

CHAPTER 3

ADMINISTRATION

SECTION 1: GENERAL PROVISIONS

a) Administrative Official.

The provisions of this Code shall be administered and enforced under the direction of the Administrative Official. The Administrative Official shall be the City Clerk or designee.

b) Fees.

All fees described in this Code shall be as set by the City Council, based on the actual average cost of all expenses associated with the subject activity, including materials, labor, and overhead.

SECTION 2: DEVELOPMENT ORDER AND DEVELOPMENT PERMIT REQUIRED.

a) In General.

No development activity shall be undertaken unless the activity is authorized by a development permit. A development permit may not be issued unless authorized by a development order reflecting conformance with the requirements of this Code.

b) Exceptions to the Requirement of a Development Order.

A development permit may be issued in the absence of a development order for the following activities, when the proposed development conforms to the standards and permitting requirements of this Code:

- 1) The construction or alteration of a one or two family dwelling on a lot of record as of January 21, 1992, or lot created under the terms of this Code.
- 2) The construction of an accessory structure on a previously development single family lot.
- 3) The alteration of an existing structure which does not enlarge the effective size or capacity of the structure.
- 4) Demolition of a structure.
- 5) Erection of signs or fences on a previously developed site and when independent of other development activity on the site.
- 6) The resurfacing of an impervious vehicle use area.

SECTION 3:

DEVELOPMENT ORDER

A development order shall be issued by the City only after the approval of development plans as required by this Code. A development order allows for the issuance of development permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction, and building construction.

a) Contents.

A development order shall include the following:

- 1) The name of the proposed development, the legal description of the property, and, where appropriate, its street address.
- 2) A general description of the proposed development activity.
- 3) The name of the project engineer, date of the approved plans, and any revision number.
- 4) Reference to any development agreements or other legal documents that are a part of, or control, the proposed development.
- 5) Any special conditions of the development approval, such as off-site improvements, phasing, or other actions or events required prior to the issuance of development permits or certificates of occupancy.
- 6) The expiration date of the development order.

b) General Conditions.

All development orders are issued contingent upon the following:

- 1) The accuracy of information provided in the development plans and associated documents. Inaccuracies that affect compliance with this Code, or the soundness of engineering design, may be considered grounds for the voiding of a development order.
- 2) Copies of all permits from federal, state, or regional and county agencies with jurisdiction over any portion of the proposed development shall be presented to the City prior to the issuance of development permits. The City Manager may issue limited permits for activities not related to outstanding agency permits unless there is reason to believe that such permits may not be forthcoming, or may substantially deviate from the approved plans.
- 3) The clarification of discrepancies within the approved plans or associated documents. Where there are contradictions or discrepancies, the City may require their correction based on the requirements of this Code, and as appropriate to the internal consistency of the documents.

c) Expiration of a Development Order.

All development orders shall have an expiration date clearly noted, after which no additional development permits may be issued. Expiration dates shall be based on the following:

- 1) Development plan approval for subdivisions shall expire after eighteen (18) months from the date of issuance.
- 2) Site development plan approval shall expire after one (1) year from the date of issuance.
- 3) Conceptual plans for zoning approvals shall expire based on the terms of its development agreement and any phasing plan therein.
- 4) Special exception uses, conditional uses, and variances shall expire either based on the conditions of approval or based on the specific requirements of this Code.
- 5) Rezoning, except to planned zoning districts, shall not have expiration date.

d) Extension of Expiration Date.

The expiration date for a development order may be extended as follows:

- 1) Where initial development permits have been issued pursuant to the development order, and development is continuously proceeding, the City Clerk may grant one (1) or more extensions not to exceed a total of two (2) years from the original expiration date. No fee shall be required beyond those required for the issuance of development permits.
- 2) Where an extension is desired but no permits have been issued, a developer must request an extension in writing from the City Clerk, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
 - A) Amendments to this Code, including codes and standards adopted by reference, that have been adopted since the original approval, requiring modification to the development plans or associated documents.
 - B) Re-evaluation of the ability of the proposed development to meet the requirements of Chapter 4, "Concurrency Management System".

- C) Changes in surrounding land use, development, or other conditions that may require modification of the plans to meet the requirements of this Code.

e) Securing Development Permits.

Application for development permits for subdivision, site or building improvements shall be made according to the provisions of the appropriate chapter of this Code.

f) Modification of a Development Order.

1) Minor modifications to development orders may be approved by the City Clerk, when such modifications are consistent with the requirements of this Code, and do not have a substantial impact on the overall impact and intent of the development order. The following modifications shall be generally considered as minor:

- A) Dimensional changes to accommodate field conditions, including connection to existing facilities and the preservation of existing vegetation.
- B) Changes of landscape or construction materials that are deemed to be similar or equivalent to those approved.
- C) Technical changes to construction details.

2) Proposed modifications that do not meet the criteria for administrative approval described above, shall be submitted for development plan approval under the same procedure as required for the original approval, accompanied by the maximum review fee specified for such approval.

3) When, in the opinion of the City Clerk, the proposed modifications represent a major or fundamental change in the overall impact and intent of the original development order, a new application for development plan approval may be required, including the appropriate fees as specified for such approval.

SECTION 4: AMENDMENTS.

Application to amend this Code or the Comprehensive Plan may be initiated by any person, board or agency. Application to rezone land under this Code may be initiated by the landowner(s), Department, Planning and Zoning Board or City Council. The requirements of this Section are in addition to the requirements of applicable state law.

a) Application.

Application for Development Code or Comprehensive Plan amendments shall be made on the appropriate forms provided by the City for that purpose, and shall be accompanied by the appropriate review fee.

- 1) Applications for Development Code amendments or rezonings shall be submitted no later than twenty-eight (28) days in advance of the regularly scheduled Planning and Zoning Board meeting in order to be considered at that meeting.
- 2) Applications for Comprehensive Plan amendments may be made at any time, but will only be considered twice per year. Applications received no later than twenty-eight (28) days in advance of the first March Planning and Zoning Board meeting will be considered at that time, and applications received no later than twenty-eight (28) days in advance of the first September Planning and Zoning Board meeting will be considered at that time. The City Council shall consider the request at their next regularly scheduled meeting and shall make the final decision on the amendment application.
- 3) Applications for rezoning and future land use plan amendments shall include a legal description of the property, sketch, or survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser.

b) Notification of Public Hearing.

All amendments to the Comprehensive Plan or this Code shall comply with the following:

- 1) Rezoning and Future Land Use Map Amendments. The following requirements apply to owner initiated amendments. They are superseded by the requirements of Section 166.041(3)(c), Florida Statutes, for rezoning amendments initiated by the City, and by the requirements of Section 163.3184, Florida Statutes, for future land use map amendments initiated by the City.
 - A) Adjoining Owners. The City shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as any owners of the subject property not party to the application. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Board and the City Council, along with a clear and concise description of the proposed action. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement right-of-way or similar barrier of two hundred feet (200) or less in width.

- B) **Posting of Property.** The applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
 - C) **Public Advertisement.** Notice of public hearing shall be published in a newspaper of general circulation within the City at least fourteen (14) days prior to the hearings, with a second publication to be at least seven (7) days prior to the hearings. Notice shall also be posted in a conspicuous location at the City Hall, and may be posted at other public locations at the discretion of the City.
- 2) **Textual Changes.** Notification and advertising for ordinances making textual changes to this Code or the Comprehensive Plan that do not substantially change permitted use categories in zoning districts or land use map designations, shall be as normally required for ordinances under the City Charter and Code, and state law.

c) **Procedure for Public Hearing.**

The following procedures are in addition to or, where in conflict superseded by, those required by state law.

- 1) **Planning and Zoning Board Action.** The Planning and Zoning Board shall consider and make recommendations to the City Council on every rezoning and every proposed amendment to the Comprehensive Plan or this Code. Recommendations on rezoning and future land use map amendments shall be considered at the public hearing noted in Section (b) above, while textual changes may be considered as a general item on the Planning and Zoning Board agenda.
- 2) **City Council Action.** The City Council shall consider recommendations of the Planning and Zoning Board before taking action on proposed amendments to this Code. However, if those bodies fail to make a recommendation within sixty (60) days of the amendment's first consideration by that body, then the City Council may take action based upon an assumed recommendation of approval from the advisory board.

d) Reapplication for Denied Rezoning.

When an application for rezoning is denied by the City Council, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for twelve (12) months from the date of City Council denial, unless specifically authorized by the City Council.

e) Criteria for Review of Amendments.

When considering an amendment to the Comprehensive Plan or this Code, the Planning and Zoning Board and the City Council shall consider the following criteria:

- 1) Consistency with the Comprehensive Plan, or in the case of a Plan amendment, consistency with the remainder of the Plan and its goals, objectives and policies.
- 2) Consistency with applicable sections of this Code.
- 3) Additionally, as to rezoning amendments:
 - A) Whether justified by changed or changing conditions.
 - B) Whether adequate sites already exist for the proposed district uses.
 - C) Whether specific requirements of this Code are adequate to insure compatibility with adjoining properties as required by the Comprehensive Plan.

SECTION 5: **APPEALS**

a) Procedural Appeals.

Any property owner, developer, or their duly authorized agent that is aggrieved by a procedural decision of the City Clerk or any other official or body empowered by this Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Clerk, and shall state fully the grounds for the appeal and all facts relied upon by the petitioner. The City Clerk shall schedule the appeal for the consideration of the City Council within twenty-one (21) days of the receipt of the appeal.

b) Technical Appeals.

Any property owner, developer, or their duly authorized agent that is aggrieved by a technical decision of the City Clerk or any other official or body empowered by this Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Clerk and shall state fully the grounds for the appeal and all facts relied upon by the petitioner. The City Clerk shall schedule the appeal for consideration no earlier than seven (7) days or no

- A) The construction of one commercial or industrial building shall be permitted on each lot providing that no adjoining lots are in the same ownership, or were in the same ownership as of January 21, 1992.
- B) Dimensional requirements shall be based on the established requirements of this Code.

No portion of any nonconforming lot shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Code.

2) Nonconforming Uses of Land and Structure.

A nonconforming use of land or structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of January 21, 1992.
- B) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use as of January 21, 1992.
- C) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land or structure.

3) Nonconforming Structures.

A nonconforming structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming structure may be enlarged or altered in any way which increased its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its current appraised value as

recorded in the tax assessor's office at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.

- C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is removed.

b) Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and modernization are permitted provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official. All repairs shall be completed within six (6) months after damages occur or the use shall not be rebuilt except as a conforming use.

c) Discontinuance of Nonconforming Uses of Land or Structures.

If a nonconforming use of land or a nonconforming use of structure has been abandoned for period of six (6) months, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Code.

d) Uses Under Special Exception or Conditional Use Provisions Are Not Nonconforming Uses.

Any use which is permitted as a special exception or conditional use in a district under the terms of this Code shall be deemed a conforming use, subject to any conditions legally imposed by the City Council in the past.

SECTION 8: TECHNICAL REVIEW COMMITTEE (TRC)

There may be created the Technical Review Committee (TRC) to provide technical review for all applications for development approval and grant final approval for development plans when authorized by this Code.

a) Meetings.

The TRC may hold regularly scheduled meetings at least once a month, unless there are no applications requiring review at that time. A schedule of regular meetings shall be made available. A special meeting may be called by the chairman to allow extra time for the review of large or complex applications that have been submitted by the appropriate deadline for the next regularly scheduled meeting. TRC meetings shall be open to all interested parties, for the review of formal development applications. However, a developer or land owner may

request a closed meeting with the TRC for the purpose of discussing proposed development prior to the formal application for approval.

b) Membership and Organization.

The TRC may be composed of the heads of the following departments or divisions or their designees: Building, Public Works and the City Clerk. The TRC shall be chaired by the City Clerk or designated representative. Upon request of the City Clerk other TRC members may include the City Attorney, City Engineer, City Planner and Fire Chief.

SECTION 9: PLANNING AND ZONING BOARD

There is hereby created the City of Umatilla Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by this Code, and provide recommendations to the City Council on planning and land development related matters.

a) Membership

The Planning and Zoning Board shall consist of five (5) members appointed by, and serving at the pleasure of the City Council. Members shall be qualified electors residing in the City. Membership shall be further specified as follows:

- 1) Members shall be appointed for three (3) year terms. A member whose term expires may continue to serve until a replacement is appointed.
- 2) Members may be removed without notice or without cause by a majority vote of the City Council.
- 3) If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chairman, the board shall declare the position vacant and request a replacement be appointed by the City Council.
- 4) When a vacancy occurs prior to the expiration of a term, the City Council shall appoint a member to fill the vacancy for the duration of the term.

b) Organization and Procedures.

- 1) The Board shall annually elect a chairman and vice-chairman from among its members.
- 2) The Board shall adopt rules of procedure, in accordance with this Code and applicable law, to carry out its functions and duties.

- 3) The Board shall meet at least once per calendar month, unless canceled by the Board or its chairman, and at such additional times as requested by the Chair or City Council.
- 4) A quorum shall consist of three (3) members.
- 5) The City shall provide a recording secretary to keep minutes of the Board's meetings.

c) General Functions and Duties.

- 1) The Board shall obtain and review information as necessary to prepare and amend the Comprehensive Plan, Development Code of the City, and the Official Zoning Map of the City.
- 2) The Board shall monitor the operation and effectiveness of the Comprehensive Plan and this Code, and recommend amendments to the City Council.
- 3) The Board shall conduct public hearings, review development applications, and perform other duties as required by this Code.

d) Meetings.

- 1) In the event a development application is scheduled for a Planning and Zoning Board meeting and such meeting is canceled for any reason or not held due to a lack of a quorum, and upon applicant's written request to the City Manager or his designee that the application be considered at the next available City Council meeting, the application shall be placed on the next available City Council agenda for the City Council's consideration.

(d.1 Ord 2012-G adopted 06/05/2102)

e) City Council Acting as Planning and Zoning Board

1) The Council may, from time to time, pass a resolution dissolving the Planning and Zoning Board and designating itself to undertake the functions of the Planning and Zoning Board. A resolution hereunder may state an effective period or state that it shall be effective indefinitely until further resolution of the Council.

2) In the event that the City Council designates itself to perform the functions of the Planning and Zoning Board, all matters which would otherwise be heard or considered by the Planning and Zoning Board will be addressed at regular or special City Council meetings. When performing such functions at properly noticed City Council meetings, it shall not be necessary for the City Council to separately give notice of Planning and Zoning Board meetings, for separate minutes to be taken, or for a meeting of the City Council to be adjourned and a meeting of the Planning and Zoning Board be called to order. Furthermore, at

- 3) The Special Master shall proceed to hear cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Special Master shall take testimony from the code enforcement officer or authorized agent, the alleged violator and any other witnesses which may provide relevant and material evidence of the alleged violation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.
- 4) At the conclusion of the hearing, the Special Master shall issue findings of fact, based on evidence received, and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein.

c) Powers.

The Special Master shall have all powers allowed by Florida law and concurrent jurisdiction to hear and decide cases involving alleged violations of city ordinances. Special Master shall have the power to:

- 1) Adopt rules for the conduct of its hearings.
- 2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the Lake County Sheriff's Department or the City Police Department.
- 3) Subpoena evidence.
- 4) Take testimony under oath.
- 5) Issue orders having the force of law commanding whatever steps are necessary to bring the violation into compliance.

d) Notices.

All notices required herein shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Lake County Sheriff's Department or other authorized law enforcement officer including, but not limited to, members of the City Police Department; the code enforcement officer; or any other person designated by the City Commission; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice. In addition to providing notice as set forth above, at the option of the Special Master notice may also be served by publication or posted, as provided by state law.

e) Fines and Liens.

- 1) The Special Master, upon notification by the code enforcement officer or other authorized agent of the city that an order of the Special Master has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine not to

practices thereof, has the authority to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources, provided however, acceptance of loans must be approved by the City Council.

- g) Financial Support for Staffing and Work. The City Council, sitting as the City Council, as well as sitting as the Local Planning Agency, is hereby authorized to provide financial support for the staffing and work of the agency, and may provide for the financial support and staffing as they may deem necessary and expedient.
- h) Comprehensive Plan. The Local Planning Agency may designate any agency, committee, department or person to prepare the comprehensive plan or any element thereof, but the final responsibility for the recommendation of the adoption of the plan shall be the responsibility of the local planning agency.
- i) Powers and Duties. The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:
 - 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
 - 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
 - 3) Recommend the comprehensive plan or elements or portions thereof to the City Council for adoption.
 - 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Council such changes in the comprehensive plan as may be required from time to time.