

- b. It shall have the general responsibility for the conduct of the comprehensive planning program.
- c. It shall comply with all requirements of the CPA and shall monitor and oversee the effectiveness and status of the comprehensive plan, and recommend to the city commission such changes in the comprehensive plan as may from time to time be required.
- d. It shall review and comment on all comprehensive plan amendments in accordance with F.S. ch. 163.
  - 1. Amendments for the future land use map shall require public notice to abutting property owners and newspaper advertisements as described in subsection (e) of this section.
  - 2. The following criteria shall be utilized to review comprehensive plan amendments:
    - (i) The amendments shall be consistent with the comprehensive plan and the state statutes.
    - (ii) The amendments shall be an appropriate use of land in accordance with this Land Development Code.
    - (iii) There shall be adequate infrastructure to serve the proposed land use.
- e. An application for amendment to the comprehensive plan shall be filed with the planning department on a form to be supplied by the planning department along with the appropriate fee as identified in article IV of this chapter. Such application shall be submitted in accordance with the adopted application submittal schedule required in section 4-05.
- f. It shall perform any other duties assigned by the city commission, and may prepare and recommend to the city commission any other proposals to implement the comprehensive plan.

(2) *Planned developments and special exceptions.* The board shall hold one (1) public hearing on each application after due public notice is provided and shall thereafter forward its recommendation to the city commission and to the applicant in accordance with the following procedures:

- a. An application shall be filed with the planning department on a form to be supplied by the planning department, along with the appropriate fee as identified in this Land Development Code, and reviewed by the SPRC (article IV of this chapter).
- b. The application shall be reviewed based on the development order criteria contained in subsection (e) of this section.
- c. Public notice shall be provided in accordance with subsection (f) of this section.

- (3) *Land Development Code amendments, including nonplanned development rezonings.* The board shall hold one (1) public hearing on each application after the due public notice is provided and shall thereafter forward its recommendation to the city commission and to the applicant in accordance with the following procedures:
  - a. An application shall be filed with the planning department on a form to be supplied by the planning department, along with the appropriate fee as identified in this Land Development Code and reviewed by the SPRC (article IV of this chapter).
  - b. The application shall be reviewed based on the development order criteria contained in subsection (e) of this section.
  - c. Public notice shall be provided in accordance with subsection (f) of this section.
- (4) *Preliminary plat.* The board shall hold one (1) hearing on each application after due public notice is provided and shall thereafter forward its recommendation to the city commission and to the applicant in accordance with the following procedures:
  - a. An application shall be filed with the planning department on a form to be supplied by the planning department, along with the appropriate fee as identified in this Land Development Code and reviewed by the site plan review committee (article IV of this chapter).
  - b. The subdivision plat shall be consistent with the planned development approval or zoning district regulations.

- (e) *Development order criteria.* In its review of any application requiring a development order, planned developments, special exceptions and LDC amendment applications, the board shall consider:
  - (1) The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.
  - (2) The proposed development is consistent with the comprehensive plan.
  - (3) The proposed development will not adversely impact environmentally sensitive lands or natural resources, including, but not limited to, waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.
  - (4) The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties.

- (5) There are adequate public facilities to serve the development, including, but not limited to, roads, sidewalks, bikepaths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.
- (6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.
- (7) The proposed development is functional in the use of space and aesthetically acceptable.
- (8) The proposed development provides for the safety of occupants and visitors.
- (9) The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.
- (10) The testimony provided at public hearings.

(f) *Public hearings notification requirements.*

- (1) Public notice shall conform to the requirements of state statutes and the following:

<i>Notification Requirements</i>	<i>Comprehensive Plan</i>	<i>Planned Development</i>	<i>Development Order Amendment</i>	<i>Special Exception</i>	<i>Code Amendment</i>	<i>Preliminary Plat</i>
Newspaper advertisement	Required	Required	Required	Required	Required	None
Abutter letter	Abutting property owners	Required	Required	Required	None	None
Site posting	None	Required	Required	Required	None	None

- (2) Advertising shall occur as follows:
  - a. For newspaper advertising the following shall occur: The city shall publish a legal notice of hearing in a newspaper of general circulation at least ten (10) days prior to the planning board meeting. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.
  - b. For abutter letter notice, the following shall occur: The city shall notify by regular mail, all property owners as identified in the current tax roll within three hundred feet (300') of the property at least fourteen (14) days prior to the planning board meeting, of the time, date and place of the planning board meeting. The notice shall state the date, time place and purpose of the meeting and that interested persons will have an opportunity to be heard.
  - c. For site postings, the following shall occur: The applicant shall post the property fourteen (14) days prior to the planning board meeting with one (1)

sign for each four hundred feet (400') of lot frontage. Two (2) signs shall be posted on corner properties. Signs shall be located in such a manner that they are clearly visible from the street. The signs shall be four feet by four feet (4' × 4') in size. The applicant shall provide a dated photograph or photograph with notarized affidavit to the planning department prior to the hearing as evidence of meeting the posting requirements.

- (g) *Expiration of planning board recommendation.* Applicants may postpone city commission review of any application to a maximum of one (1) year following action by the planning board. Any applications not heard by the city commission within that period shall require resubmittal of the project, including all applicable fees and processing requirements as required for a new project.
- (h) *Appeals.* Appeals to the decision of the planning board shall follow procedures established in section 1-19, appeals.

#### **Sec. 1-16. Board of Adjustment and Appeals.**

(a) *Creation and appointment of board members.*

- (1) A Board of Adjustment and Appeals is hereby created and shall have such membership, powers and duties, responsibilities and limitations as herein provided.
- (2) The Board of Adjustment and Appeals shall consist of five (5) members and five (5) alternate members who shall be appointed by the city commission. The mayor and each city commissioner shall nominate candidates to serve as regular and alternate members of the board from the general population as provided in section 2-206 of the Code of Ordinances, and all appointments to the board shall be approved by majority vote of the city commission. If any candidate is rejected by the city commission, the city commission member who nominated the candidate may nominate additional candidates in like manner; and if said city commission member chooses not to make such additional nominations, then one (1) or more of the other city commission members may nominate candidates to fill the position in like manner. Alternate members shall be designated as such, and may act only in the temporary absence or disability of regular members, or when a regular member is otherwise disqualified in a particular case before the board. Alternate members shall serve on a rotational basis beginning with the alternate selected by the mayor, then the Zone 1 alternate, and so on in like manner. To the greatest extent possible, the board should be composed of members with expertise in building construction and fire-safety standards.
- (3) The terms of office for those Board of Adjustment and Appeals members that were appointed by Resolution No. 2008-04 shall expire the day prior to the first regularly scheduled city commission meeting in January 2011. Thereafter, members shall be appointed or reappointed to serve two-year (2) terms that shall expire the day prior to the first regularly scheduled city commission meeting in January of each odd-numbered year.

**Sec. 1-18. City commission/public hearings.**

- (a) *Land Development Code amendments.*
- (1) Except as otherwise provided in this section, Land Development Code amendments shall be adopted in accordance with the procedures set forth in F.S. § 166.041(3)(a).
  - (2) Land Development Code amendments which are not initiated by the city, and which change the actual zoning map designation of a parcel or parcels of land, shall be adopted in accordance with the procedures set forth in F.S. § 166.041(3)(a).
  - (3) Land Development Code amendments which are initiated by the city, and which change the actual zoning map designation of a parcel or parcels of land involving less than ten (10) contiguous acres, shall be adopted in accordance with the procedures set forth in F.S. § 166.041(3)(c)(1).
  - (4) Land Development Code amendments which change the actual list of permitted principal uses and structures, of permitted accessory uses and structures, of conditional uses, or of prohibited uses within any zoning category, and Land Development Code amendments which are initiated by the city and change the actual zoning map designation of a parcel or parcels of land involving ten (10) or more contiguous acres, shall be adopted in accordance with the procedures set forth in F.S. § 166.041(3)(c)(2).
- (b) *Special exceptions.* The city commission shall hold a public hearing following planning board consideration of applications requiring such hearing under this Land Development Code. The city commission may approve, approve with conditions, or deny such applications. Notice of such hearings shall be provided as follows:
- (1) The city shall publish a legal notice of hearing in a newspaper of general circulation at least ten (10) days prior to the city commission public hearing. The notices shall state the date, time, place, and purpose of the meeting. The notice shall state that interested parties will have an opportunity to be heard.
  - (2) The city shall notify, by regular mail, all property owners as identified in the current tax roll within three hundred feet (300') at least fourteen (14) days prior to the city commission meeting. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.
- (c) *Comprehensive plan amendments.* Comprehensive plan amendments shall be transmitted and adopted in accordance with the procedures set forth in F.S. ch. 163, part II (F.S. 163.2511 et seq.) and in F.A.C. ch. 9J-11.
- (d) *Rezoning of property.*
- (1) Rezoning of property to all zoning categories, except for planned development shall comply with the requirements established in F.S. § 166.041(3)(c).

- (2) Rezoning to planned development (planned business development, planned residential development, planned industrial development, planned mixed use development, planned manufactured home community) shall provide public notice for each development application, as follows:
  - a. Publish a legal notice of hearing in a newspaper of general circulation at least ten (10) days prior to the city commission meeting. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.
  - b. The city shall notify, by regular mail, all property owners as identified in the current tax roll within three hundred feet (300') at least fourteen (14) days prior to the city commission meeting. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.
  
- (e) *Criteria for issuance of development order.*
  - (1) Before issuing a development order with conditions, or denying an application, the city commission shall consider the following:
    - a. Report and recommendation of the SPRC and the planning board.
    - b. Report and recommendation of other city departments and advisory boards, as appropriate.
    - c. Comments of governmental agencies, utility corporations and individuals, as received.
  
  - (2) The following findings shall be made by the city commission in conjunction with the issuance of any development order subject to the public hearing:
    - a. The proposed development conforms to the standards and requirements of this Land Development Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.
    - b. The proposed development is consistent with the comprehensive plan.
    - c. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including, but not limited to, waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields and individual wells.
    - d. The proposed use will not substantially or permanently:
      - 1. Depreciate the value of surrounding property;
      - 2. Create a nuisance;
      - 3. Deprive adjoining properties of adequate light and air; or
      - 4. Create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties.

- e. There are adequate public facilities to serve the development, including, but not limited to, roads, sidewalks, bikepaths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools and playgrounds.
  - f. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.
  - g. The proposed development is functional in the use of space and aesthetically acceptable.
  - h. The proposed development provides for the safety of occupants and visitors.
  - i. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.
  - j. The testimony provided at public hearings.
- (3) All requests for rezoning shall be considered on the basis of consistency with the comprehensive plan. Where such requests are consistent with the comprehensive plan, but would not meet the standards for development orders in subsection (e)(2) of this section. The city commission may table such request and initiate an administrative study and amendment to the comprehensive plan in order to correct such deficiency.
- (f) *Development order conditions.*
- (1) The city commission may include additional reasonable and appropriate conditions not specifically provided for in this Land Development Code where such conditions are necessary to ensure compliance with the comprehensive plan.
  - (2) Violation of such conditions or safeguards shall be deemed a violation of this Land Development Code and may result in a revocation of any special exception and any business tax receipt related thereto, in addition to other remedies for such violation provided in this Land Development Code.
  - (3) Semiannually, after the adoption of this Land Development Code, the neighborhood improvement officer shall prepare a report indicating which development orders are not in compliance with the provisions of this Land Development Code, or with the conditions adopted by the city commission in the development order. The neighborhood improvement officer shall take all actions necessary to enforce compliance with the development order.
  - (4) No material change shall be made in the final plan without review by the planning board and approval by the city commission in line with procedures set forth for the development plan approval.
- (Ord. No. 2016-09, § 1, 4-19-2016)