

ARTICLE 11

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ARTICLE 11

ADMINISTRATION AND ENFORCEMENT

SECTION 11.01 GENERALLY

11.01.01 Purpose. This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

11.01.02 Authorization Required for All Development

- A. Unless otherwise expressly exempted by this Code, or unless a specific type of permit is otherwise expressly provided for elsewhere in this Code, no Development as defined in B below shall be undertaken unless authorized by a building or other development permit issued by the City pursuant to **Section 11.06** below. Failure to obtain such authorization shall be a violation of this Code and shall be subject to any enforcement mechanisms available to the City.
- B. *Development* shall mean any of the following activities:
1. The construction of any building or structure regulated by the Florida Building Code.
 2. The clearing, filling, excavating, or grading, of a site in anticipation of constructing one or more structures regulated by the Florida Building Code.
 3. The clearing, filling, excavating, or grading, of a site for the purpose of installing improvements, such as paved roads, parking lots, or stormwater management facilities.
 4. The dredging, mining, drilling, scraping, excavating, or otherwise removing the soil or other elements of the earth for transport to another location.
 5. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
 6. Changing the use of a site so that the need for parking is increased.
 7. The removal of a protected tree as defined in this Code.
 8. Erection of a sign requiring a permit pursuant to this Code.

11.01.03 Withdrawal Of Applications. An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

11.01.04 Effect of Denial or Withdrawal on Subsequent Applications. No application for development approval shall be entertained within twelve months after the denial or withdrawal of a request for the same use for the same property. The Development Review Coordinator may waive this limitation upon a showing of good cause.

11.01.05 Amended Application. Amendment of any application by the applicant may be permitted up to 10 days prior to the public hearing, provided the amendment shall not make the case different from its description in the notice for public hearing. Otherwise, the matter shall be re-noticed at the expense of the applicant.

11.01.06 Definition

Development Review Coordinator means the City of Waldo City Manager who shall have such responsibilities as set forth in this Code.

SECTION 11.02 SITE PLAN REVIEW

11.02.01 When Required. Site plan review is required for all Development as defined in **Section 11.01.02** above, except for the following:

- A. Construction of a single family or duplex home.
- B. Alteration of an existing structure where such alteration does not create the need for additional parking or other modifications to the site.
- C. Any activity for which a special review process is specifically provided for elsewhere in this Code.

11.02.02 Existing Site Plans. Where development requiring site plan review is proposed on a site governed by an approved site plan, the development shall be reviewed as an amendment to the existing site plan and shall be subject to the same site plan review procedures set forth herein.

11.02.03 Pre-Application Conference. Prior to filing for site plan review, the applicant shall meet with the Development Review Coordinator to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed site plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

11.02.04 Review Of Concept Plans. Site plans shall be submitted to concept review as follows:

- A. The applicant shall file a completed application and a Concept Plan as a prerequisite to obtaining concept review.
- B. Within 5 working days of receipt of an application and Concept Plan, the Development Review Coordinator shall take one of the following actions:
 - 1. Determine that the submittals are incomplete and inform the applicant in writing as to the deficiencies. The applicant may submit an amended application within 30 working days without payment of a re-application fee, but, if more than 30 working days have elapsed, must thereafter re-initiate the application and pay an additional fee.
 - 2. Determine that the submittals are complete and proceed with the following procedures.
- C. If the proposed development is within the Center City land use district, or the Waldo/301 Special Study Area, the proposal shall be placed on the agenda of the next meeting of the Plan Board that allows the giving of required notice. Otherwise, the Development Review Coordinator shall conduct the review as set forth below.
- D. The Plan Board, or the Development Review Coordinator, as the case may be, shall consider:
 - 1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
 - 2. Whether the concurrency requirements of City of Waldo Comprehensive Plan and this Code could be met if the development were built.
 - 3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
 - 4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
 - 5. Applicable regulations, review procedures, and submission requirements.

6. Concerns and desires of surrounding landowners and other affected persons.
 7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.
- E. The Plan Board, or the Development Review Coordinator, as the case may be, shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

11.02.05 Review Of Preliminary Site Plans.

- A. The applicant shall submit an application for site plan approval and a preliminary site plan to the Department. If an application was filed in conjunction with a request for Concept Review, the Preliminary Site Plan must be submitted no more than 6 months after the date the application was originally filed. If more than 6 months elapse, the applicant must re-apply for site plan review.
- B. Within 10 working days of receipt of a Preliminary Site Plan, the Development Review Coordinator shall take one of the following actions:
1. Determine that the information is incomplete and inform the applicant in writing of the deficiencies. The applicant may submit an amended plan within 60 days without payment of an additional fee, but, if more than 60 days have elapsed, must thereafter initiate a new application and pay a new fee.
 2. Determine that the plan is complete and proceed with the following procedures.
- C. Within 5 working days of the filing of a complete preliminary site plan, the Development Review Coordinator shall send a copy of the site plan to each city staff person or consultant who the DRC determines should review the plan.
- D. Within 20 working days after the filing of a complete preliminary site plan, the Development Review Coordinator shall issue a written recommendation that the Plan Board approve the preliminary site plan, approve the preliminary site plan with conditions, or deny the preliminary site plan.
- E. The Preliminary Site Plan shall be placed on the next available agenda of the Plan Board allowing for the giving of required notice. The Plan Board shall conduct a quasi-judicial on the Preliminary Site Plan to determine whether the plan satisfies the requirements of this Code.

- F. The Plan Board shall issue a Final Order with findings and conclusions, and, if applicable, conditions placed on the proposed development.

11.02.06 Review Of Final Site Plans.

- A. The applicant shall submit a Final Site Plan for review within one year of the date of the Final Order issued by the Plan Board.
- B. Within 20 working days the Development Review Coordinator shall determine whether the Final Site Plan should be approved or denied based on whether the plan conforms to the Preliminary Site Plan.
- C. The Development Review Coordinator shall set forth the approval or denial in a letter to the applicant. Reasons for a denial shall be set forth in the letter.

11.02.07 Project Phasing. A Master Plan for the entire development site must be approved for a development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Site Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Plan for the first phase. A Preliminary and Final Site Plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

11.02.08 Submittals.

- A. Applications for site plan review shall be available from the Development Review Coordinator. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.
- B. In addition to the requirements below, an applicant shall submit any concept plan, preliminary site plan, or final site plan in an electronic format.
- C. All Preliminary and Final Site Plans submitted pursuant to this Code shall conform to the following standards:
 - 1. All plans shall be drawn to a scale a scale of 1 inch equals 100 feet, unless the Plan Board or Development Review Coordinator determines that a different scale is sufficient or necessary for proper review of the proposal.

2. The sheet size shall be 24 inches by thirty-six 36 inches. A 3/4- inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
 - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
 - b. A complete legal description of the property.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
 - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
 - g. The area of the property shown in square feet and acres.
5. Eight copies of the submittals shall be required.
6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the applicant to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

D. Each Concept Plan shall show:

1. Existing Conditions

- a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
- b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
- c. Topography of the site with contour lines at two-foot intervals and showing all water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types, vegetative cover and any known historic or archaeological resources.
- d. The parcel's existing land use and zoning designations.
- e. A depiction of property within 400 feet of the boundaries of proposal development site, not including public right of way in the measurement, showing land uses, locations of principal structures and major landscape features, densities of residential use, and traffic circulation systems.

2. Proposed Development Activities And Design

- a. The approximate location and intensity or density of the proposed development.
- b. A general parking and circulation plan, showing points of ingress to and egress from the site, pedestrian ways, and bicycle paths.
- c. Proposed drainage systems.
- d. Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
- e. Proposed open space areas and types of activities proposed to be permitted on them.
- f. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
- g. A description of how the plan mitigates or avoids potential conflicts between land uses.

E. A Preliminary Site Plan shall include the following information, where applicable. If any of the following items are inapplicable to a proposed development, such item may be

omitted, provided the applicant identifies in writing any missing item and includes a brief explanation of why it is inapplicable. The Development Review Coordinator may determine that the missing information is required and find the plan to be incomplete until provided.

1. A legal description of the property under review for site plan approval.
2. Site conditions information, including:
 - a. A topographic map of the site of a scale a scale of 1 inch equaling no more than 100, showing at least five-foot contours in residential zones and two-foot contours in the 100 year flood prone areas.
 - b. Generalized soil types in the project area and in the surrounding area, if significantly different from the project area.
 - c. A scaled plan indicating the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings as described in Article XV. Aerial and on-site photographs may be used to show vegetation.
 - d. A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. The plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.
3. A site condition map including:
 - a. A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities and recreation/open space areas.
 - b. The location of all existing public streets, rights-of-way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to all such properties, off-street parking, loading and service areas, if any, for or on such properties and any screening or buffers on such properties and the nature and type thereof.
 - c. The location, size and capacity of all existing utilities, including existing fire hydrant locations.
 - d. The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, storm sewers, and the direction of surface flow.

4. A dimensional site development plan of professional quality drawn at a suitable scale, but not smaller than one inch equals 60 feet. A smaller scale for very large land area (over 40 acres in size) may be accepted upon approval of the showing:
 - a. The name of the person or firm who prepared the plans, the name of the applicant, the name of the proposed project or development, a north arrow and date.
 - b. The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.
 - c. The location and dimensions of all proposed buildings and structures to be included in the development:
 1. For all development, indicating the gross area of all buildings.
 2. For residential development, indicating the exact number of dwelling units classified by numbers of bedrooms (number of one-bedroom units, number of two-bedroom units, etc.).
 - d. Dimensions of all yard setbacks and open spaces.
 - e. Location of all open space and recreation areas, planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.
 - f. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities.
 - g. The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.
 - h. A grading plan including all finished elevations and contours.
 - i. The exact location of all public use easements.

- j. The exact location of all utility services, including connection points to the main systems and fire hydrant locations.
 - k. A landscape plan.
 - l. A drainage plan including depth dimensions, capacities, cross-section dimensions and statement of ratio or percentage of side slope angle of retention or detention facilities. Slope angle to depth of facility must meet Suwannee River Water Management District specifications.
 - m. The size, location and type of all signage.
 - n. The size, location, orientation, photometrics and intensity of all exterior lighting fixtures and devices.
 - o. Architectural elevations of all buildings and structures.
 - p. A development timetable, if project is to be constructed in phases.
 - q. A sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation).
 - r. Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and all individual trees with a trunk diameter of 12 inches or more at a point 4 ½ feet above ground level. Aerial and on-site photographs may be used to show vegetation.
- F. A Final Site Plan shall include the information required in a Preliminary Site Plan, and shall show compliance with any required modifications or conditions as set forth in the Preliminary Development Order.

SECTION 11.03 SPECIAL USE PERMITS

11.03.01 Generally. Where the use regulations of this Code provide that a given use must be authorized by a Special Use Permit, the procedures in this section shall be followed.

11.03.02 Application and Staff Review.

- A. An application shall be filed with the Development Review Coordinator on a form available from the City. In addition, a Site Plan meeting the requirements of this Article shall be submitted, unless the DRC finds that, due to the nature of the special use requested, a site plan is not necessary.
- B. Within 5 working days of receipt of the application and site plan, the Development Review Coordinator shall take one of the following actions:
 - 1. Determine that the application is incomplete and inform the applicant in writing of the deficiencies. The applicant may submit an amended application and site plan within 60 days without payment of an additional fee, but, if more than 60 days have elapsed, must thereafter initiate a new application and pay a new fee.
 - 2. Determine that the application is complete and proceed with the following procedures.
- C. Within 5 working days of the filing of a complete application, the Development Review Coordinator shall send a copy of the application and site plan to each city staff person or consultant who the DRC determines should review the application.
- D. Within 20 working days of receipt of a complete application, the Development Review Coordinator shall issue a written recommendation on whether the special use permit should be approved by the Plan Board.

11.03.03 Review by Plan Board

- A. The Development Review Coordinator shall place the application on the next available agenda of the Plan Board allowing time for notice.
- B. The Plan Board shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth at Section 11.07 below. The Plan Board shall approve the application, approve the application with conditions, or deny the application.
- C. The Plan Board shall apply the following standards in the review of special use permit applications, in addition to any specific standards in this Code for the particular special use:
 - 1. That the proposed use and associated development is consistent with the City of Waldo Comprehensive Plan, and complies with all required regulations and standards of this Land Development Code and other applicable regulations.
 - 2. That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.

3. That necessary public infrastructure is available to the proposed site and that the requirements of concurrency management have been fulfilled by the proposed use or development.
 4. That the proposed use or development will have screening and buffers of such dimension, type and character to improve the compatibility and harmony with adjacent and nearby properties.
- D. Review of the decision of the Plan Board on a Special Use Permit may be requested as provided in **Section 11.10 below**. If no review is requested, the decision of the Plan Board shall be final. It is the intent that such review be a prerequisite to certiorari or other review by a circuit court.

SECTION 11.05 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN

11.05.01 State Law Controlling. The procedures in this section shall be followed in amending this Code and the Comprehensive Plan. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.

11.05.02 Application. Any person, or city board, commission or agency, may apply to the Development Review Coordinator to amend this Code or the Comprehensive Plan.

11.05.03 Plan Board Review and Recommendation.

- A. The Plan Board shall hold a legislative hearing on each application to amend this Code or the Comprehensive Plan.
- B. The Plan Board shall thereafter submit to the City Council a written recommendation which:
 1. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
 2. States factual and policy considerations pertaining to the recommendation.

11.05.04 Decision By City Council. The City Council shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters properly noticed for hearing.

SECTION 11.06 PROCEDURE FOR OBTAINING BUILDING AND OTHER DEVELOPMENT PERMITS

11.06.01 Application. Application for a building or other development permit shall be made to the Development Review Coordinator on a form provided by the City.

11.06.02 Certificate of Land Use Compliance. The Development Review Coordinator shall, within **5 working days**, determine if the proposed construction and use complies with this Code and other regulations of City of Waldo and, if so, the Director shall issue a Certificate of Land Use Compliance. If the proposed construction and use does not comply, the DRC shall inform the applicant as to the reasons for non-compliance and refuse to issue the Certificate of Land Use Compliance. A Certificate of Land Use Compliance shall be valid for a period of 6 months.

11.06.03 Action on Permit Application. The Development Review Coordinator shall forward the application and Certificate of Land Use Compliance to the Building Official, or other staff person responsible for issuing the particular type of permit requested. If the application shows compliance with all applicable city codes and regulations, the permit shall be issued.

11.06.04 Appeal. The decision of the Development Review Coordinator to issue or not issue the Certificate of Land Use Compliance may be appealed to the Plan Board by filing a Notice of Appeal with the DRC within 30 days of the DRC's decision. The decision of the Plan Board shall be final. Review of the Plan Board decision may be sought pursuant to **Section 11.10** below.

SECTION 11.07 QUASI-JUDICIAL HEARINGS

11.07.01 Generally.

- A. Whenever a quasi-judicial hearing is expressly called for by this Code, or where a decision to be made by a board or commission is in fact quasi-judicial in nature, the procedures in this section shall be followed.
- B. A member of a board or commission absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.
- C. No city officer or employee who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the board or commission on the proposal without first declaring for the record the nature and extent of the interest.
- D. The chair of the board or commission may set reasonable time limits on the presentation of testimony and other evidence, provided that all parties to the proceedings are given adequate time to fully present their cases.

11.07.02 Evidence and Burden Of Proof.

- A. The applicant for any development order shall have the burden of proving by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.
- B. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the board or commission is inadmissible. The chair shall make rulings on objections to the relevance and materiality of the examination. A commission member, party, or staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence. During the presentation by the opponents or proponents of an issue before the board or commission, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.
- C. All testimony presented by witnesses for any party shall be subject to cross examination, subject to reasonable rules and limitations imposed by the chair.

11.07.03 Order Of Proceedings. The order of proceedings at any quasi-judicial hearing shall generally be as shown in the following table. These procedures may, however, be varied by the city attorney or decision-making board to address the particular circumstances of the case.

ORDER	ITEM
1	The board or commission shall determine whether it has jurisdiction over the matter.
2	Members of the board or commission shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case.
3	Members of the board or commission shall disclose and place on the record any ex parte contacts relating to the matter before the board or commission.
4	Introduction of the petition by the Development Review Coordinator
5	Presentation by applicant
6	Presentation by staff
7	Presentation by affected parties
8	Rebuttal by applicant
9	Rebuttal by staff

10	Rebuttal by affected parties
11	Public input
12	Deliberation and vote of board or commission
13	Preparation and execution of final order

11.07.04 Ex Parte Communications.

- A. A city employee, elected official, or other person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in ex parte communications with a member of the reviewing board.
- B. If a person engages in an ex parte communication with a member of the reviewing board, the member shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made.
- C. The foregoing is not meant to inhibit discussions between members of the reviewing board and city staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

11.07.05 Challenges to Impartiality.

- A. A party to an administrative or appellate hearing may challenge the impartiality of any member of the board or commission.
- B. The challenge shall state by affidavit facts relating to a bias, prejudice, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner.
- C. Except for good cause shown, the challenge shall be delivered by personal service to the Development Review Coordinator no less than 48 hours preceding the time set for the hearing.
- D. The Development Review Coordinator shall forward the challenge to the City Attorney and attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

11.07.06 Disqualification.

- A. No member of a hearing body shall vote or participate in the hearing of a proposal if:

1. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
 2. The decision-maker has a direct private interest in the proposal; or
 3. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.
- B. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum. If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be re-qualified and proceed to resolve the issues.

11.07.07 Final Order and Record.

- A. Unless the board or commission and the applicant agree to an extension, the board or commission shall, within 35 days of the hearing, render an order including:
1. A statement of the applicable criteria and standards against which the proposal was tested.
 2. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
 3. The reasons for a conclusion to approve, conditionally approve, or deny.
- B. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the Board.
- C. The Board shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.
- D. The findings and order shall be included in the record.

SECTION 11.08 LEGISLATIVE HEARING

11.08.01 Generally. Whenever a legislative hearing is expressly called for by this Code, or where a decision to be made by a Board or Commission is in fact legislative in nature, the procedures in this section shall be followed.

11.08.02 Notice and Hearing.

- A. Notice that complies with the requirements of this code and state law shall be given.
- B. The public hearing shall as a minimum:
 - 1. Comply with the requirements of state law.
 - 2. Present the Development Review Coordinator's analysis of the proposed decision.
 - 3. Present the Development Review Coordinator's summary of reports by other agencies.
 - 4. Permit any person to submit written recommendations and comments before or during the hearing.
 - 5. Permit a reasonable opportunity for interested persons to make oral statements.

SECTION 11.09 ENFORCEMENT

11.09.01 Definitions.

- A. *Minor Deviation* means a deviation from a Final Site Plan, Special Use Permit, Variance, or other development approval, 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:
 - 1. Alteration of the location of any road, walkway, landscaping or structure by not more than 5 feet.
 - 2. Reduction of the total amount of open space by not more than 5 percent, or reduction of the yard area or open space associated with any single structure by not more than 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.
- B. *Major Deviation* means a deviation other than a Minor Deviation, from a Final Site Plan, Special Use Permit, Variance, or other development approval.

11.09.02 Enforcement of Development Orders and Permits.

- A. The Development Review Coordinator shall implement a procedure for periodic inspection of development work in progress to insure compliance with the relevant approvals by the City.
- B. If work is found to have one or more Minor Deviations, the Development Review Coordinator shall amend the approval by the City to conform to actual development. The Director may, however, refer any Minor Deviation that significantly affects the development's compliance with the purposes of this Code to the Plan Board for treatment as a Major Deviation.
- C. If the work is found to have one or more Major Deviations, the Development Review Coordinator shall:
 - 1. Place the matter on the next agenda of the Plan Board, allowing for adequate notice, and recommend appropriate action for the Board 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 Development Review Coordinator determines that work or occupancy may proceed pursuant to the decision of the Plan Board.
 - 3. Refer the matter to the City Code Enforcement Officer, if it appears that the Applicant has committed violations within the jurisdiction of the Code Enforcement Board.
- D. The Plan Board shall hold a public hearing on Major Deviations referred to it by the Development Review Coordinator shall take one of the following actions:
 - 1. Order the owner to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time. The relevant approval by the City may be revoked if this order is not complied with.
 - 2. Amend the relevant approval by the City 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 approvals by the City based on a determination that the development cannot be brought into substantial compliance and that the approval granted by the City should not be amended to accommodate the deviations.

- E. After an approval by the City has been revoked, development activity shall not proceed on the site until a new approval is granted in accordance with procedures for the original approval.
- F. The Development Review Coordinator may, in addition to or in the alternative to the foregoing, pursue the following penalties and remedies, as provided by law.
 - 1. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Development Review Coordinator, through the City Attorney, may institute an appropriate civil action in any court to prevent, correct, or abate the violation.
 - 2. Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

11.09.03 Application For Certificate Of Occupancy. Upon completion of work authorized by a building permit, or other development approval by the City, and before the development is occupied, the owner shall apply to the Development Review Coordinator for a Certificate of Occupancy. The Director shall inspect the work and issue the Certificate if found to be in conformity with the permit or other approval.

SECTION 11.10 APPELLATE REVIEW

11.10.01 Generally.

- A. An aggrieved person may seek review of a final decision of the Plan Board or Development Review Coordinator as set forth below.
- B. The following qualify as aggrieved persons for purposes of seeking review of a decision by the City Council:
 - 1. The applicant; or
 - 2. A person who resides or owns land within 400 feet of the boundary of the property subject to the decision.

11.10.02 Procedure.

- A. An aggrieved person may seek review of a decision by filing an application for City Council review with the Development Review Coordinator.
- B. The application shall be filed within 20 calendar days of the final hearing at which the challenged decision was made by the Plan Board, or within 20 calendar days of the the date of the decision by the Development Review Coordinator.
- C. If the Development Review Coordinator finds that the application has been timely filed by an aggrieved person, the matter shall be set for hearing before the City Council at the next available meeting allowing for required notice.
- D. The City Council shall hear the matter de novo and make a final decision based on the evidence presented to the Commission.

SECTION 11.11 NOTICE

11.11.01 Contents. At a minium, all notices shall contain the following information:

1. The street address and/or general location of the proposed project. A site location map may be included as appropriate.
2. A description of the proposed development activity and the type of approval sought.
3. The date, time, and location of the hearing.
4. Where additional information may be obtained.
5. The following statement as required by state law:

All persons are advised that if they decide to appeal any decision made by the above-referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

11.11.02 Specific Types of Notice.

- A. When mailed notice is required in this Code, the notice shall, unless otherwise specifically provided, be sent to the applicant and all property owners within 400 feet of any boundary of the subject parcel as shown on the City of Waldo Property Appraiser

records. The notice shall be mailed not more than thirty calendar days prior to the hearing nor less than ten calendar days prior to the hearing.

- B. When newspaper notice is required, the notice shall appear in a newspaper of general circulation within City of Waldo. The advertisement shall appear once, not more than 30 calendar days prior to the hearing nor less than 5 calendar days prior to the hearing. This notice requirement may be met by publishing the agenda of the meeting at which the matter will be heard in a portion of the newspaper not devoted to legal advertisements. Such agenda shall include the application number and a short description of the subject property and the permit or other land use approval or change being sought.
- C. When site posting is required, the notice shall be posted in at least one conspicuous place on the subject site starting not more than 30 calendar days prior to the hearing nor less than 10 calendar days prior to the hearing. Where a parcel has more than one frontage on a public road, a sign shall be posted on each public road frontage.

11.11.03 Table of Required Notice. Notice shall be provided under this Code as set forth in the Table below, or as set forth for specific matters elsewhere in this Code.

REQUIRED NOTICE	
Site Plan Review	
Concept Review by Plan Board	<ul style="list-style-type: none"> • Site Posting
Preliminary Site Plan Review by Plan Board	<ul style="list-style-type: none"> • Site Posting • Mailed
Appellate Review by City Council	<ul style="list-style-type: none"> • Site Posting
Special Use Permits	
Hearing by Plan Board	<ul style="list-style-type: none"> • Site Posting • Mailed
Appellate Review of Plan Board Decision by City Council	<ul style="list-style-type: none"> • Site Posting
Variances	
Review By Plan Board	<ul style="list-style-type: none"> • Site Posting • Mailed
Appellate Review by City Council	<ul style="list-style-type: none"> • Site Posting
Land Use Map Amendment	
Review by Plan Board	<ul style="list-style-type: none"> • Site Posting • As otherwise required by state law
Review by City Council	<ul style="list-style-type: none"> • Site Posting • As otherwise required by state law.

REQUIRED NOTICE	
Amendment to Comprehensive Plan or this Code	
Review by Plan Board	<ul style="list-style-type: none"> • Site Posting • As otherwise required by state law.
Review by City Council	<ul style="list-style-type: none"> • Site Posting • As otherwise required by state law.

SECTION 11.12 PLAN BOARD

11.12.01 Generally.

- A. The Plan Board is hereby created with 5 members to perform the functions as set forth in this Section and elsewhere in the Code. Each member shall be appointed to a term of 3 years.
- B. Any interested citizen may be appointed by the City Council to the Plan Board, but those with experience or interest in the field of planning shall receive special consideration.
- C. The Development Review Coordinator shall serve as staff to the Commission, and the Commission may request information from any City department or official. Each department head or official shall supply the requested information or reasonable grounds for unavailability within a reasonable time.

11.12.02 Duties.

- A. The Plan Board shall perform such duties as assigned elsewhere in this Code.
- B. In addition, the Plan Board shall have the following functions, powers and duties:
 - 1. The Commission shall 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.
 - 2. Pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, the Commission is hereby designated as the Local Planning Agency for the City and shall perform the functions and duties as prescribed in the Act.
 - 3. The Commission shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the City Council that are consistent with the comprehensive plan.

4. The City Council may ask the Commission for advice about specific land use issues and policies.
5. The Commission shall keep the Commission and the general public informed and advised on the land use policies of the City.
6. The Commission shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.
7. The Commission may make or obtain special studies on the location, condition and adequacy of specific facilities of the City, including housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, schools, public buildings, public and private utilities, transportation and parking.
8. The Commission shall perform other lawfully assigned duties.

11.12.03 Administration.

- A. When a position on the Plan Board becomes vacant before the end of the member's term, the City Council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- B. Members may be removed without notice and without assignment of cause by a majority vote of the City Council.
- C. The members shall annually elect a chair and vice chair from among the members and may create and fill other offices as the board deems needed.
- D. The Development Review Coordinator shall appoint a City employee to serve as secretary to the Commission. The secretary shall keep minutes of the Commission's proceedings, indicating the attendance of each member and the decision on every question.
- E. Members shall not be compensated, but may be paid for travel and other expenses incurred on Commission business under procedures prescribed in advance by the City Council.
- F. The City Council shall appropriate funds to permit the Plan Board to perform its prescribed functions.
- G. If any member fails to attend three successive meetings the Chair shall declare the member's office vacant and notify the City Council.

- H. The Plan Board may adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- I. A majority of the current members of the Commission shall constitute a quorum. Each decision must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance.