

## ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

### Section 1101 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the City Commission. The City Commission shall have the right to delegate responsibility to appropriate city officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the **Zoning Administrator**.

### Section 1102 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make an administrative decision, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. When a public hearing is required in the administration of this Ordinance, the **Zoning Board of Appeals** and/or the **Planning Commission** shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of **Conditional Use Permit**, conditions (including, but not limited to, greater **setbacks**, parking, **screening**, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will **use** the land or activity under consideration, residents and landowners immediately adjacent to the proposed **use** or activity, and the community as a whole;
  2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed **use** or activity;
  3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land **use** or activity under consideration, and are necessary to insure compliance with those standards.
- D. Consideration shall also be given by the reviewing body or official to the following:
4. Intent of the zoning **district**.
  5. Current **use** of the adjacent lands and neighborhoods.
  6. Physical appearance of existing or proposed structures (location, height, bulk of **building**, as well as construction materials).

7. The suitability of the proposed landscaping in providing ground cover, **screening** and decoration of the site.
8. The nature and intensity of operations involved in or conducted in connection with the proposed **use**.
9. The time of **use** and physical and economic relationship of one type of **use** to another.
10. The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
11. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and sight distances.
12. The physical characteristics of the site such as: area drainage, topography, open space, landscaping, and access to minor and/or major **streets**.
13. Demands upon public services, such as electricity, police and fire protection, schools, and refuse disposal.
14. The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may be generated by such **use**.
15. Area requirements for the proposed **use** and potential for the **use** or its area requirements to expand.
16. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the **principal uses** in the **district**.

Section 1103 Administrative Procedures for Public Notifications

- A. All administrative decisions of the **Planning Commission** and **Zoning Board of Appeals** which require a public hearing must have the notice published in a newspaper of general circulation within the City.
  1. Publication of notices shall be in accordance with the following:

Decision	Required Notice
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Non-Conforming Use	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Hearing before the <b>Zoning Board of Appeals</b>	Notice published not less than 5 days nor more than 15 days prior to the public hearing
<b>Conditional Use Permit</b>	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Ordinance Amendment (text or map)	Notice published not less than 15 days prior to the hearing.
<b>Planned Unit Development</b>	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Changes to an Approved <b>Planned Unit Development</b>	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Open Space Preservation	Notice published not less than 5 days nor more than 15 days prior to the public hearing

- B. Notification for **Conditional Use Permits**, zoning map amendments, and actions taken by the **Zoning Board of Appeals** shall be given by mail or personal service to all property owners to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property in question. The current year's assessment role shall be **used** as prima facie evidence of record of ownership. If a **structure** contains more than one **dwelling unit** or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive the notice. In the case of a single **structure** containing more than four **dwelling units** or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice may be given to the manager or owner of the **structure** who shall be requested to post the notice at the primary entrance to the **structure**. The notice shall be given not less than five days and not more than 15 days before the hearing.
- C. Notification for Amendments shall be given to registered utilities and to railroads within the zone affected not less than 15 days prior to the hearing.
- D. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received and where and when the zoning ordinance and proposals may be examined.

Section 1104 Standards for Hearings and Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:

1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
  2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
  3. Shall file the record, written testimony or documents submitted with regard to the hearing and the decision with the City Clerk, and maintain an affidavit of mailing for each mailing made under this section;
  4. Shall comply with all other requirements under the law; and,
  5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land **use** or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the **Zoning Board of Appeals** or the **Planning Commission** in the administration of this Ordinance shall be filed with the City Clerk and be open to public inspection.

Section 1105 Zoning Administrator

- A. The Office of **Zoning Administrator** is established. The **Zoning Administrator** shall be appointed by the City Commission and shall receive such compensation as the City Commission may, from time to time, determine. The **Zoning Administrator** may also serve in some other capacity as an employee or appointed elected officer of this City. The **Zoning Administrator** shall not be a member of the **Planning Commission** or **Zoning Board of Appeals**.
- B. The **Zoning Administrator** shall administer the provisions of the Ordinance and shall have all administrative powers which are not specifically assigned to some other office or body. The **Zoning Administrator** shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements.
- C. The **Zoning Administrator** shall have the power to issue a **zoning compliance permit** and to review **site plans** to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance.
- D. The **Zoning Administrator** shall maintain and make available for public inspection the Official Zoning Map. The **Zoning Administrator** shall keep the Official Zoning Orders Book, which shall contain all **variances**, **Conditional Use Permits**, rezonings, designations of nonconformance, and any terminations of any of them, and compliance

permits. Each item shall be assigned a number when entered. The **Zoning Administrator** shall also keep a map, to be known as the Official Zoning Orders Map, on which shall be recorded the numbers in the Official Zoning Orders Book to indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection.

- E. The **Zoning Administrator** shall have the power to make inspections of **buildings** and premises necessary to carry out his/her duties in the administration and enforcement of this Ordinance.
- F. It shall be unlawful for the **Zoning Administrator** to issue a **Zoning compliance permit** or other such permits, for any construction or **use** until he/she has inspected such plans and found them to conform with this Ordinance.
- G. The **Zoning Administrator** shall review all requests for administrative and legislative action. The **Zoning Administrator** shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action. The forwarding of such reviews and requests shall be within the times provided for in the ordinance or by state statute.
- H. If the **Zoning Administrator** shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to correct or prevent violation of the provisions of this Ordinance.
- I. Whenever the **Zoning Administrator** determines that a violation of this Ordinance exists, the **Zoning Administrator** shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each owner of or a party in interest whose name the property appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, the **Zoning Administrator** shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

#### Section 1106 Fees

The City Commission shall establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available at City Hall. No activity shall commence nor any permit shall be issued unless the fee has been paid.

- A. Fees are waived for actions initiated by the City Commission or the **Planning Commission**.