use is discontinued for a period of six (6) months such use shall not be continued or resumed, and shall be subject to compliance with the provisions of this Code.
5. Damage or destruction. Where non-conforming development is substantially damaged or destroyed, reconstruction of such development shall be in compliance with the provisions of this Code. A structure is considered to be substantially damaged or destroyed if the cost of reconstruction is fifty percent (50%) or more of the fair market value of the structure at the time of the damage or destruction. For non-conforming development comprised of multiple structures, the cost of reconstruction shall be compared to the combined fair market value of all of the structures.

6. Change of ownership. Change of ownership or other transfer of an interest in real property on which a non-conforming use is located shall not, in and of itself, terminate the non-conforming status unless the purchaser expands or extends the use of the property as specified in paragraph 3 of this subsection.

2-6.4 Request for Change of Land Use

1. Applicability

Any property owner may request a change in the designated land use(s) shown on the official Land Use District Map for properties under his ownership or administration provided the change does not require an amendment to the Comprehensive Plan (for example, change from R-1 to R-2 but within the overall residential category shown on the Future Land use Map. Conversely, a change from any residential category to a commercial category would require a plan amendment and would not be allowable under this subsection).

2. Procedure

Requests for change of land use shall be submitted to the City Clerk on forms to be provided by the City. Such requests shall be adopted by ordinance after review and approval by the Planning Board.

Approval shall be based upon general standards, including but not limited to:

- a. The proposed change will not degrade level of service standards established in the Comprehensive Plan, and meet minimum concurrency requirements;
- b. The proposed change is in harmony with the general intent of the Comprehensive Plan and this Code;
- c. The proposed change will not cause development which will substantially increase traffic congestion, fire hazard, or other hazard to the public health, welfare and safety;
- d. Changes in land use must be compatible with adjacent land uses and districts, and not create a potential for nuisances.
- e. Changes in land use designations or districts must be the same land use designation as that for which the change is being requested on at least one (1) abutting boundary, or the land parcel must be sufficient size to justify the designated land use.

Changes in land use districts must be adopted by ordinance pursuant to Section 166.041, Florida Statutes

2-6.5 Variances; Appeals

1. Variances

Variances to the provisions of this Code may be granted by the Town Council, after review by the Planning Board, for developments which do not require an amendment to the Comprehensive Plan. Variances allowed under this subsection shall not supercede or abrogate the variance conditions associated with flood damage prevention and/or the requirements of the National Flood Insurance Program.

Any person desiring to undertake a development activity not in conformance with this Code may apply to the City Clerk for a variance in conjunction with the application for development approval. The variance shall be granted or denied by the Town Council, after review by the Planning Board.

The Planning Board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that request for similar variances are likely to be received, the Planning Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

The Planning Board shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- a. There are extreme practical or economic difficulties in carrying out the strict letter of this Code;
- b. Conditions for which the variance is being applied are unique or unusual to the site or structure in question;
- c. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
- d. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public;
- e. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
- f. The proposed variance will not decrease level of service standards as established in the Comprehensive Plan; and,
- g. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) therein.

In approving a variance, the Planning Board or the Town Council may recommend such conditions and restrictions as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

2. Appeals

Any adversely affected party as defined in Section 163.3215, F.S. (including property owners and adjacent property owners) or person(s) charged with violations of this Code has the right to appeal to the Town Council action taken on any final administrative order or citation issued by the City Clerk.

Appeal action must be undertaken by adversely affected party or violator within ten (10) days after the final order or citation is issued. The institution of the appeal shall be on forms provided by the City Clerk which shall: identify the adversely affected party(ies) or violator(s); identify the nature of the final order or violation being appealed; and, setting forth the grounds or basis for the appeal. Within ten (10) days after the filing of notice of appeal, the City Clerk shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten (10) days' notice. Under no circumstances shall the City establish a hearing date beyond sixty (60) days from the filing of the notice of appeal.

All appeal proceedings shall be public. The finding(s) of the Town Council shall be the final administrative remedy available to the party(ies), and shall be encompassed in a written decision.

An adversely affected party or violator, having exhausted his administrative remedies before the Town Council, may appeal to the Circuit Court in which venue applies. Such an appeal shall not be a hearing do novo, but shall be limited to appellate review of the record created by the City. An appeal shall be filed within thirty (30) days of the rendition of the decision by the Town Council.

2-6.6 Public Notice; Due Process

It is the intent of the Town Council that landowners and the public participate in the comprehensive planning and land development regulation process to the fullest extent possible. Toward that end, the City will undertake procedures designed to promote due process and to provide landowners with notice of all official actions which will regulate or change the official status of their property.

1. Applicability

The public notice provisions of this subsection shall apply to all actions or forums, as may be applicable, for which an administrative issue may be decided, including: development orders; variances; requests for change of land use; and,

appeals. No formal action may be taken by the Planning Board or Town Council until the public notice requirements of this subsection are met.

2. Public Notice Requirements

a. Development Orders

i. Minor Development

Public notice shall not be required for minor development activities provided the development is "as of right" (see subsection 2-6.1) and does not require any further administrative action such as a plan amendment, variance or change of land use.

ii. Major Development

Development orders for major development activities may be considered at any scheduled meeting of the Planning Board, after development review as specified in Section 2-4 of this Code. Any meeting of the Planning Board at which an application for major development is to be considered shall be advertised in a newspaper of general circulation for the area of jurisdiction.

The advertisement shall not be placed in the legal or classified section. Headline for the advertisement shall not be less than 18 point. The advertisement shall contain a brief description and location of the proposed development as well as the time, date, and place the meeting will occur. At the advertised Planning Board meeting the presiding official will announce the date, time and place final action will be taken by the Town Council.

b. Variances

Public notice requirements for variances shall be the same as those required for major development.

c. Appeals

Public notice requirements for meetings at which appeals will be heard by the Town Council shall be the same as those required for major development.

d. Any request for change of land use which does not involve a plan amendment must be advertised as set forth in Section 166.041, Florida Statutes.

3. Public Participation

At each advertised meeting of the Planning Board or Town Council the presiding body shall provide opportunities for oral or written statements from the public. Any statements received shall become a matter of record and may be introduced at administrative or judicial appellate proceedings.

4. On-Site Public Notice

For actions involving applications for Major Development, variances, or requests for change of land use, the City shall provide additional public notice by requiring the placement of a temporary sign on the property to be affected by official action. Such sign shall be of sufficient size and placed so as to be in clear view of the public, and shall describe the type of action to be considered and the date, time and place of the meeting at which official action will be taken. The sign will be installed and kept in place for a period of not less than seven (7) days before the scheduled meeting at which action will be taken.