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Chapter XI
Administration and Enforcement
ERD/LA COMMENTS HIGHLIGHTED IN TEAL
Revised Draft – October 2007
Revised May, 2009
Staff Revisions

Based on
Planning and Zoning Commission Review

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**CHAPTER XI
ADMINISTRATION AND ENFORCEMENT**

11.00.00 GENERAL PROVISIONS

11.00.01 PURPOSE AND STRUCTURE OF THIS CHAPTER

This Chapter includes the procedures for review of applications for development permit in the County. Common procedures, which are applicable to all or most types of applications, are set forth in Section 11.01.00. Procedures for public hearings are set forth in Section 11.02.00. Section 11.03.00 contains additional provisions that are unique to each type of application for development permit, including staff and review board assignments, review standards, and other information. This Chapter also includes provisions pertaining to development agreements (Section 11.04.00), the procedures for the enforcement of this Code (Section 11.05.00), and provisions pertaining to guarantees and sureties (Section 11.06.00).

11.00.02 SUMMARY TABLE OF ALL PROCEDURES S

The table does not recognize the decisions of other directors, such as the Utilities Director and the ERD Director. Recommend that Director column be generic and the appropriate director, i.e., GM, ERD, Utilities, etc, be indicated in each box under the Director column, as appropriate.

Table 11-1 summarizes the development review procedures for all types of applications for development approvals in this Chapter.

TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY										
BCC = Board of County Commissioners PZC = Planning and Zoning Commission BOA = Board of Adjustment County Administrator = County Administrator or designee Director = Growth Management Director or designee Public Works Director = Public Works Director or designee County Engineer = County Engineer or designee DRC = Development Review Committee HO = Hearing Officer ECB = Environmental Control Board	R = Review Body (Responsible for Review and Recommendation) DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny) A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action <> =Public Hearing Required S = Staff Review									
Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
Zoning (11.03.01)										
Code Text Amendments and General Amendments to the Official Zoning Atlas (11.03.01(A))	<DM>	<R>			S ¹					

¹ NOTE: In the original draft, the symbol "S" was not used to identify when and who is responsible for conducting staff review of applications. This draft includes that identification.

TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY

BCC = Board of County Commissioners
 PZC = Planning and Zoning Commission
 BOA = Board of Adjustment
 County Administrator = County Administrator or designee
 Director = Growth Management Director or designee
 Public Works Director = Public Works Director or designee
 County Engineer = County Engineer or designee
 DRC = Development Review Committee
 HO = Hearing Officer
 ECB = Environmental Control Board

R = Review Body (Responsible for Review and Recommendation)
 DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)
 A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action
 <> =Public Hearing Required
 S = Staff Review

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
Site-Specific Amendments to the Official Zoning Atlas (11.03.01(B))	<DM>	<R>			S					
Planned Unit Development Districts (including Master Development Plan and PUD Agreement) (11.03.01(C))	<DM>	<R>			S					
Conditional Use Permit (11.03.01(D))	<DM>	<R>			S					
Class A Mobile Home Permit (11.03.01(E))	<DM>					S				
Temporary Use Permit (11.03.01(F))			A			DM ²				
Certificate of Zoning Compliance (11.03.01(G))			A			DM ³				
Development Review (11.03.02)										
Minor Site Plan (11.03.02(B)(1))			A		DM			R		
Major Site Plan (11.03.02(B)(2))	<DM>				S			R		
Plats (Subdivision) (11.03.03)										
Subdivision Sketch Plan (11.03.03(E))					S			R		

² NOTE: The initial draft indicated the Growth Management Director is responsible for making decisions on Temporary Use Permits. This has been corrected, and the draft now identifies the Public Works Director as the person responsible for making the decision.

³ NOTE: The initial draft indicated the Growth Management Director is responsible for making decisions on Certificates of Zoning Compliance. This has been corrected, and the draft now identifies the Public Works Director as the person responsible for making the decision.

TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY

BCC = Board of County Commissioners
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R = Review Body (Responsible for Review and Recommendation)
 DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)
 A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action
 <> =Public Hearing Required
 S = Staff Review

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
Subdivision Master Plan (11.03.03(F))	<DM>	R			S			R		
Preliminary Plat (and Construction Plans) (11.03.03(G))					S (construction plans only)	S		DM		
Final Plat (11.03.03(H))	DM				S		R (County Surveyor)			
Lot Splits (11.03.03(I))						DM				
ROW Abandonment and Plat Vacation (11.03.03(J))	<DM>						S			
Other Types of Development Permits (11.03.04)										
Building Permit (11.03.04(A))			A			DM				
Sign Permit (11.03.04(B))			A			DM				
Driveway Permit (11.03.04(C))	A						DM			
Vegetation Removal Permit (11.03.04(D))				A	DM ERD) ⁴					
Stormwater Management Permit (11.03.04(E))			A				DM			
Airport Zone Permit (11.03.04(F))			A		DM					

⁴ NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Vegetation Removal Permits (instead of the Growth Management Director).

TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY

BCC = Board of County Commissioners
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 County Administrator = County Administrator or designee
 Director = Growth Management Director or designee
 Public Works Director = Public Works Director or designee
 County Engineer = County Engineer or designee
 DRC = Development Review Committee
 HO = Hearing Officer
 ECB = Environmental Control Board

R = Review Body (Responsible for Review and Recommendation)
 DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)
 A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action
 <> =Public Hearing Required
 S = Staff Review

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
Wetlands Permit (11.03.04(G)) We do not issue wetland permits					DM (Envir Resources Dir)⁵					A
Mining Permit (11.03.04(H))	<DM>	<R>					R			
Wastewater and Sewage Disposal Compliance Permit (11.03.04(I))					DM??					A
Appeals (11.03.05)										
Appeals to County Administrator (11.03.05)										
Adequate Public Facilities (Chap V)	A ⁶			A	DM					
Required Vegetation Mitigation (Section 11.03.04(D) and 6.00.05)	A ⁷			A	ERD-DM	DM				
Appeals to Environmental Control Hearing Board (11.03.05)										
Sea Turtle Protection (Section 6.04.02)					ERD					A

⁵ NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Wetlands Permits (instead of the Growth Management Director).

⁶ NOTE: The initial draft did not identify that the Board of County Commissioners serve as an appellate board for adequate public facility decisions. This is corrected here.

⁷ NOTE: The initial draft did not identify that the Board of County Commissioners (sitting as the Environmental Control Board) serve as an appellate board for required mitigation decisions. This is corrected here. Based on State law, can the BOCC make decisions about

TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY

BCC = Board of County Commissioners
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 County Administrator = County Administrator or designee
 Director = Growth Management Director or designee
 Public Works Director = Public Works Director or designee
 County Engineer = County Engineer or designee
 DRC = Development Review Committee
 HO = Hearing Officer
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R = Review Body (Responsible for Review and Recommendation)
 DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)
 A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action
 <> =Public Hearing Required
 S = Staff Review

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
Coastal Area Protection (Section 6.02.01)					ERD					A
Wetlands Protection (Section 6.02.03)					ERD					A
Native Upland Habitat Protection (Section 6.04.01)					DM ERD ^E Director ⁸					A
Appeals to Board of Adjustment (11.03.05)			<A>		DM	DM				
Other Procedures										
Interpretations (11.03.07)			A		DM					
Vested Rights Special Use Permit (11.03.08)	A			A	DM					
Developments of Regional Impact (11.03.09)	<DM>	<R>			S					
Development Agreements (11.04.00)	<DM>				S ⁹					
Variances (10.01.00)			<DM>		S					
Administrative Variances (10.01.00)			A		DM-Varies depending on Variance					

1

⁸ NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Native Upland habitat Protection permitting (instead of the Growth Management Director).

⁹ NOTE: At the suggestion of County staff, the Growth Management Director is given staff review responsibility of Development Agreements. The existing LDC gives this responsibility to the County Administrator.

1 **11.00.03 AUTHORIZATION REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT**

2 A. GENERALLY

3 No development within the unincorporated area of St. Lucie County is authorized without first
4 obtaining all necessary permits and approvals in accordance with the provisions of this Code.

5 B. PREREQUISITES TO ISSUANCE OF DEVELOPMENT PERMIT¹⁰

6 Except as provided in subsection (1) below, a Development Permit shall not be issued unless
7 proposed development is authorized by a Final Development Order issued pursuant to this Code.

8 1. Exceptions to Requirement of a Final Development Order

9 A Development Permit may be issued for the following development in the absence of a
10 Final Development Order issued pursuant to this Code.

11 a. Development necessary to implement a valid site plan on which the start of
12 construction took place prior to August 1, 1990, and has lawfully continued in
13 good faith. Compliance with the development standards in this Code is not
14 required if they are in conflict with the previous lawfully approved plan.

15 b. The construction or alteration of a one- or two-family dwelling on a conforming lot
16 of record lawfully approved prior to August 1, 1990. Compliance with the
17 development standards in this Code is not required if they are in conflict with the
18 previously approved plat. Construction of one- or two-family dwellings on
19 nonconforming lots of record shall not be approved except in compliance with the
20 provisions in this Code regarding nonconforming lots.

21 c. The alteration of an existing building or structure so long as no change is made
22 to its gross floor area, its use, or the amount of impervious surface on the site,
23 and the alteration is otherwise in compliance with the applicable provisions of this
24 Code.

25 d. The erection of a sign or the removal of protected trees on a previously
26 developed site independent of any other development activity on the site.

27 e. The re-surfacing of a vehicle use area that conforms to all requirements of this
28 Code.

29 2. Post-Development Order Changes

30 a. After a Preliminary or Final Development Order or Permit has been issued, it
31 shall be unlawful to change, modify, alter, or otherwise deviate from the terms or
32 conditions of the Preliminary or Final Development Order or Permit without first
33 obtaining a modification of the Preliminary or Final Development Order or Permit
34 as applicable. A modification may be applied for in the same manner as the
35 original Preliminary or Final Development Order or Permit.

36 b. A written record of the modification to a Preliminary or Final Development Order
37 for a Building Permit, Class A Mobile Home Permit, Mining Permit, or a Mobile

¹⁰ NOTE: The definitions for both "Development Permit" and "Final Development Order" in the Code should be edited to include cross-references to their respective definitions in state statutes.

1 Home (Tie Down) Permit shall be entered upon the original Preliminary or Final
2 Development Order and maintained in the files of the Public Works Director. A
3 written record of the modification to any other type of Preliminary or Final
4 Development Order or Permit shall be entered upon the original Preliminary or
5 Final Development Order or Permit and maintained in the files of the Director.

6 C. LOCAL PERMIT NOT EXCLUSIVE

7 It is the intent of this Section that permits or approvals required under this Section shall be in
8 addition to and not in lieu of any federal, state, regional, or other local approvals that may be
9 required for the same or similar activities. In the event this Code conflicts with any other
10 regulations on this subject matter, the more restrictive shall apply. Compliance with provisions of
11 this Code does not excuse any person for noncompliance with other applicable federal, state,
12 regional or local laws.

1 **11.01.00 COMMON PROCEDURES**

2 **11.01.01 AUTHORITY TO FILE APPLICATIONS**

3 A. GENERALLY

4 Applications under this Code shall be submitted to the appropriate County official, as specified in
5 this Code, by the owner, or any other person having a recognized interest in the land for which
6 the development is proposed, or their authorized agent. If any applicant or owner is not identified
7 as an individual person, every owner of five (5) percent of the entity making the application must
8 be disclosed.¹¹

9 B. APPLICANT IS NOT THE OWNER OR SOLE OWNER

10 Please include language from the County Attorney to allow electronic filing of
11 applications and affidavits. Also, "Notarized" was added by P&Z. Please confirm
12 consequences of requiring "notarized" affidavit with County Attorney, Building
13 Dept. etc. I don't think Building recommends this change. If the applicant is not the
14 owner of the land, or is a contract purchaser of the land, the applicant shall submit a ~~sworn~~
15 notarized affidavit completed on a standard form prepared by the Director,¹² signed by the owner
16 and consenting to the submission of the application. If the applicant is not the sole owner of the
17 land, the applicant shall submit a ~~sworn~~ notarized affidavit completed on a standard form
18 prepared by the Director, signed by the other owners or an association representing the owners,
19 consenting to or joining in the application for development approval. In lieu of a ~~sworn~~ notarized
20 affidavit from the owner or owners of the property, a letter from an attorney licensed in the State
21 of Florida representing that all of the owners have consented to the application may be accepted
22 as proof of all of the owners' consent. If an owner is not identified as an individual person, every
23 owner of five (5) percent of the entity making the application must be disclosed.¹³

24 **11.01.02 APPLICATION CONTENTS AND SUBMISSION¹⁴**

25 The Director shall compile the requirements for application contents, forms, fees, and the
26 submission and review schedule in a Land Development Code Manual (LDC Manual), which shall
27 be made available to the public. ~~The initial version of the Manual shall be submitted to the~~
28 ~~Planning and Zoning Commission for review and comment and to the Board of County~~
29 ~~Commissioners for adoption. Following initial adoption, the County Administrator may update the~~
30 ~~LDC Manual from time to time, after review and approval of the Board of County Commissioners.~~
31 The LDC Manual is located in the office of the Growth Management Director.
32 The application must be complete and include the required support materials, plans and
33 documents as established by the responsible County official and with the applicable fee as
34 approved by the Board of County Commissioners.

¹¹ NOTE: This is an amendment that one of the elected official suggested should be added, to ensure the County knows who developing property is.

¹² NOTE: Add provision to Definitions stating that all references to "Director" refer to the Growth Management Director or his or her designee unless otherwise specified.

¹³ This is an amendment that one of the elected officials suggested should be added, to ensure the County knows who developing property is.

¹⁴ NOTE: The existing code includes content requirements for most types of applications. The revised Administration chapter removes those requirements and replaces them with this general authorization for the Director to establish submittal requirements in an LDC Manual outside the Code. Removing the submittal requirements will shorten this Chapter and also allow updates to the list of submittal requirements without amending the text of the Code.

1 Please note, this common procedure applies to all county applications, including driveway
2 permits, building, stormwater, mining ect.
3

- 4 B. An application required under this Code shall be submitted in a form and in such number as
5 required by the County official responsible for accepting the application. The application shall be
6 submitted to the appropriate County official specified in this Chapter, pursuant to the application
7 submission schedule (Section 11.01.03), along with the applicable fee (Section 11.01.04), and
8 shall contain all applicable supporting materials specified in the LDC Manual.

9 **11.01.03 SUBMISSION SCHEDULE**

10 The schedule for the submission of applications shall be established by the Director for applications
11 submitted to or through the Department of Growth Management, or by the County official responsible for
12 accepting the application for applications submitted to other departments. The schedule shall be made
13 available to the public. ~~and be included in the LDC Manual. Should be published but not in the~~
14 **Adm. Manual**

15 **11.01.04 APPLICATION FILING FEES**

16 A schedule of fees may be established by resolution of the Board of County Commissioners in order to
17 cover the costs of the review of applications required under this Code. Unless specifically exempted by
18 the provisions of this Code, an applicant for any application that is subject to review under this Code shall
19 pay the appropriate fees.

20 **11.01.05 PRE-APPLICATION CONFERENCE**

21 A. PURPOSE

22 The purpose of a pre-application conference is to familiarize the County staff with the proposed
23 development and the applicant with the applicable provisions of this Code and the St. Lucie County
24 Comprehensive Plan relevant to the review of the proposed ~~development~~ application.

25 B. APPLICABILITY

26 A pre-application conference is mandatory prior to the submittal of the following types of
27 applications:

- 28 1. Site-Specific Amendments to the Official Zoning Atlas (Section 11.03.01(B));
- 29 2. Planned-Unit-Development Districts (Section 11.03.01(C));
- 30 3. Conditional Use Permits (Section 11.03.01(D));
- 31 4. Minor Site Plans (Section 11.03.02(B)(1); and
- 32 5. Major Site Plans (Section 11.03.02(B)(2)).

33 **6. Comprehensive Plan Amendments CPA**

34 **7. Development of Regional Impact (DRI)**

1 8. Mining Permits

2 A pre-application conference is optional prior to submission of any other application under this
3 Code.

4 C. INITIATION; CONFERENCE

5 Any potential applicant may request a pre-application conference, in writing, from the Director.¹⁵
6 Those applicants for whom a pre-application conference is required in accordance with Section
7 11.01.05(B), *Applicability*, shall request a pre-application conference in writing from the Director.
8 The Director shall schedule a pre-application conference within thirty (30) calendar days after
9 receipt of the written request for a conference and the appropriate submission materials. At the
10 pre-application conference, the applicant, the Director, and any other persons the Director deems
11 is appropriate to attend shall discuss the proposed development. Based upon the information
12 provided by the applicant and the provisions of this Code, the parties should discuss in general
13 the proposed development and the applicable requirements and standards of this Code. Staff
14 opinions presented during a pre-application conference are informational only and do not
15 represent a commitment on behalf of the County regarding the merits of the development
16 proposal.

17 D. ~~SUBMISSION MATERIALS~~

18 ~~Along with the request for the pre-application conference, all applicants requesting or subject to a~~
19 ~~pre-application conference shall provide to the Director a general description of the character,~~
20 ~~location, and magnitude of the proposed development and the type of application for~~
21 ~~development permit sought, and may provide any other supporting documents such as maps,~~
22 ~~drawings, or models. The following materials shall be provided at a minimum:~~

23 1. ~~Written Description of Proposed Plan for Development~~

24 ~~The applicant for a site-specific amendment to the Official Zoning Atlas, a Planned~~
25 ~~Development District, a Conditional Use Permit, or a Major Site Plan or a Minor Site Plan~~
26 ~~shall provide a written description of the proposed plan for development that identifies the~~
27 ~~proposed land uses and their densities and intensities; on-site traffic circulation and other~~
28 ~~infrastructure provision; how off-site public facilities (potable water, wastewater, roads,~~
29 ~~solid wastes, schools, fire protection/EMS and police) are proposed to be provided; the~~
30 ~~natural features on the site and how they are proposed to be considered in the~~
31 ~~development; surrounding land uses and how the proposed development will be~~
32 ~~designed to ensure compatibility with these uses; and any other information that is~~
33 ~~necessary to explain the proposed development.~~

34 2. **Sketch Plan I believe GM staff recommendation is to delete this new step**
35 **and continue current practice of preliminary and final subdivision plans**

36 a. ~~The applicant for a Planned Development District or a Major Site Plan shall also~~
37 ~~provide a sketch plan of the proposed development that identifies in a general~~
38 ~~way the location of proposed land uses, proposed roads, natural features, and~~
39 ~~any other feature necessary to gain an understanding of the proposed~~
40 ~~development.~~

¹⁵ NOTE: Throughout this Chapter, the term "Director" refers to the Growth Management Director. The definitions Chapter should be amended to include this term. Where applicable, we have kept the full term of other departmental directors (e.g., "Public Works Director") to distinguish those officials from the "Director."

~~b. The applicant for a site-specific amendment to the Official Zoning Atlas shall provide a sketch plan of the applicable site that identifies major roadways and the location and zoning of all adjacent properties.~~

11.01.06 NEIGHBORHOOD MEETINGS

A. PURPOSE

The purpose of a neighborhood meeting is to inform neighboring property owners of the details of a proposed activity or use, how the applicant/property owner intends to meet the standards contained in this Code, and to receive public comments on the development proposal at an early time in the review process.

B. APPLICABILITY¹⁶

A neighborhood meeting is required in conjunction with the submittal of any of the following applications:

1. Site-Specific Amendment to the Official Zoning Atlas (Section 11.03.01(B));
2. Planned Development Districts (Section 11.03.01(C));
3. Conditional Use Permits: (Section 11.03.01(D));
4. Major Site Plans (Section 11.03.02(B)(2)); and
5. Developments of Regional Impact (Section 11.03.09).
6. Other. A neighborhood meeting is also required for any other application for development approval that the Growth Management Director determines may have significant neighborhood impacts, including without limitation: impacts related to traffic; provision of public services such as safety, schools, or park facilities, compatibility of building scale or design; or operational compatibility such as hours of operation, noise, litter, or glare.¹⁷

C. DETERMINATION

The Growth Management Director shall make a determination of the applicability of this subsection to a development proposal at the pre-application conference, and a tentative schedule for completion of the neighborhood meeting shall be determined with the applicant at the pre-application conference. For applications for which pre-application conferences are not required, the Growth Management Director shall make a determination of applicability of this subsection at the same time the application is reviewed for completeness (Section 11.01.07) in accordance with the standards in Section 11.01.06 B.¹⁸

¹⁶ NOTE: This section has been added to propose that certain applications for development approval require neighborhood meetings.

¹⁷ NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module and clarify procedures.

¹⁸ NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module.

²⁰ NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the

1 D. TIMING AND NUMBER OF NEIGHBORHOOD MEETINGS

2 4. If a neighborhood meeting is required, one (1) neighborhood meeting shall be conducted
3 after the pre-application conference but prior to completion of a Staff Report on the
4 application. The neighborhood meeting shall be held a minimum of sixty (60) days and a
5 maximum of one hundred eighty (180) days prior to the first public hearing. ~~or DRG~~
6 meeting on the application, whichever comes first.²⁶

7 2. The Director may also require that additional neighborhood meetings be conducted
8 based on consideration of the proposed development's mix of uses, density, complexity,
9 potential for adverse impacts to neighboring lands, or the need for off-site public
10 improvements created by the development.

11 3. ~~If, after the second mandatory neighborhood meeting is conducted, the applicant believes~~
12 ~~further neighborhood meetings would be futile in addressing the purposes for the~~
13 ~~neighborhood meetings, the applicant may petition the Director stating why additional~~
14 ~~neighborhood meetings are not necessary. Within thirty (30) days after receipt of the~~
15 ~~petition, the Director shall consider whether additional neighborhood meetings are~~
16 ~~necessary to carry out the purposes of this Section, and based on these considerations~~
17 ~~approve or deny the petition.~~

18 E. PROCEDURE²³

19 All neighborhood meetings shall comply with the following procedure:

20 1. Whenever practical, the neighborhood meeting shall be held at a place that is generally
21 accessible to neighbors that reside in close proximity to the land subject to the
22 application.

23 2. The applicant ~~should~~ **shall** provide notification of the neighborhood meeting a minimum
24 of ten (10) calendar days in advance of the meeting, by mail, to all landowners **within one**
25 **thousand (1000) feet** of the land subject to the application, and to any neighborhood or
26 **Home Owners Association (HOA), Property Owners Association (POA) or** community
27 association that represents citizens within that area **that has registered with the**
28 **County pursuant to Section 11.01.10(F), (Are we doing this? If so, who**
29 **maintains this list of registered HOAs?)** including neighborhood and community
30 associations that are not subject to regulation pursuant to the Florida Land Sales and
31 Condominium Act, as amended.

Administration module and clarify procedures.

²³ NOTE: As drafted, the neighborhood meeting provisions do not require a member of the ~~Community Growth~~
~~Management Development~~ staff to attend the neighborhood meeting, minimizing the administrative burden of the
provisions on staff. It should be noted, however, that some communities require attendance at a neighborhood
meeting by a staff planner to ensure applicable Code requirements are properly explained.

- 1 3. At the neighborhood meeting, the applicant or the applicant's representative should
2 explain the development proposal and application, answer any questions, and respond to
3 questions neighbors have about the application.²⁴
- 4 4. Within ten (10) days of the conclusion of the neighborhood meeting(s), the applicant shall
5 submit to the Growth Management Director, in writing, a summary of the neighborhood
6 meeting, including but not limited to the issues and concerns raised by the participants in
7 attendance at the meeting(s) and the applicant response. The applicant also shall submit
8 a list of meeting attendees, a copy of the materials presented at the meeting, and a
9 sworn-notarized affidavit affirming the truth of all materials submitted. The meeting
10 summary submitted by the applicant shall be included in the application support materials
11 and shall become part of the record.
- 12 5. Any participant in the neighborhood meeting may also submit written comments about
13 the neighborhood meeting to the Growth Management Director, which shall become part
14 of the record on the application.

15 **11.01.07 — DETERMINATION OF COMPLETENESS²⁵**

16 ~~An application shall²⁶ be considered complete if it is submitted in the required form, includes all~~
17 ~~mandatory information specified in the LDC Manual, and is accompanied by the applicable fee. The~~
18 ~~County official responsible for accepting the application shall make a determination of application~~
19 ~~completeness within twenty (20) working days of receipt of the application, except for applications for~~
20 ~~Developments of Regional Impact, which shall be received and reviewed in accordance with the~~
21 ~~requirements of state law. Complete applications shall be reviewed pursuant to the procedures and~~
22 ~~standards of this Chapter. If an application is determined to be incomplete, a written notice shall be~~
23 ~~mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the~~
24 ~~application until the deficiencies are remedied. **The applicant shall notify the Director within thirty**~~
25 ~~**(30) working days of the mailing of the notice of deficiency of his intent to address the cited**~~
26 ~~**deficiencies. Consider deleting as this seems unnecessary and not sure it is current**~~
27 ~~**practice.** If the applicant fails to correct the deficiencies within one hundred twenty (120) calendar days,~~
28 ~~the application shall be considered withdrawn.~~

29 **11.01.08 — PREPARATION OF STAFF REPORT**

30 **A. — GENERAL**

31 ~~The County official responsible for accepting the application or a designee shall refer complete~~
32 ~~applications to the appropriate County staff and to any other review agencies for comment, and~~
33 ~~shall review the application and prepare a Staff Report. The Staff Report shall indicate whether~~
34 ~~the application complies with all applicable standards and requirements of this Code. Conditions~~
35 ~~for approval may be recommended, consistent with Section 11.01.14, *Conditions of Approval*.~~
36 ~~The Staff Report shall be mailed to the applicant and made available to the public a minimum of~~

²⁴ NOTE: These are changes suggested by County staff and the Consultant.

²⁵ NOTE: This new proposed section suggests a standard procedure for completeness determinations for all types of applications. The existing Code has varying numbers of days allowed for this determination.

²⁶ NOTE: These are changes suggested by County staff and the Consultant.

1 ~~seven (7) calendar days before the first scheduled public hearing on the application (if the~~
2 ~~application is subject to a public hearing).~~²⁷

3 ~~B. DETERMINATION~~

4 ~~If the County official reviewing the application determines during review of the application and~~
5 ~~preparation of the Staff Report that the information received is incorrect, incomplete, or in error,~~
6 ~~the County official shall request the information be provided by the applicant or the applicant's~~
7 ~~designated representative(s). At that point, the required time for completion of the review of the~~
8 ~~application shall be suspended until the requested information is provided by the applicant or the~~
9 ~~applicant's representative(s). Only one applicant response to such information request shall be~~
10 ~~processed as part of the initial application; the second and subsequent responses for requests~~
11 ~~related to the initial information request shall be subject to an escalating additional review fee,~~
12 ~~which shall be established by resolution of the Board of County Commissioners. If the applicant~~
13 ~~or the applicant's representatives fail to satisfactorily respond to information requests three (3)~~
14 ~~times, the application shall be deemed expired, and a new application with a new application fee,~~
15 ~~a new initial date for the start of review, and a new place in the sequence of applications under~~
16 ~~review shall be required. An applicant whose application expires in this manner may appeal the~~
17 ~~staff's determination to the Development Review Committee. The decision of the Development~~
18 ~~Review Committee may be appealed to the County's Special Master.~~²⁸

19 **11.01.09 SCHEDULING PUBLIC HEARING(S)**

20 **A. GENERAL**

21 4. ~~When an application is subject to a public hearing (see Section 11.01.10(A), *Required*~~
22 ~~*Notice and Timing*, for a summary of when a public hearing is required), the County~~
23 ~~official responsible for accepting the application shall ensure the public hearing(s) on the~~
24 ~~application is scheduled for a regularly scheduled meeting or a meeting specially called~~
25 ~~for that purpose by the decision-making or advisory body reviewing the application. The~~
26 ~~public hearing (s) shall be scheduled so there is sufficient time for a Staff Report to be~~
27 ~~prepared and for the public notification requirements to be satisfied.~~

28 2. No application revisions shall be submitted at the public hearings or to any member of
29 any advisory or decision-making body prior to the public hearing(s) after the Staff Report
30 is distributed. If the applicant makes any revisions to the application following the
31 distribution of the Staff Report, the Director shall determine whether a revised Staff
32 Report and/or staff recommendation is necessary, and whether the public hearing shall
33 be postponed. Revisions submitted after the publication of the date of a public hearing
34 shall result in either a continuance or a new public hearing at a later date. However,
35 revisions may be made at the direction of the advisory or decision-making body, and
36 presented to staff in time to produce a revised Staff Report for presentation at a
37 continued hearing or at a rehearing of the application. In no case shall the staff bring
38 such an item to a public hearing unless the item was received in complete, reviewable

²⁷ NOTE: County staff and Consultant suggest a provision on Computation of Time should be added." It is suggested it state..."The time in which an act is to be done shall be computed by excluding the first and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the County, or day of declared emergency by the County or state, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the County, or day of declared emergency.

²⁸ NOTE: These are changes suggested by County staff and the Consultant to clarify language.

1 form from the applicant or his or her agent at least three (3) weeks in advance of the
2 hearing date.²⁹

3 **B. NUMBER OF PUBLIC HEARING(S) REQUIRED REVISE TO BE CONSISTENT WITH**
4 **FLORIDA STATUTES – DO NOT REQUIRE NIGHT MEETINGS EXCEPT AS**
5 **PROVIDED IN F.S. OR AT DIRECTION OF MAJORITY OF THE BOCC**

6 1. The County shall conduct one (1) public hearing for all applications for development
7 approval subject to a public hearing, except for those listed in subsection (2) below.

8 2. Two (2) public hearings shall be conducted for the following applications for development
9 approval. One (1) shall be before the Board of County Commissioners and one (1) shall
10 be before the Planning and Zoning Commission. At least one (1) of the two (2) public
11 hearings shall be held after 5:00 pm on a weekday, unless the Board of County
12 Commissioners, by a majority vote plus one, elects to conduct the public hearing at
13 another time of day. The second public hearing shall be held after the first public
14 hearing, as specified below.

15 a. County-Initiated Code Text Amendments that change the actual list of permitted,
16 conditional, or prohibited uses within a zone district.

17 b. County-Initiated Site Specific Amendments to the Official Zoning Atlas affecting
18 ten (10) contiguous acres of land or more.

19 c. County-Initiated or Privately-Initiated General Amendments to the Official Zoning
20 Atlas or Site-Specific Amendments to the Official Zoning Atlas that affect five (5)
21 percent or more of the total land area in the county.

22 d. County-Initiated or Privately-Initiated Amendments to the Official Zoning Atlas for
23 Planned Unit Development districts that affect five (5) percent or more of the total
24 land area in the county.³⁰

25 e. Development Agreements (DVA)

26 f. Proportionate Fair Share Agreements (PFS)

27 g. Road Impact Fee Credit Agreements (RIF)

28 **11.01.10 PUBLIC NOTIFICATION**

29 All applications for development approval requiring a public hearing(s) shall comply with the Florida
30 Statutes, the table in Section 11.01.10(A), *Required Notice and Timing*, and the other provisions of this
31 section with regard to public notification.

²⁹ NOTE: These are changes suggested by County staff and the Consultant to clarify language.

³⁰ NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the notification provisions are consistent with state law.

REVISE CHART PER NOTE ABOVE TO BE CONSISTENT WITH FLORIDA STATUTES:

1 A. REQUIRED NOTICE AND TIMING

2 Unless otherwise expressly provided in state statutes or this Code, notice shall be provided as
3 follows.

TABLE 11-2: REQUIRED NOTICE AND TIMING			
Notice Required (days before hearing/action)³¹			
Application for Development Permit or Other Action	Written (Mailed) Section 11.01.10(C)	Published Section 11.01.10(D)	Posted Section 11.01.10(E)
County-Initiated Code Text Amendments that change list of permitted, conditional, or prohibited uses in zone district		Two (2) public hearings by BCC One (1) hearing held after 5:00 pm on weekday, unless BCC votes by majority plus one (1) to conduct at different time. First hearing held at least seven (7) days after day first notice published. Second hearing held at least ten (10) days after first hearing and notice provided at least five (5) days prior to public hearing Notice at least seven (7) days prior to first hearing and at least five (5) days before second hearing	
County-Initiated Site-Specific or General Amendments to the Official Zoning Atlas Affecting Ten (10) Contiguous Acres of Land or More			
County-Initiated Site-Specific Amendments to the Official Zoning Atlas Affecting Less Than Ten (10) Contiguous Acres of Land	One (1) public hearing by BCC Written notice mailed at least thirty (30) days prior to public hearing	One (1) public hearing by BCC Notice at least ten (10) days prior to public hearing	One (1) public hearing by BCC Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing
County or Privately-Initiated General or Site-Specific Amendments to the Official Zoning Atlas Affecting Five (5) Percent of Total Land Area of County or More		Two (2) public hearings by BCC One (1) hearing held after 5:00 pm on weekday, unless BCC votes by majority plus one (1) to conduct at different time. First hearing held at least seven (7) days after day first notice published. Second hearing held approximately two (2) weeks after first hearing and notice provided at least five (5) days prior to second public hearing	

³¹ NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

TABLE 11-2: REQUIRED NOTICE AND TIMING			
Notice Required (days before hearing/action)³¹			
Application for Development Permit or Other Action	Written (Mailed) Section 11.01.10(C)	Published Section 11.01.10(D)	Posted Section 11.01.10(E)
Privately-Initiated Code Text Amendments	One (1) public hearing by BCC	One (1) public hearing by BCC	One (1) public hearing by BCC
Privately-Initiated General and Site-Specific Amendments to the Official Zoning Atlas (Except Amendments Affecting More Than 5 Percent of Total Land Area in County)	Written notice mailed approximately but at least ten (10) days prior to public hearing	Notice approximately but at least ten (10) days prior to public hearing	Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing
Privately-Initiated Planned Development Districts (Except Amendments Affecting More Than Five (5) Percent of Total Land Area in County)			
Conditional Use Permit Class A Mobile Home Permit Mining Permit	One (1) public hearing by BCC Written notice mailed approximately but at least ten (10) days prior to public hearing	One (1) public hearing by BCC Notice approximately but at least ten (10) days prior to public hearing	One (1) public hearing by BCC Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing
Subdivision Master Plan	One (1) public hearing by BCC Written notice mailed approximately but at least ten (10) days prior to public hearing	One (1) public hearing by BCC Notice approximately but at least ten (10) days prior to public hearing	
ROW Abandonment and Plat Vacation (Only for Abandonment that affects County ROW and public easements for drainage that service County ROW)	One (1) public hearing by BCC Written notice mailed consistent with Florida Statutes Section 336.09-10	One (1) public hearing by BCC Notice consistent with Florida Statutes Section 336.09-10	
Appeals to Board of Adjustment	One (1) public hearing by BOA Written notice mailed approximately but at least ten (10) days prior to public hearing	One (1) public hearing by BOA Notice approximately but at least ten (10) days prior to public hearing	

TABLE 11-2: REQUIRED NOTICE AND TIMING			
Notice Required (days before hearing/action)³¹			
Application for Development Permit or Other Action	Written (Mailed) Section 11.01.10(C)	Published Section 11.01.10(D)	Posted Section 11.01.10(E)
Variance Permit	<p>One (1) public hearing by BOA</p> <p>Written notice mailed approximately but at least ten (10) days prior to public hearing</p>	<p>One (1) public hearing by BOA</p> <p>Notice approximately but at least ten (10) days prior to public hearing</p>	<p>One (1) public hearing by BCC</p> <p>Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing</p>

1

2 **B. ~~CONTENT~~**³²

3 All notices required under this Code for a public hearing(s), whether done by mail (written notice),
4 publication, or posting, shall:

5 1. ~~Identify the application, appeal number, ordinance or resolution title to be considered, the~~
6 ~~name, address, and telephone number of the applicant/appellant or their agent.~~

7 2. ~~Describe the land involved by street address (if a street address is available), and~~
8 ~~nearest cross street, and if there is no street address by another appropriate means so~~
9 ~~the public can easily locate the property~~

10 3. ~~Identify the current zoning district designation of the land subject to the application or~~
11 ~~appeal.~~

12 4. ~~Describe the substance of the subject matter that will be discussed at the hearing.~~

13 5. ~~Identify the body conducting the public hearing along with a brief statement of what action~~
14 ~~the body conducting the hearing is authorized to take.~~

15 6. ~~Indicate the date, time, and place of the public hearing.~~

16 7. ~~For Code Text Amendments, General and Site Specific Amendments to the Official~~
17 ~~Zoning Atlas, and Amendments to Planned Development Districts, state a copy of the~~
18 ~~notice shall be available for public inspection during regular business hours in the office~~
19 ~~of the clerk of the Board of County Commissioners.~~

20 8. ~~Describe in which County department the application, ordinance, resolution, appeal, the~~
21 ~~Staff Report (if one is prepared), or other related materials may be inspected by the~~
22 ~~public, and state that these materials are available for public inspection during normal~~
23 ~~business hours.~~

³² NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

1 ~~9. Include a statement describing where interested parties may submit written comments or~~
2 ~~evidence prior to the public hearing, and to whom.~~

3 ~~10. Include a statement stating that interested parties may appear at the public hearing, be~~
4 ~~heard and submit evidence and written comments with respect to the application or~~
5 ~~appeal.~~

6 ~~11. Include a statement that the hearing may be continued from time to time as may be~~
7 ~~necessary.~~

8 C. WRITTEN (MAILED) NOTICE^{33/34}

9 When the provisions of this Code require that written or mailed notice be provided, the County
10 official responsible for preparing the Staff Report shall be responsible for preparing and mailing
11 the written notice for applications initiated by the County. The procedure for county initiated
12 mailings are the same as non county initiated mailings.

13 For applications not initiated by the County, a designee of the Growth Management Director shall
14 notify all property owners within one thousand (1000) feet of the land subject to the application for
15 development approval whose address is known by reference to the latest information available
16 from the Property Appraiser's website on the date the address list is prepared, but no earlier than
17 thirty (30) days ~~fourteen (14) days~~ in advance of the mailing public hearing and no later than ten
18 (10) days of the public hearing. ~~the date of the mailing;~~

19 ~~For applications not initiated by the County, the applicant or the applicant's representative shall be~~
20 ~~responsible for preparing and mailing the notice. Notice shall be mailed to:~~

21 As a result of the adoption of Resolution 08-060, all applications requiring Public Notice, filed with Growth
22 Management after April 1, 2008, must follow the procedures outlined below:

- 23
24
25 1. Letters: Creation and mailing to be handled by St. Lucie County
- 26
 - 27 a. Growth Management will notify applicant or agent of amount due for cost of Adjacent
 - 28 Property Owner prior to the Public Hearing.
 - 29 b. Payment must be received from applicant at least 20 days in advance of the Public
 - 30 Hearing, or Agenda Item will be pulled.
 - 31 c. Times may vary depending on Code requirements for various types of applications.
 - 32
 - 33
 - 34

35 ~~1. All property owners within one thousand (1000) feet of the property subject to the~~
36 ~~application, whose address is known by reference to the latest information available from~~
37 ~~the Property Appraiser's website on the date the address list is prepared, but no earlier~~
38 ~~than ten (10) days in advance of the mailing, and no later than the date of the mailing;~~
39 ~~whose address is known by reference to the latest ad valorem tax roll; **Be sure this**~~
40 ~~**language is consistent with BOCC request to make notice of**~~

³³ NOTE: Written notice in this section has been expanded to require mailing to registrants and property owners within 500 feet of the property subject to the application.

³⁴ NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

~~conditional uses to serve alcohol consistent with the distance requirement in code The 1000 feet is consistent with the above strike-thru.~~

2. Persons or organizations who have registered to receive notice (Section 11.01.10(F), *Registration to Receive Notice by Mail*).
3. ~~Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. Notices mailed by private party applicants shall be certified with return receipt. The County official responsible for reviewing and preparing a Staff Report on the application (for County initiated applications) or the applicant (for other applications) shall sign a notarized affidavit with a list of property owners certified by the Property Appraiser³⁵ to whom notice was mailed based upon the ad valorem tax rolls, and the registrants that received mailed notice, affirming that notice meeting the content requirements of Section 11.01.10(B), *Content*, was mailed. The affidavit, along with copies of the certified mail receipts (if applicable), shall be conclusive that notice has been given pursuant to the terms of this subsection. A copy of the mailed notice, the affidavit, and the original certified mail receipts (if applicable) shall be maintained in the office of the Director for public inspection during normal business hours. The original certified mail receipts and affidavit shall be supplied to the office of the Director at least one (1) week in advance of the public hearing.~~

D. PUBLISHED NOTICE

When the provisions of this Code require that notice be published, the County official responsible for preparing the Staff Report shall be responsible for preparing the content of the notice and publishing the notice in the newspaper of general circulation that has been selected by the County. The content and form of the published notice shall be consistent with the requirements of Florida law (Sec. 125.66, Florida Statutes, as amended). The legal descriptions, addressee(s) and requests of the applicant shall be published exactly as they are submitted by the applicant with the application, and the applicant is solely responsible for any deficiencies in such information when it has been properly submitted by the County official responsible for publishing notice to the newspaper. The applicant shall be charged the cost of advertising for all public hearings. ~~for the initial publication and for~~ any subsequent notices that shall be required as a result of deficiencies in any information supplied by the applicant.

As a result of the adoption of Resolution 08-060, all applications requiring Public Notice, filed with Growth Management after April 1, 2008, must follow the procedures outlined below:

Public Notice Fees and Policy:

2. Ads: Creation and placement to be handled by St. Lucie County
 - a. Growth Management will notify applicant or agent of amount due for cost of Public Notice Ad at least 30 days prior to the Public Hearing.
 - b. Payment must be received from applicant/agent by the Growth Management department at least 20 days in advance of the Public Hearing, or Agenda Item will be pulled.
 - c. Times may vary depending on Code requirements for various types of applications.

³⁵ NOTE: Staff will work with the Property Appraiser to fine-tune this certification language as necessary.

c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

The legal description is available upon request in the Growth Management Department.

~~E. POSTED NOTICE CONSIDER REVISING TO REQUIRE APPLICANT TO PAY FOR POSTING AND REMOVAL OF SIGN SO WE MAY BE ABLE TO CONTRACT IT OUT OR HIRE SOMEONE. ROAD & BRIDGE VERY SHORT STAFFED. WENT INEFFECT APRIL 1, 2008~~

When the provisions of this Code require that notice be posted on the land subject to the application and the application is initiated by the County, the County official responsible for the application ~~preparing the Staff Report~~ shall prepare and post the required notice.

When the provisions of this Code require that notice be posted on the land subject to the application and the application is not initiated by the County, the applicant or the applicant's authorized agent shall be responsible for posting of the required notice. ~~follow the rules for All~~ posting of signs shall follow the rules for posting of signs established in the LDC Manual, and shall require the following: established in the LDC Manual, which at a minimum shall require the following:

- a. Cause a notice to be posted on weatherproof sign(s) in a form established by the Growth Management Director; and
- b. Cause the sign(s) to be placed on the property that is the subject of the application, along each public street which is adjacent to or runs through the subject property in a manner that makes them clearly visible to neighboring residents and passers-by.

c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing.

d. Applicant's placement of an order for the number of signs necessary to properly post the property on the date the application is submitted with the County official responsible for preparing the Staff Report, and payment of the required fee for preparation of the signs, which fee shall be adopted by resolution of the Board of County Commissioners.

e. Inclusion in the application for development of a plan showing the location of the proposed signs around the perimeter of the land subject to the application, which plan shall be modified by the County official responsible for preparing the Staff Report or a designee to ensure compliance with the requirements of this section.

f. Posting of the signs on the land subject to the application in accordance with the approved posting plan a minimum of one day before the latest date for posting of the sign.

c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

1 c. Provision of a notarized affidavit signed by the person supervising the posting
2 that the property was posted pursuant to the approved posting plan on the
3 required date. The affidavit shall be supported with photographs.

4 2. All posting of signs required under this section shall comply with the following standards:

5 a. The sign(s) shall be no less than ten (10) square feet in size.

6 b. The sign(s) shall be set back no more than twenty-five (25) feet from the public
7 street(s) so that the lettering is visible from the street. Where the land does not
8 have frontage on a public street, signs shall be erected on the nearest public
9 street with an attached notation indicating generally the direction and distance to
10 the land subject to the application.

11 c. The timing of posting shall comply with Section 11.01.10(A), *Required Notice and*
12 *Timing.*

13 d. Where the County is required to post notice, the County official responsible for
14 posting notice shall sign a notarized affidavit stating that posted notice has been
15 provided pursuant to the requirements of this subsection, and that the contents of
16 the posted notice comply with the content requirements of Section 11.01.10(B),
17 *Content.* The affidavit shall be conclusive that notice has been given pursuant to
18 the terms of this subsection.

19 3. For private-party applications, the applicant shall be responsible for ensuring that the
20 posted notice is maintained on the land subject to the application until the completion of
21 the final public hearing on the application. The signs shall be inspected by the County
22 official responsible for preparing the Staff Report subsequent to posting. If the inspection
23 reveals that the signs are not properly maintained, the County shall require the signs be
24 re-posted. Failure to maintain posted notice shall not affect the review board's
25 consideration of the application for development approval.

26 4. Vandalism or removal of required posted notice is hereby declared a third-degree
27 criminal misdemeanor, whether the signs are removed by others or by the applicant. In
28 the event signs are removed by the applicant, the application shall be deemed
29 abandoned with prejudice, and no substantially similar application shall be accepted for
30 one (1) calendar year. If signs are removed, it is the applicant's responsibility to report
31 the removal of signs to the County official responsible for preparing the Staff Report, and
32 to the Sheriff's Department.

33 5. The applicant shall remove the posted notice no later than five (5) days following the last
34 public hearing on the application, or request the Growth Management Director to remove
35 the sign for a fee (refer to LDC Manual). ~~to be established by the Director for the cost of~~
36 ~~the removal.~~ The sign(s) shall be returned to the designated County office for proper
37 disposal. Failure to remove the sign(s) as required shall be a violation of this Code, with
38 each sign being a separate violation, and each day being a new violation, punishable by
39 a fine and the withholding of further project approvals until the signs are removed and the
40 fines paid. Signs not removed by the applicant may be removed by the County at the
41 applicant's expense (refer to the LDC Manual)

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c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

1 F. REGISTRATION TO RECEIVE NOTICE BY MAIL

2 Any individual or organization wishing or other organization in the County may ~~shall~~ register with
3 the Director to receive written notice of public hearings on any or all applications, may register
4 with the Growth Management Director by completing the required form. all applications pursuant
5 to Section 11.01.10(C), ~~Written (Mailed) Notice.~~ To be eligible for registration, the registrant
6 applicant shall provide the Director information in a form required by the Director to ensure
7 notification, can be made to the organization. To continue to receive such notice, an individual or
8 organization shall re-register every two (2) years.

9 **11.01.11 CONTINUANCE OF APPLICATIONS FOR PUBLIC HEARING OR MEETINGS**

10 An applicant may request that an advisory or decision-making body's consideration of an application for
11 development approval at public hearing or meeting be continued by submitting a written request for
12 continuance to the County official responsible for preparing the Staff Report a minimum of seven (7) days
13 prior to the public hearing on the application.

14 A. LESS THAN THIRTY (30) DAYS: DECISION BY DIRECTOR

15 The County official shall consider continuance requests of less than thirty (30) days and shall
16 grant such requests for good cause. The date of the public hearing at which the application will
17 be heard shall be set at the time the continuance is granted.

18 B. THIRTY (30) DAYS OR MORE: DECISION BY BOARD

19 The advisory or decision-making body reviewing the application shall consider continuance
20 requests of thirty (30) days or more and shall grant such requests for good cause. The date of
21 the public hearing at which the application will be heard shall be set at the time the continuance is
22 granted.

23 C. SUBSEQUENT CONTINUANCE REQUESTS

24 ~~Only one (1) continuance request shall be granted without prejudice.~~ Additional requests for
25 continuance by the applicant shall be granted at the discretion of the Board of
26 County Commissioners. ~~considered abandonment of the application This seems~~
27 ~~punitive and doesn't seem to be our practice. Language should consider~~
28 ~~allowing continuances with BOCC approval. No obligation of the BOCC to~~
29 ~~continue.~~ and subsequent application submittals shall be processed as a new application for
30 development approval.

31 **11.01.12 WITHDRAWAL OF APPLICATIONS**

32 Any request for withdrawal of an application shall be submitted in writing to the appropriate County
33 official. ~~responsible for preparing the Staff Report.~~ The County official shall approve a request for
34 withdrawal of an application if it has been submitted prior to notification of a public hearing on the
35 application. Once notice of a public hearing has occurred, the request for withdrawal of the application
36 shall be placed on the public hearing agenda and shall be acted upon by the appropriate advisory or
37 decision-making body. Any future action on a withdrawn application shall be treated as a new application
38 and subject to a new filing fee.

c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

1 **11.01.13 EXAMINATION AND COPYING OF APPLICATIONS, APPEALS, OR OTHER**
2 **DOCUMENTS**

3 Any time after the provision of public notice (Section 11.01.10), any person may examine the application
4 or appeal in question, and the material submitted in support or opposition to the application or appeal,
5 during normal business hours, in the office of the appropriate County official responsible for conducting
6 the ~~staff~~ review on the application. Any person shall be entitled to obtain copies of the application or
7 appeal and other materials upon reasonable request and payment of a fee to cover the actual costs of
8 providing such copies.

9 **11.01.14 CONDITIONS OF APPROVAL**

10 A. GENERALLY

11 Where a decision-making body or County official may, according to the express terms of this
12 Code, approve an application with conditions, such decision-making body or County official may
13 impose restrictions and conditions on the approval, the proposed use, and the premises to be
14 developed or used pursuant to such approval, as may be required to ensure compliance with the
15 general goals and policies of this Code or with the particular standards of this Code for the
16 application, to prevent or minimize adverse effects from the proposed development, surrounding
17 lands, or on the public health, safety or welfare. **Should we add language that the
18 consequence of an applicant not abiding by the COAs may be revocation of
19 the approval by the decision-making body or county official after a public
20 hearing (or two?) if required)?**

21 B. ~~LIMITATIONS~~

- 22 ~~1. The restrictions and conditions imposed must be related in both type and amount to the~~
23 ~~impact that the proposed development would have on the public and surrounding~~
24 ~~development.~~
- 25 ~~2. The restrictions and conditions imposed may provide administrative procedures to be~~
26 ~~used in subsequent processing of the application, as necessary, or to supplement or~~
27 ~~clarify the requirements of this Code.~~
- 28 ~~3. All restrictions or conditions imposed shall be expressly set forth in the approval.~~

29 B. Conditions of approval set forth in any development order granting approval of a County
30 application, are an integral non-severable part of the approval granted. If any condition of an
31 approved development order is determined invalid or unenforceable for any reason and the
32 applicant, successors or assigns of the subject property declines to comply voluntarily with that
33 condition, the approval granted by the development order shall become null and void. If any
34 condition of approval is not met, the development will be subject to enforcement procedures and
35 no further approvals shall be granted for that property until compliance with the condition of the
36 development order or approval by the applicable County official of a modification to that
37 development order.
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- c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

1 **11.01.15 NOTIFICATION OF DECISION**

2 Notification of the final decision on an application shall be mailed to the applicant, property owner and the
 3 applicant's agent by the County official responsible for the application, ~~preparing the Staff Report~~ within
 4 ten (10) working days of the date of the final decision.³⁶ A copy of the final decision shall be filed in the
 5 Department of Growth Management.

6 **11.01.16 RECONSIDERATION OF ACTION**

7 A. BOARD OF COUNTY COMMISSIONERS

8 An action may be reconsidered by the Board of County Commissioners under the following
 9 circumstances:

- 10 1. On a decision when four (4) members voted, and the vote was two (2)-to-two (2), a
 11 motion to reconsider may be made by any member of the Commission at the first
 12 meeting thereafter when all five (5) Commissioners are present. A motion to reconsider
 13 shall be approved by an affirmative vote of a majority of the five (5) Commissioners.
- 14 2. On any decision other than that described in subsection (1) above, a motion to reconsider
 15 may be made at the first meeting thereafter at which a quorum is in attendance, only by a
 16 member of the Commission voting on the prevailing side. A motion to reconsider may be
 17 seconded by any other member and shall be approved by an affirmative vote of the
 18 majority of the quorum in attendance. For purposes of this subsection, an absent
 19 member shall be presumed to have voted on the prevailing side.

20 B. PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

- 21 1. An action may be reconsidered by the Planning and Zoning Commission or the Board of
 22 Adjustment only upon motion of a member of the decision-making body voting with the
 23 prevailing side on the original vote. The motion shall be made at the same or the
 24 immediately subsequent regular meeting of the body. A motion to reconsider may be
 25 seconded by any member and shall be approved by an affirmative vote of the majority of
 26 the quorum in attendance. For purposes of this subsection, an absent member shall be
 27 presumed to have voted on the prevailing side.
- 28 2. The Planning and Zoning Commission shall not reconsider an item that has already been
 29 the subject of at least one (1) public hearing held by the Board of County Commissioners,
 30 unless requested to do so by a majority vote of the Board of County Commissioners.

31 C. NOTICE

32 Action taken on a request for reconsideration shall require public notification in the same manner
 33 required for the original application.

³⁶ NOTE: These are changes suggested by County staff and the Consultant to ensure an applicant receives notification of a decision within a reasonable period of time.

c. The applicant/agent shall provide two photos must execute the "public notice sign content form" and submits both to Growth Management at least 20 days in advance of the public hearing,

1 **11.01.17 SUCCESSIVE APPLICATIONS/WAIVER OF TIME LIMITS**

2 A. GENERALLY

3 Whenever any application for development approval subject to a public hearing is denied, the
4 same application shall not be considered for a period of two (2) years after the date of denial
5 unless a Waiver of Time Limit is approved by the decision-making body pursuant to the
6 requirements of subsection (B) below, *Waiver of Time Limit*. Only one (1) request for Waiver of
7 Time Limit may be submitted by the applicant during the two (2) year period.

8 B. WAIVER OF TIME LIMIT

9 1. A request for a Waiver of Time Limit may be initiated by the owner or the owner's
10 authorized agent by submitting a request to the County official responsible for preparing
11 the Staff Report using the form specified in the LDC Manual.

12 2. After receipt of a request for Waiver of Time Limit, the County official shall prepare a Staff
13 Report on the request containing copies of the minutes and the vote on the application,
14 and shall schedule the matter for a regularly scheduled meeting of the decision-making
15 body.

16 3. At the meeting for which the request for Waiver of Time Limit is scheduled, the decision-
17 making body shall consider the request, the Staff Report, other relevant support
18 materials, statements made by the applicant or the applicant's representative and the
19 public, and approve or deny the request based on the standards in subsection (4) below.

20 4. The Waiver of Time Limit shall be approved only upon a finding by two-thirds (2/3) of the
21 membership of the decision-making body that competent substantial evidence is
22 presented that demonstrates:

23 a. There is a substantial change in circumstances relevant to the issues and/or
24 facts considered during review of the application that might reasonably affect the
25 decision-making body's application of the relevant review standards to the
26 development proposed in the application; or

27 b. New or additional information is available that was not available at the time of the
28 review that might reasonably affect the decision-making body's application of the
29 relevant review standards to the development proposed; or

30 c. A new application is proposed to be submitted that is materially different from the
31 prior application; or

32 d. The final decision on the application was based on a material mistake of fact.

33 **11.01.18 LAPSE OF APPROVAL EXPIRATION OF DEVELOPMENT ORDER**

34 This Chapter establishes lapse-of-approval timeframes for most types of applications for development
35 approval. The ~~lapse-of-approval~~ expiration of Development Order timeframes established in this Chapter
36 may be extended only when all of the following conditions exist:

37 A. The provisions of this Chapter expressly allow the extension;

- 1 B. An extension request is filed **90 days** prior to the applicable ~~lapse of approval~~ expiration of the
2 Development Order approval deadline;
- 3 **C. The applicant is in compliance with any previous development orders,**
4 **developer agreements, conditions of approval and County Codes and**
5 **ordinances (does not have a Code Enforcement action pending) on the**
6 **property)**
- 7 D. The extension request is in writing and includes justification; and
- 8 E. Unless otherwise noted, authority to grant the extension of time rests with the decision-making
9 body that granted the original approval the applicant seeks to extend.

10 **11.01.19 SIMULTANEOUS SUBMISSION OF APPLICATIONS**

11 Whenever two (2) or more forms of review and approval are required under this Code (e.g., a Conditional
12 Use Permit and a Variance Permit), those applications may, at the option of the Director, be processed
13 simultaneously, so long as all applicable state and local requirements are satisfied for both applications.
14 Two alternative applications with conflicting requests for the same property will not be accepted.

15 **11.02.00 PUBLIC HEARING PROCEDURES³⁷**

16 **11.02.01 QUASI-JUDICIAL HEARINGS³⁸**

17 All quasi-judicial hearings on applications for development approvals held pursuant to this Code shall
18 comply with the procedures set forth in this section.

19 A. GENERALLY

- 20 1. Any member of the advisory or decision-making body may request information or ask
21 questions of any person that testifies during the hearing.³⁹
- 22 2. Any aggrieved or affected person⁴⁰ shall be afforded a reasonable opportunity to present
23 testimony and evidence in support of or in opposition to the application, and to ask
24 questions of the applicant and the applicant's representatives and County staff and
25 County staff's representatives. At the discretion of the Chairperson of the advisory or
26 decision-making body, an aggrieved or affected person may be granted an opportunity to
27 ask questions of any other member of the public who has testified in the hearing.

³⁷ NOTE: This is a new section that builds on the provisions of the existing Section 11.00.04.

³⁸ NOTE: Suggested new definition of "quasi-judicial hearing": "A public hearing in which public officers or bodies are required to exercise discretion of a judicial nature as a basis for official action, including weighing evidence and drawing conclusions from facts."

³⁹ NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

⁴⁰ NOTE: Suggested definition of "aggrieved or affected person" "Any person or local government that will suffer an adverse effect to an interest protected or furthered by this Code and the County's decision on the application for development approval being considered, including interests related to health and safety; law enforcement and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment or services; and environmental or natural resources. The alleged adverse impact may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order."

1 3. The decision-making body is not bound by the rules of evidence, or limited to
2 consideration of evidence that is admissible in a court of law in a quasi-judicial hearing.
3 The body may consider all testimony and evidence it deems relevant, material and
4 competent to the application under consideration. The Chairperson of the body may
5 exclude testimony or evidence that is determined irrelevant, immaterial, incompetent, or
6 unduly repetitious.

7 B. BURDEN OF PROOF

8 The burden of demonstrating that an application complies with applicable review and approval
9 standards is on the applicant. The burden is not on the County or other parties to show that the
10 standards have not been met by the applicant.

11 C. RECORD

12 1. The record shall consist of:

13 a. The application for development approval under consideration;

14 b. The Staff Report;

15 c. All other written Department or other County staff materials prepared on the
16 application;

17 d. All other written materials provided to the Department by affected parties or the
18 public, that are related to the application;

19 e. The advisory board recommendation, where relevant, and the record from the
20 advisory board proceedings on the application;

21 f. This Code;

22 g. The Comprehensive Plan;

23 h. All written communications received by members of the advisory or decision-
24 making body and County staff about the application;

25 i. Curriculum vitae of all County staff and County representatives who testify at the
26 hearing;

27 j. All documents entered into the record at the hearing; and

28 k. The testimony and other statements and opinions offered at the public hearing,
29 which shall be recorded.

30 2. The Director shall keep and maintain the record of all quasi-judicial hearings.

31 D. ORDER OF PROCEEDINGS

32 The order of the quasi-judicial hearing shall be as follows:

- 1 1. All **aggrieved or** affected parties shall identify themselves and provide evidence they are
2 affected parties for the purposes of the hearing.⁴¹
- 3 2. ~~At the request of any party,~~ All persons who will testify at the hearing shall be sworn.
- 4 3. Disclosure of all *ex parte* communications by advisory or decision-making body
5 members.
- 6 4. Narrative and/or graphic description of the application by the appropriate Director or
7 official.
- 8 5. Director and County staff presentation of Staff Report.
 - 9 a. Director and County staff presentation of Staff Report, which includes a written
10 recommendation, and presentation of additional witnesses, including expert
11 witnesses, if appropriate. This recommendation shall address each standard
12 required to be considered by this Code prior to approval of the application.
 - 13 b. **Questioning of Director, County staff, and witnesses by advisory or decision-**
14 **making body, as appropriate, or aggrieved or affected parties, as appropriate.**
- 15 6. Applicant presentation (including applicant representatives), and questioning of Director,
16 County staff, and County witnesses. This shall include applicant's presentation of any
17 testimony and evidence, including testimony of witnesses and expert witnesses. Further
18 examination by members of the decision-making or advisory body shall be allowed after
19 each witness. Cross-examination by the County and affected parties is also allowed.
- 20 7. **Aggrieved or affected** parties' presentation. This shall include affected parties'
21 presentation of any testimony and evidence, including testimony of witnesses and expert
22 witnesses. Further examination by members of the advisory or decision-making body
23 shall be allowed after each witness. Cross-examination by the applicant and County is
24 allowed.
- 25 8. Public comment and testimony. Those in support of the application and those in
26 opposition to the application are allowed to speak and enter testimony and evidence into
27 the record.
- 28 9. **Aggrieved or affected** parties' rebuttal, if appropriate.
- 29 10. Applicant's rebuttal, if requested.
- 30 11. Director and County staff rebuttal, if requested.
- 31 12. Applicant conclusion.
- 32 13. Director conclusion.
- 33 14. Deliberation, continuance, or vote by advisory or decision-making body.

⁴¹ NOTE: It is suggested by the Consultant that this provision be added. The reason is that "affected parties" have the right to question all witnesses, and present a case in opposition or in favor of an application. They need to be identified at the start of the hearing process.

1 E. INFORMATION AND EVIDENCE BY MEMBER

2 Any member of the advisory or decision-making body may request information,⁴² or ask questions
3 of any person that testifies during the hearing. All questions shall be directed through the
4 Chairperson.

5 F. LENGTH OF PRESENTATION AND TESTIMONY

6 The length of presentations and testimony shall be established by the Chairperson of the advisory
7 or decision-making body (whichever is appropriate). The advisory or decision making body may
8 adopt bylaws that generally establish time limits for presentations, which time limits may be
9 further restricted or relaxed at the discretion of the Chairperson.

10 G. CROSS-EXAMINATION

11 The inquiry under cross-examination shall be limited to matters raised in the direct examination of
12 a witness.

13 H. RE-DIRECT AND RE-CROSS

14 No re-direct or re-cross shall be allowed unless it is requested by the applicant, an **aggrieved or**
15 **affected** party, or the County, who shall state the desired area of inquiry, and the request is
16 approved by the Chairperson of the advisory or decision-making body (whichever is appropriate).
17 If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in
18 the cross-examination.

19 I. OBJECTIONS

20 The applicant, the County, and any **aggrieved or** affected party,⁴³ may raise evidentiary objections,
21 which shall be ruled upon by the Chairperson. In making these rulings, the Chairperson may
22 seek the advice of the County Attorney or a designee regarding any legal or procedural
23 requirements affecting evidentiary objections.

24 J. PUBLIC

25 Any person who is not an **aggrieved or** affected party may be permitted to speak for up to three
26 (3) minutes in support of or in opposition to the application. At the discretion of the Chairperson
27 of the advisory or decision-making body (whichever is appropriate), a member of the public may
28 be granted additional time to speak when it is justified. As appropriate, members of the advisory
29 or decision-making body may ask the applicant questions in response to this public comment.⁴⁴

30 K. CONTINUANCE

31 1. The body conducting the public hearing may, on its own motion or at the request of any
32 person, continue the public hearing to a fixed date, time and place without again
33 complying with the notice requirements of this Code, as long as such action is consistent
34 with state law.⁴⁵ An applicant shall have the right to request and be granted one (1)

⁴² NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

⁴³ NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

⁴⁴ NOTE: This language is added by the Consultant to clarify the procedure.

⁴⁵ NOTE: This language is added by the Consultant to clarify the procedure.

1 continuanance; however, all subsequent continuances shall be granted at the discretion of
2 the body conducting the public hearing only upon good cause shown.

- 3 2. It is required that the item be on the agenda and advertised for public hearing in order for
4 the hearing to be continued. It is not required that the hearing be opened, or that
5 testimony be taken.⁴⁶ The advisory or decision making body hearing an item has the
6 discretion to decide to open the item for hearing, or not to open the item for hearing, prior
7 to taking a vote to continue the item.

8 L. ACTION BY ADVISORY OR DECISION-MAKING BODY

- 9 1. Upon receipt of all testimony and evidence pursuant to this section, the quasi-judicial
10 hearing shall be closed. No additional testimony, evidence, or public comments will be
11 heard or considered after the close of the public hearing.

- 12 2. At the conclusion⁴⁷ of the public hearing, the advisory or decision-making body shall
13 consider the application, the relevant support materials, the Staff Report, all advisory
14 board recommendations (if relevant), and the public testimony and other evidence given
15 at the public hearing and make a recommendation or decision on the application
16 (whichever is appropriate), based on the relevant review standards. The form of the
17 decision shall include at least the following elements:

- 18 a. Findings of fact.
- 19 b. A finding of compliance or non-compliance with the Comprehensive Plan.
- 20 c. Application of the facts to the relevant review standards.
- 21 d. The decision.
- 22 e. The reasons for the decision.
- 23 f. Any conditions of approval (if appropriate).

24 **11.02.02 OTHER HEARINGS KRISTEN AND HEARHER DISCUSSING**

25 All other public hearings on applications for development approval held in accordance with this Code shall
26 comply with the procedures set forth in this Section.

27 A. BURDEN OF PROOF

28 The burden of demonstrating that an application complies with applicable review and approval
29 standards is on the applicant. The burden is not on the County or other parties to show that the
30 standards have not been met by the applicant.

31 B. CONDUCT OF THE HEARING

- 32 1. Rights of All Persons

⁴⁶ NOTE: This language is added by the Consultant to clarify the procedure.

⁴⁷ NOTE: This language is added by the Consultant to clarify the procedure.

1 Any person may appear at a public hearing, or may be represented by counsel or agent,
2 and may submit documents, materials, and other written or oral testimony either
3 individually or as a representative of an organization. Each person who appears at a
4 public hearing shall be identified, state an address, and if appearing on behalf of a person
5 or organization, state the name and mailing address of the person or organization being
6 represented.

7 2. Presentation of Testimony and Submission of Documents and Materials

8 The body conducting the public hearing may place reasonable time restrictions on the
9 presentation of testimony and the submission of documents and other materials.

10 3. Continuance of Hearing

11 a. The body conducting the hearing may, on its own motion or at the request of any
12 person, continue the hearing to a fixed date, time, and place. An applicant shall
13 have the right to request and be granted one (1) continuance. All subsequent
14 continuances requested by an applicant shall be granted at the discretion of the
15 body granting the public hearing only on good cause shown.

16 b. The item shall be on the agenda and advertised for hearing in order for the
17 hearing to be continued. It is not required that the hearing be opened, or that
18 testimony be taken. The advisory or decision making body hearing an item has
19 the discretion to decide to open the item for hearing, or not to open the item for
20 hearing, prior to taking a vote to continue the item.

21 4. Questions by Review Board Members

22 Review board members may ask questions of the applicant and any other parties that
23 present information.

24 C. ORDER OF PROCEEDINGS

25 The order of proceedings at the public hearing shall be as follows:

26 1. The County official responsible for preparing the Staff Report on the application or a
27 designee shall present a narrative or graphic description of the application.

28 2. The County official or a designee shall present the Staff Report, which includes a written
29 recommendation. This recommendation shall address each standard required to be
30 considered by this Code prior to approval of the application.

31 3. The applicant shall present any information the applicant deems appropriate.

32 4. Public testimony shall be heard.

33 5. Review board members may ask questions of the applicant and any other parties that
34 present information.

35 6. The applicant may respond to any testimony or evidence presented by the public.

36 7. The County official or a designee may respond to any statement made by the applicant or
37 public.

1 D. RECORD

- 2 1. The body conducting the hearing shall record the proceedings by any appropriate means.
- 3 2. The record shall consist of:
- 4 a. The application for development approval under consideration;
- 5 b. The Staff Report;
- 6 c. All other written Department or other County staff materials prepared on the
7 application;
- 8 d. All other written materials provided to the Department by the public, that are
9 related to the application;
- 10 e. The advisory board recommendation, where relevant, and the record from the
11 advisory board proceedings on the application;
- 12 f. This Code;
- 13 g. The Comprehensive Plan;
- 14 h. All documents entered into the record at the hearing; and
- 15 i. The record of the hearing recorded by the advisory (if relevant) and review board.
- 16 3. If a sound recording is made, any person shall be entitled to listen to the recording at a
17 reasonable time, or make copies at that person's own expense, at the offices of the
18 County official responsible for preparing the Staff Report.
- 19 4. It is the responsibility of any person desiring a detailed record of a proceeding to prepare
20 the detailed record at their own expense.

21 E. ACTION BY ADVISORY OR DECISION-MAKING BODY

- 22 1. The form of the decision shall include at least the following elements:
- 23 a. A clear statement of the factors considered in the decision, and a statement of
24 the basis upon which such facts were applied to the relevant review standards.
- 25 b. A statement of a recommendation or decision of approval or denial (whichever is
26 appropriate).
- 27 2. The advisory or decision-making body shall render its decision within fourteen (14) days
28 after conclusion of the hearing, unless stated otherwise in this Code.

1 **11.03.00 STANDARDS AND REQUIREMENTS FOR APPLICATIONS FOR**
2 **DEVELOPMENT APPROVAL**

3 **11.03.01 ZONING**

4 A. CODE TEXT AMENDMENTS AND GENERAL AMENDMENTS TO THE OFFICIAL ZONING
5 ATLAS⁴⁸

6 1. Purpose

7 The purpose of this section is to provide a means for amending the text of this Code or
8 making a general amendment to the Official Zoning Atlas.

9 2. Authority

10 The Board of County Commissioners may adopt an ordinance amending the text of this
11 Code or adopt a resolution making a general amendment to the Official Zoning Atlas
12 upon making a determination that the application is in compliance with the provisions of
13 this section.

14 3. Initiation

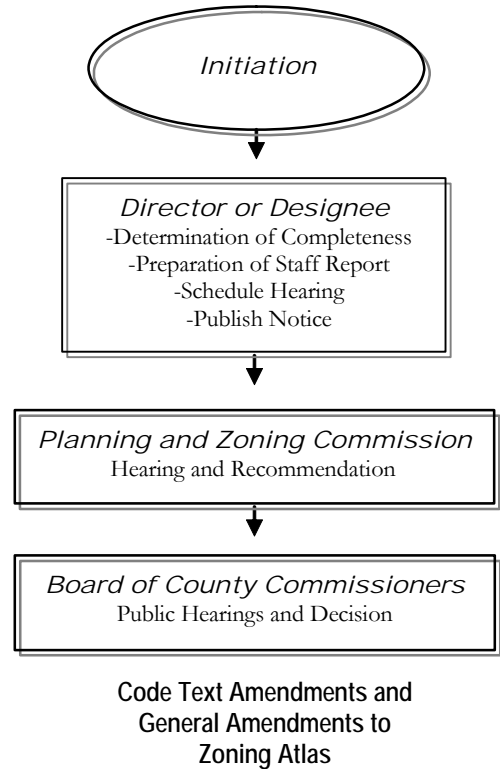
15 a. An amendment to the text of this Code may
16 be proposed by the Board of County
17 Commissioners, the Planning and Zoning
18 Commission, the Director, or any land
19 owner or citizen of the unincorporated
20 County.

21 b. A general amendment to the Official Zoning
22 Atlas may be proposed by the Board of
23 County Commissioners, the Planning and
24 Zoning Commission, the Director, or
25 initiated pursuant to Section 11.01.01,
26 *Authority to File Applications.*

27 4. Procedures

28 a. **Review and Recommendation by**
29 **Development Review Committee**
30 **and Recommendation by Growth**
31 **Management (DRC does the**
32 **review but doesn't GM make the**
33 **recommendation for approval,**
34 **denial, etc.?**

35 b. Planning and Zoning Commission Recommendation



⁴⁸ NOTE: This section updates the existing Section 11.06.00. The principal change is to separate out site-specific amendments to the Official Zoning Atlas in a separate section, which follows.