

LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE

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[RESERVED]

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

8.01.00 Chief Building Official

The Chief Building Official shall be responsible for review of building construction plans, supervising and administering all staff activities regarding the issuance of building permits and certificates of occupancy, and the inspection of construction sites and buildings under construction. He/she shall have a working knowledge of the Southern Standard Building Code, and be familiar with the National Electric Code, the National Fire Code and the National Mechanical Code, and other codes having a bearing on building construction in the City of Lake Alfred. Where the City of Lake Alfred's Code exceeds the standard codes, the City's code shall be enforced. The City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities. Other specific duties of the Chief Building Official are as follows:

- (A) Advise and cooperate with the City Manager in the implementation, amendment and enforcement of this Code.
- (B) Attend all public hearings at which building code, electric code, fire code and mechanical code, and other codes having a bearing on building. He will attend meetings of the Code Enforcement Special Magistrate and Board of Adjustment when necessary.
- (C) Collect and account for all required application fees.
- (D) Grant such administrative approvals as are allowed under the provisions of this Code.
- (E) Evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements.
- (F) Ensure that all time limits prescribed by this Code are met.
- (G) Any other duties assigned by the City Manager.

8.01.01 Administrative Approvals by the Chief Building Official

The Chief Building Official shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code, concerning existing structures:

- (A) *Setback Adjustments.* In single-family land use classifications only, the Chief Building Official may approve reduction of side and rear setbacks for principal and accessory

structures (excluding swimming pools) by no more than 10 percent subject to the following conditions:

- (1) The setback requirement is established by the land use classification and no other section of this Code;
- (2) The total structural coverage of the lot or building site shall not exceed 25 percent;
- (3) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the City;
- (4) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
- (5) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.

At his/her discretion, the Chief Building Official may deny the approval and refer the application to the Board of Adjustment as a variance.

(B) *Temporary Office or Construction Trailer*

The Chief Building Official may authorize the use of a mobile home or other temporary structure not meeting the requirements of the Standard Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the Site Development Plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a mobile home is to be used, the wheels and axles shall not be removed.

(C) *Temporary Mobile Home for Use During Construction of a Residence*

The Chief Building Official may authorize the use of a mobile home as a temporary residence during construction of a permanent residence under the following conditions:

- (1) The lot or building site is at least one-half () acre in size;

- (2) The applicant has received approval of a building permit for construction of a single family residence on the property;
- (3) The foundation and rough plumbing for the permanent structure have been completed and approved by a City building inspector.
- (4) The mobile home shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure.
- (5) The unit must be connected to a public sewer system or have received a septic tank permit from the Polk County Health Department.
- (6) Wheels and axles shall not be removed.
- (7) The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first.
- (8) This administrative approval may not be renewed or granted a second time for the same building site.

(D) *Commercial Use Zoning Permits for Occupational Licenses*

The Chief Building Official shall issue a Commercial Use Zoning Permit to each applicant for an occupational license within the City. This permit shall not attest to the applicant's ownership or legal right to make use of the property, but shall serve only as notice to the City Clerk that the proposed business is a permitted use at the specified location. The owner(s) of the property, if different from the applicant, may request revocation of the Commercial Use Zoning Permit at any time.

- (1) The applicant shall provide:
 - a. A description of the proposed or existing business;
 - b. Exact legal description and address of the property on which the business will be located; and,
 - c. Floor area of the building in which the business will operate.
- (2) Commercial Use Zoning Permits shall not be granted for property without an existing structure at least 300 square feet in size.

- (3) The Chief Building Official may revoke a Commercial Use Zoning Permit if it is determined that the applicant provided incorrect information prior to approval.
- (4) In cases where the business is a nonconforming use, the applicant must provide documentation or otherwise satisfy the Chief Building Official that the commercial operation was established legally and meets all the requirements of Section 7.12.00 (Nonconformities).

8.02.00 Chief Planning Official

The Chief Planning Official shall be the City Manager or his/her designee responsible for directing the City's planning activities. The Chief Planning Official shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, and growth management. He/she shall perform duties prescribed by this Code, as well as any others assigned by the Mayor or the City Commission. The Chief Planning Official shall be duly qualified for these responsibilities through appropriate education and work experience. The Chief Planning Official shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Chief Planning Official may be made to the Board of Adjustment.

Other specific duties of the Chief Planning Official are as follows:

- (A) Advise and cooperate with the City Manager in the implementation, amendment and enforcement of this Code and the Comprehensive Plan.
- (B) Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning Board, Board of Adjustment, and City Commission.
- (C) Accept and process all applications for amendments to the Comprehensive Plan, zoning actions, and variance.
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto.
- (E) Grant such administrative approvals as are allowed under the provisions of this Code.
- (F) Receive applications and application fees for Site Development Plan, subdivision plat and Conditional Use approval.

- (G) Evaluate each proposed Site Development Plan, subdivision plat and Conditional Use for consistency with this Code and the Comprehensive Plan.
- (H) Evaluate each application for a development order, except building permits, to determine whether it meets applicable Concurrency requirements.
- (I) Ensure that all time limits prescribed by this Code are met.
- (J) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- (K) Any other duties assigned by the City Manager.

8.02.01 Administrative Approvals by the Chief Planning Official

The Chief Planning Official shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code, when concerning new development:

- (A) *Setback Adjustments.* In single-family land use classifications only, the Chief Planning Official may approve reduction of side and rear setbacks for principal and accessory structures (excluding swimming pools) by no more than 10 percent subject to the following conditions:
 - (1) The setback requirement is established by the land use classification and no other section of this Code;
 - (2) The total structural coverage of the lot or building site shall not exceed 25 percent;
 - (3) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the City;
 - (4) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
 - (5) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.

At his/her discretion, the Chief Planning Official may deny the approval and refer the application to the Board of Adjustment as a variance.

- (B) *Administrative Approval of Minor Subdivisions with 3 lots or less.*
As stated in 7.06.04 Administrative Approval of Minor Subdivisions paragraph G, when dividing one lot of record into no more than three (3) lots of record meeting the minimum requirements of the zoning district, may be administratively approved by the Planning Official and is exempt from platting as a minor subdivision, providing all conditions and information requirements in 7.06.04 are met. In which case, the Planning Official shall provide a notice of approval to the lot owner, allowing the lot split to only be recorded at the County Property Appraiser's office.

[RESERVED]

8.03.00 Development Boards

8.03.01 Planning Board

(A) *Functions, Powers and Duties*

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes, and perform all functions and duties prescribed in the statute.
- (2) Obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the City.
- (3) Advise and make recommendations to the City Commission regarding applications for amendments to the Official Zoning Map and requests for Conditional Uses or other special designations on property within the City.
- (4) At the request of the Chief Building Official, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.
- (5) Consider the need for revision or addition of regulations in this Code, and recommend changes to the City Commission.
- (6) Consider the need for revision of the Comprehensive Plan, and recommend changes to the City Commission.
- (7) Other duties as assigned by the City Commission.

(B) *Appointment of Members*

- (1) The Planning Board shall have seven (7) regular members, and two (2) alternate members, to be appointed by the City Commission.
- (2) Each member of the Planning Board shall reside in the City.
- (3) Each regular member shall be appointed to a three (3) year term. In the event that all regular members are appointed at the same time, two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and three (3) members shall

be appointed for a term of three (3) years.

- (4) Each alternate shall be appointed to a three (3) year term. In the event that all alternates are appointed at the same time, one (1) alternate shall be appointed for a term of one (1) year and one (1) alternate shall be appointed for a term of two (2) years.
- (5) During meetings, alternate members will be seated with regular members on the dais. The first alternate member will vote only when six or fewer regular members are in attendance at the meeting, and the second alternate member will vote only when six or fewer regular members are in attendance at the meeting. Except for this voting limitation, alternate members are free to ask questions, participate in discussions, and perform other functions in the same manner as regular members.
- (4) Regular vacancies shall be filled by appointments made at the last regular meeting of the City Commission in October of each year. All members shall serve until their successors are appointed.
- (5) If a position becomes vacant before the end of a term, the City Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member or alternate whose term expires may continue to serve until a successor is appointed and qualified.
- (6) Members and alternates may be removed without notice and without assignment of cause by a majority vote of the City Commission.
- (7) At the first meeting held after November 1 of each year, the Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one (1) year.
- (8) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Board.
- (9) Members and alternates shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (10) If any member fails to attend three (3) successive meetings, the Board may declare the member's office vacant and notify the City Commission.

(C) *Procedures*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) Four (4) members shall constitute a quorum.
- (5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.

8.03.02 Board of Adjustment

(A) Functions, Powers and Duties

- (1) To authorize specific variances from appropriate provisions of this Code as will not be contrary to the public interest, in cases where literal enforcement of the Code will result in unnecessary hardship for the applicant.
- (2) To hear and decide upon appeals of administrative decisions where it is alleged there is an error in an order, requirement or policy of City staff. The Board may reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.

(B) Appointment of Members

- (1) The Board of Adjustment shall have five (5) members and three (3) alternates, to be appointed by the City Commission.
- (2) Each member of the Board of Adjustment shall reside in the City.
- (3) Each member shall be appointed to a three (3) year term. In the event that all members are appointed at the same time, one (1) member shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years.

- (4) Each alternate shall be appointed to a three (3) year term. In the event that all alternates are appointed at the same time, one (1) alternate shall be appointed for a term of one (1) year, one (1) alternate shall be appointed for a term of two (2) years, and one (1) alternate shall be appointed for a term of three (3) years.
- (5) Regular vacancies shall be filled by appointments made at the last regular meeting of the City Commission in October of each year. All members and alternates shall serve until their successors are appointed.
- (6) If a position becomes vacant before the end of a term, the City Commission shall appoint a substitute member or alternate to fill the vacancy for the duration of the vacated term. A member or alternate whose term expires may continue to serve until a successor is appointed and qualified.
- (7) Members and alternates may be removed without notice and without assignment of cause by a majority vote of the City Commission.
- (8) At the first meeting held after November 1 of each year, the Board shall elect a Chairman and Vice-Chairman. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one (1) year.
- (9) Members and alternates shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (10) If any member fails to attend three (3) successive meetings, the Board may declare the member's office vacant and notify the City Commission.

(C) *Procedures*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) Four (4) members shall constitute a quorum.

- (5) Each decision of the Board must be approved by an affirmative vote of four (4) members present at a meeting in which a quorum is present and voting.
- (6) All decisions of the Board of Adjustment are final. Variance requests, once acted upon, may not be reheard unless the applicant can demonstrate that the decision resulted from an error in substantive or procedural law, or provides new evidence or information not discoverable prior to the initial hearing. A different or more effective presentation of the same evidence or information shall not be considered grounds for a rehearing.
- (7) Any person or persons aggrieved by any decision of the Board of Adjustment, may, within thirty (30) days after the date of the public hearing at which the decision was rendered, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

8.03.03 Code Enforcement

All violations of the Unified Land Development Code shall be brought before a Special Magistrate utilizing the procedures found in Chapter 2, Article VI of the Code of Ordinances of the City of Lake Alfred, however nothing herein shall prohibit the City from bringing an appropriate enforcement or injunction action in a court of competent jurisdiction.

[RESERVED]

8.04.00 Duties of City Commission

(A) Powers and Duties in the Areas of Development and Land Use Regulation

- (1) Adopt and amend the Comprehensive Plan.
- (2) Adopt and amend the Land Development Code.
- (3) Appoint members of the Planning Board and Board of Adjustment. The Commission will also appoint the Code Enforcement Special Magistrate
- (4) Determine the need for and appoint members of additional Boards, committees and subcommittees to investigate and make decisions on various land use and development issues.
- (5) Establish, by Resolution, fees for Plan Amendments, zoning actions, Site Development Plan reviews, Conditional Use reviews, variances, special exceptions, and other activities carried out under the provisions of this Code.
- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, Site Development Plans, Conditional Uses, and other special designations on property within the City.
- (7) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.

8.05.00 Official Zoning Map

The districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the "Zoning Map of the City of Lake Alfred." This map or maps and all notations, references and other information properly inscribed thereon are hereby incorporated as a part of this Article.

The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).

Within five (5) working days of action by the City Commission or Board of Adjustment, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Lake Alfred.

8.05.01 Rules of Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
- (B) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (D) boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
- (E) boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines; and
- (F) boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.

The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

8.06.00 Public Hearings

(A) Public Notice Required

- (1) Due Public Notice. No change in land use classification or designation, variance, plan amendment or amendment to this Code may be considered by the Planning Board or Board of Adjustment until due public notice has been given of a public hearing.
- (2) 15 Day Advance Notice. Public hearing notice shall be given at least 15 days in advance of the hearing by the publication in a newspaper of regular and general circulation in the City, and notice shall be posted at City Hall. No official action may be taken unless and until the public hearing has been advertised.

- (3) Contents of Advertisement. The advertised notice shall contain the name of the applicant, the legal description of the affected property, the existing land use classification and any special designation(s), the request being considered by the Board, and the time and place of the public hearing at which the application will be considered.
- (4) 300' Radius for Notification Area. For each zoning or variance application to be considered at a public hearing, a notice shall be mailed as a courtesy to all property owners of record within a radius of 300 feet of the affected property; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing.
- (5) Other Local Government Notification. When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the planning Board or governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

(B) *Public Notice Requirements for Amendments to Official Zoning Map Initiated by City Commission*

(1) Notification by Mail.

- a. Where a zoning action has been initiated or undertaken at the direction of City Commission, and involves less than five (5) percent of the total land area of the City, the City Commission shall direct the City Clerk to notify by mail each property owner whose land the City will rezone or whose land will be affected by the change in permitted use.
- b. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during regular business hours at the Office of the City Clerk.
- c. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on the ordinance.
- d. The City Commission shall hold a public hearing on the proposed ordinance and may, upon conclusion of the hearing, immediately adopt the ordinance.

(2) Advertisement of Public Hearings.

- a. Where a zoning action has been initiated or undertaken at the direction of the City Commission, and involves five (5) percent or more of the total land area of the City, the City Commission shall hold two advertised public hearings on the proposed ordinance.
- b. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published.
- c. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing.
- d. The date, place, and time at which the second public hearing will be held shall be announced at the first public hearing.
- e. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point.
- f. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- g. The advertisement shall be published in a newspaper of general circulation in the City and of general interest and readership in the community.

(3) Advertisement Form.

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| <p>NOTICE OF ZONING (PERMITTED USE) CHANGE</p> <p>The City of Lake Alfred proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement.</p> <p>A public hearing on the rezoning will be held on <u>(date and time)</u> at <u>(meeting place)</u>.</p> |
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The advertisement shall also contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

8.07.00 Statutory Requirements for Plan Amendments

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Chief Building Official, together with applicable fees, which shall have been established by resolution of the City Commission. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted to the Department of Community Affairs (DCA) by the City **no more than twice yearly** for review pursuant to procedures established in Chapter 163 F.S., except small scale amendments. See Section 8.07.05 for specific regulations regarding small scale amendments. Small scale amendments are defined by Florida Statute as:

- Encompasses the use of 10 or fewer acres of any land use category;
- Residential densities are limited to 10 or fewer units per acre;
- Does not involve the same property more than once per year;
- Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;
- Does not include any text change to the Plan's goals, objectives, and policies;
- Is not located within an area of critical state concern; and
- The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.

8.07.01 First Public Hearing for a Plan Amendment

As outlined in Chapter 163.3184, F.S., a public hearing by the City Commission is required to approve transmittal of the Plan Amendment to the Department of Community Affairs (DCA). This public hearing shall be held on a weekday approximately 7 days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing, which is held after DCA completes its review, shall be announced at the first public hearing. Procedures for advertisement and public hearings are set forth in Section 8.06.00 above.

8.07.02 Transmittal to DCA

Immediately following the first public hearing, the City shall transmit six (6) copies of the plan amendment to DCA for written comment. The City shall transmit one (1) copy to each of the following: the Regional Planning Council, Water Management District, Department of Transportation and Department of Environmental Protection.

- (A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.

- (B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.

8.07.03 Second Public Hearing and Adoption

Upon receipt of DCA comments, the City shall have sixty (60) days to adopt the Plan Amendment as proposed, or with changes.

- (A) 5 Day Advance Notice. A second public hearing shall be held for adoption of the Plan Amendment, and shall take place on a weekday approximately 5 days after the advertisement is published.
- (B) Contents of Advertisement. If the proposed Amendment changes the permitted uses of land or land use categories, the required advertisements shall be two columns wide by 10 inches long. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in substantially the following form:
- (C) Advertisement Form.

NOTICE OF CHANGE OF LAND USE

The City of Lake Alfred proposes to change the use of land within the area shown in the map in this advertisement. The City of Lake Alfred proposed to adopt the following ordinance: (title of ordinance).

A public hearing on the proposal will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map that clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

8.07.04 Transmittal of Adopted Amendment to DCA

Upon receipt of the adopted amendment, including the ordinance adopting such

amendment, DCA shall have 45 days to review and determine whether or not the amendment is in compliance with Chapter 163, F.S. Upon arriving at its determination, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.

If DCA finds the amendment "not in compliance", the City is officially notified and the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The City may then enter negotiations with DCA to resolve and remove any objections. If resolution of the differences does not occur within a reasonable period of time, the hearing officer assigned by the division shall submit a recommended order to the Administration Commission for final agency action.

If the Administration Commission (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Commission shall specify remedial actions that would bring the comprehensive plan or plan amendment into compliance.

8.07.05 Small Scale Plan Amendments Exempt from DCA Review

Plan amendments that are defined as Small Scale Amendments are exempt from the annual quota allowed by DCA and do not have to be submitted to DCA for review. The amendment is adopted by ordinance and sent to DCA and the Regional Planning Council. DCA will not issue a Notice of Intent for the small scale amendment.

(A) *Definition.* Small Scale Plan Amendments are defined by Florida Statue as:

Encompassing the use of **10 or fewer acres** of any land use category; and
Residential densities are limited to **10 or fewer units per acre**; and
Does not involve the same property more than once per year; and
Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and
Does not include any text change to the Plan's goals, objectives, and policies;
Is not located within an area of critical state concern; and
The local government can approve the amendment without exceeding its **yearly maximum of 80 acres** of small scale amendments.

(B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning and Zoning Board and are recommended to the City Commission by the Board. Then the amendments are heard at two Public Hearings and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.

(C) *Public Notice Requirements.* The public notice required for the amendment is:

A newspaper notice as for ordinary, non-rezoning ordinances; and
The City must mail the owners of the property notice; and
There is no size requirements for the newspaper advertisement; and
Notice must be given of: the date, place and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.

- (D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, the DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.

8.08.00 Public Records

All resolutions, ordinances and records involving permitted land uses, development regulations and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the Chief Building Official or his designee(s). Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at City Hall. Copies shall be made available at a price reflecting the City's reproduction costs.

8.09.00 Fees

The City Commission shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

8.10.00 Enforcement of Development Permits and Orders

The Chief Building Official is the enforcement officer for all regulations contained in this Code. The Chief Building Official shall implement a procedure for periodic inspection of development work in progress to insure compliance with the development permit and final development order that authorized the activity.

8.10.01 Certificate of Occupancy

Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Chief Building Official for a certificate of occupancy. The Chief Building Official shall inspect the work

and issue the certificate, if all work is found to be in conformity with the permit or order.

8.10.02 Administrative Approval of Minor Field Adjustments

A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
- (B) Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- (C) If the work is found to have one or more minor field adjustments, the Chief Building Official shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development. The Chief Building Official may, however, refer any minor field adjustment that significantly affects the development's compliance with the purposes of this Code to the Planning Board for treatment as a major deviation.
- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order.

8.10.03 Major Deviation from Development Permits and Development Orders

- (A) If the work is found to have one or more major deviations, the Chief Building Official shall:
 - (1) Place the matter on the next agenda of the City Commission, allowing for adequate notice, and recommend appropriate action for the Commission to take.
 - (2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Chief Building Official determines that work or occupancy may proceed pursuant to the decision of the Planning Board.
 - (3) Refer the matter to the code inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Special Magistrate.

- (B) The Code Enforcement Special Magistrate shall hold a public hearing on the matter and shall take one of the following actions:
- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
 - (2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
 - (3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

8.10.04 Revocation of Development Order

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

[RESERVED]