

II-1 DEVELOPMENT REVIEW

II-1.1 Generally

- A. Purpose:
This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits.
- B. Withdrawal of Applications:
An application for development review may be withdrawn at any time without fees being assessed so long as no notice has been given that the application will be reviewed at a public hearing or the TRC has met and a Completeness Summary has been issued **(Ref: Ord.# 1089 dated 5/14/02)**.
- C. Definitions:
As used in this Chapter, the following words, phrases, and terms shall have the meanings herein assigned:

Building Permit - For purposes of these regulations a building permit is that official county document which authorizes the commencement of specific development activity without need for further application and approval. Building permits include all types of construction permits (plumbing, electrical, mechanical, and so forth), in addition to the building permit itself, sign permits, demolition permits, etc.

City Development Permit - Authorization by the City Planning and Development Department for specific minor development activities without need for further application and approval. Permits may be issued accordingly for fences, temporary signs, 30-day auto repair, commercial tents, temporary structures and tree removal, etc.
(Ref: Ord.# 1089 dated 5/14/02)

Developer - Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development Approval Authority - The individual or group of individuals having the authority to issue a development order or city development permit. Specifically, City Council is the development approval authority for planned development projects and subdivision; the Technical Review Committee is the development approval authority for all other major development activity and minor subdivisions; the Planning and Development Department is the development approval authority for minor development activity, including minor replats and excluding minor subdivisions. Minor Development Activity:

<u>TYPE OF DEVELOPMENT</u>	<u>APPROVAL AUTHORITY</u>
Minor Development Activity	
a) Review for LDR Conformance	Planning & Development Dept.
b) City Development Permit	Planning & Development Dept.
c) Building Permit	Santa Rosa Cnty Building Dept.
d) Special Exception	Board of Adjustment
e) Variance	Board of Adjustment
f) Appeal	Board of Adjustment

<u>TYPE OF DEVELOPMENT</u>	<u>APPROVAL AUTHORITY</u>
Major Development Activity	
a) Review for LDR Conformance	Planning & Development Dept.
b) Development Permit	Technical Review Committee (TRC)
c) Building Permit	Santa Rosa Cnty Building Dept.
d) Special Exception	Board of Adjustment
e) Variance	Board of Adjustment
f) Appeal	Board of Adjustment

<u>TYPE OF DEVELOPMENT</u>	<u>APPROVAL AUTHORITY</u>
Major Subdivisions and Planned Development Projects:	
a) Review for LDR Conformance	Planning & Development Dept. & TRC
b) Recommendation to Council	Planning Board
c) Development Order	City Council
d) Building Permit	Santa Rosa Cnty Building Dept.
e) Special Exception	City Council
f) Variance	City Council
g) Appeal	City Council

Development Order - An order granting, denying, or granting with conditions an application for approval of a development activity. A distinction is made between a development order and a building permit. A development order is the City authorization of a proposed major development project. Such authorization must be granted by the City prior to issuance of a building permit by the County as defined for purposes of these regulations. (The development order authorizes the project, whereas the building permit authorizes specific components of the project, such as building construction, sign installation, and the like.) For purposes of these regulations the development plan approval is the development order.

Lot - A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Major subdivision - The subdivision of a parcel of land into two or more lots where any roadway, drainage or other improvements are necessary.

Minor Replat - The subdivision of a single lot or parcel of land into two lots or parcels, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the requirements of these regulations.

Minor Subdivision - The subdivision of a parcel of land into more than two lots where there are no roadway, drainage or other required improvements, and where there resultant lots comply with the requirements of these regulations.

Owner - A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel - A unit of land within legally established property lines.

Parking Space – A parcel of property not less than 9 foot by 18 foot or 162 square feet in area used for the parking of a motorized vehicle. (Ref: Ord. #1089 dated 5/14/02)

II-1.2 Authorization by Permit Required Prior to Undertaking any Development Activity

- A. Generally:
No development activity may be undertaken unless the activity is specifically authorized by a building permit or a city development permit, as applicable.
- B. Prerequisites to Issuance of Building Permit by Santa Rosa County:
Except as provided in "C" below, a building permit may not be issued by Santa Rosa County unless:
1. The proposed major development activity is authorized by a development order issued pursuant to these regulations; or the proposed minor development has been authorized by the City pursuant to these regulations; and
 2. The proposed development activity conforms to the applicable technical construction standards, including those contained in the City of Milton Public Works Manual and those incorporated by reference in Article I of these regulations.
- C. Minor Development Activity Exempt from Requirement for a Development Order:
A building permit may be issued for minor development activity in the absence of a development order issued pursuant to these regulations. Unless otherwise specifically provided, the minor development activity shall conform to these regulations and applicable technical construction standards. The following activities are defined as minor development. As provided for in Article I, all other development activity shall be considered major development.

1. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of these regulations and which has continued in good faith.
2. The construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision or approved subdivision prior to the adoption of these regulations, or on a lot acquired prior to the adoption of these regulations provided it complies with the minimum requirements of these regulations.
3. The alteration of an existing non-residential building or structure so long as no increase is made to its gross floor area or the amount of impervious surface on the site.
4. The re-surfacing of a vehicle use area that conforms to all requirements of these regulations.
5. Construction or alteration of accessory buildings and structures, fences, swimming pools, tennis courts, tree removal, sign installation, and other substantially similar activities, when in conformance and permitted within the requirements of these regulations (**Ref: Ord.# 1089 dated 5/14/02**).
6. Tree removal
7. A minor replat
8. A change of use in which no additional parking is required and no site alteration is involved.

D. Post-Permit Changes:

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the City's Planning and Development Department. Very minor changes may be submitted to the Planning and Development Department via "as-built" drawings (**Ref: Ord.# 1089 dated 5/14/02**).

II-1.3 Procedure for Review of Development Plans

A. Pre-Application Conference:

Prior to filing for development plan review, the developer shall meet with the Zoning Coordinator to discuss the development review process, to be informed about the application requirements and to discuss the general concept of the proposed development. No person may rely upon any comment concerning a proposed development plan, or any expression or any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

For development planning purposes, a developer may request a preliminary assessment of concurrency prior to submitting an application for development approval. A preliminary assessment of concurrency shall not be construed as to constitute reliance by the developer.

- B. Procedures for Initiating Development Review:
Upon submitting an application for development approval, a "Request for Concurrency Determination" will be initiated. The City Manager or designee will inform the applicant of information and/or submittals to be furnished by the applicant. Upon receipt of all required information, the City Manager or designee will within two weeks make a determination of concurrency based on the requirements of Section II-2 of this Article and, if so determined, issue a concurrency certificate. The concurrency certificate shall remain valid unless either the development order or building permit expire and are not extended, or are otherwise invalidated. Major Developments continuing in good faith may be granted an extension of up to six months upon application to the City Manager. Major Developments continuing in good faith may be granted extensions greater than six months upon approval by the City Council. Any request for an extension of development approval submitted to the City Council for approval must be submitted in writing no later than the Thursday preceding the scheduled council meeting. Minor Developments continuing in good faith may be granted one extension for a period of no more than six months. Once a Minor Development has received an extension, additional extensions will not be granted and the applicant must re-apply to obtain a valid permit.
(Ref: Ord. #1089 dated 5/14/02 & Ord. #1165-04 dated 10/12/02)

Upon issuance of a concurrency certificate, the City Manager will inform the Planning and Development Director to initiate formal review of the application for development approval, based on procedures specified in this Article.

II-1.4 Review of Major Development Plans

- A. General Procedures:
1. The developer shall submit a development plan and appropriate application fees to the City's Planning and Development Department as required in Sections II-1.7 and II-11, respectively.
 2. Within five working days of receipt of a development plan, the Planning and Development Department shall:
 - Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 30 days without payment of an additional fee, but, if more than 30 days have elapsed, must thereafter initiate a new application and pay a new fee; or
 - Determine that the plan is complete and proceed with the following procedures.
 3. Upon determination that the development plan is complete, the Planning and Development Department shall immediately send a copy of the development plan to selected members of the Technical Review Committee (TRC) and set up a meeting that allows for an adequate review and sufficient time for discussion.

In the event that the Planning and Development Department determines that the proposed development is subject to review by the Downtown Redevelopment Advisory Board (DRAB) and/or the Historic Preservation Board (HPB), the applicant shall be so notified. In conjunction with the distribution to the TRC, the application for development approval shall be forwarded to the applicable Board(s) for their review and approval. The respective Board(s) shall have 30 days from the date of notification by the Planning and Development Department to review the application and issue the appropriate certificate(s). Upon receipt of certification by the DRAB and/or the HPB, as applicable, the Planning and Development Department shall coordinate the approval(s) with the TRC approval (**Ref: Ord.# 1089 dated 5/14/02**).

4. The Technical Review Committee shall:
 - Review the proposed development plan for conformance to the requirements of these regulations.
 - Issue a development order complying with Section II-1.7 below; or
 - Not issue a development order based on a determination that the proposed development, even with reasonable modifications cannot meet the requirements of these regulations.
 - For planned development projects and major subdivision plats, forward a recommendation to the Planning Board regarding development order approval.

II -1.5 Appeals of Reviews of Development Plans

The developer or any adversely affected person may appeal any decision of the Technical Review Committee and/or the Planning and Development Department by filing an appeal with the Board of Adjustments.

II-1.6 Project Phasing

For developments that are to be developed in phases, a master plan for the entire development site must be approved. The master plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development, and must be approved as a condition of approval of the development plan for the first phase. A development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of proposed site and building amenities for the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

II-1.7 ADA Submittal Requirements for Development Plans

- A. Applications:
Completion of an application for development approval, with a site plan and survey, shall be required for all proposed development activity. Such applications shall be available from the Planning and Development Department. A completed application shall

be prepared by all owners, or their agent, of the property subject to the proposal. Signatures by other parties will be accepted only with proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the Signator's office in the corporation, and embossed with the corporate seal (**Ref: Ord.# 1089 dated 5/14/02**).

A signed and sealed footer survey shall be prepared and submitted to the Planning and Development Department after the footer or foundation has been completed and prior to the continuation of the development to verify the location of all structures to be located on the site.

On commercial projects and major projects an "as built" survey and/or certification shall be provided to the Planning and Development Department prior to release of the Certificate of Occupancy. (**Ref: Ord.# 1207-06 dated 8/8/06**)

B. General Requirements:

Development plans submitted pursuant to this section shall conform to the standards outline below. The Planning and Development Department may waive those submittal requirements which are not applicable or relevant to the proposed development.

1. All site plans shall be drawn to a scale of not less than one inch equals 40 feet (1"=40') unless the Planning and Development Department or Technical Review Committee determines that a different scale is sufficient or necessary for proper review of the proposal (**Ref: Ord.# 1089 dated 5/14/02**).
2. The trim line sheet size shall be 24 inches by 36 inches. A three-quarter inch margin shall be provided on all sides except for the left binding side where a two inch margin shall be provided.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each sheet (**Ref: Ord.# 1089 dated 5/14/02**).
4. The front cover sheet of each plan shall include:
 - a. A generalized site plan showing the overall development plan, together with the principal roads, city limits, and/or other pertinent orientation information.
 - b. A complete legal description of the property including tax reference number.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president of the entity shall be shown.
 - d. The name, address and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, a graphic scale, a north arrow, and date.

- f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
 - g. The area of the property shown in square feet and/or acres.
5. Seven (7) sets of required documents shall be submitted for any development activity requiring a development order (**Ref: Ord.# 1304-09 dated 3/10/09**).
 6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of these regulations have been met.

C. Detailed Requirements:

Applications for development approval shall also include the following detailed requirements as applicable:

1. Application for Development Approval (ADA) Form
2. Detailed Project Site Plan at not less than 1"=40' scale, showing all site improvements, including where applicable, but not limited to:
 - Rights-of-way and easements within site and adjacent to site
 - Site dimensions and setback lines
 - Building footprints with exterior dimensions and square footage for all structures including the use(s) of the structures.
 - Street and driveway layouts, entrances, exits, firelanes, and sidewalk
 - Parking layout showing exact location of spaces, including handicapped spaces
 - Topographic (ground) contours at intervals of no greater than two feet
 - All existing trees six inches in diameter and greater, identifying those to remain or to be removed
 - Landscape details including location and type of beds, lawn, shrubs, and trees
 - Irrigation system; coverage and connection details
 - Stormwater management system and holding ponds
 - Wastewater lines location and size, and lift stations; package treatment plants; septic tanks; grease traps; stub-outs for future connections to sewer, where applicable
 - Water lines and meter(s) location and size
 - Gas lines and meter(s) location and size
 - Street lighting and on-site exterior lighting
 - Fences, retaining walls, indicating heights
 - Satellite dish location, height, and screening

- All construction within 30 feet of Blackwater River
 - Sign location and construction drawings of proposed signs showing location, dimensions, lighting, etc.
 - Location and extent of FEMA A and V Zones and areas of special flood hazard as shown on the Flood Insurance Rate Maps (FIRM) for the City of Milton, including minimum floor elevations
 - Location and extent of US Army Corps of Engineers and/or FDEP jurisdictional wetlands on-site and immediately adjacent
 - Location of potable water wellheads within 500 feet of site; and
 - Location and extent of soil types utilizing Soil Conservation Survey data.
(Ref: Ord.# 1089 dated 5/14/02)
3. Building elevations and floor plans at scale of not less than 1"=10', showing building heights and major architectural features and finishes, type of construction, etc.
 4. Parking space requirements calculation
 5. Density requirements calculations
 6. Curb cuts proposed and Florida Department of Transportation connection permits where applicable
 7. Stormwater Management Plan as required by Article V-6, Stormwater Management and any applicable state regulations
 8. Location of easements - descriptions and purpose
 9. Copies of required federal and state permits
 10. Any other information required under other sections of these land development regulations including submittal requirements for preliminary and final subdivision plats, and any plans and specifications required by the Public Works Manual.
 11. Upon construction completion, as-built site plans including public improvements such as water, sewer, and gas lines, etc., shall be submitted to the Planning and Development Department. Such as-built plans shall identify any easements granted.
 12. The Engineer of Record shall submit a signed and/or sealed letter to the Planning and Development Department certifying that the project has been constructed according to the approved construction plans prior to issuance of the certificate of occupancy by Santa Rosa County.
(Ref. Ord#1304-09 dated 03/10/09)

II-1.8 Required and Optional Contents of Development Orders

A. Required Contents:

A development order shall contain the following:

1. A listing of any modifications which must be made to the development plan before a development order may be issued, and the time limit for submitting a modified plan.
2. A specific time period during which the development order is valid and during which time development shall commence. A development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
3. A listing of all known federal, state, and regional permits that must be obtained in order for a development order to be issued; however, the developer is responsible for ascertaining and acquiring all required federal, state and regional permits.
4. The development order is issued contingent upon conformance to the Life Safety Code and PWPM.
5. With regard to the concurrency management requirements contained in Section II-2, the following shall be included in the development order:
 - The concurrency certificate.
 - A commitment by the City to the following:
 - The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted three-year capital budget unless the subject development order expires or is rescinded prior to the issuance of a certificate of occupancy. **(Ref: Ord.# 1089 dated 5/14/02)**
 - Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption. **(Ref: Ord.# 1089 dated 5/14/02)**

B. Optional Contents:

A development order may include one or more of the following as conditions of approval:

1. Commitment by the developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
2. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.

3. An instrument of financial security, such as an open-end letter of credit or bond in the amount of 115 percent of the cost of services or facilities that the applicant is required to construct, contract for construction, or otherwise provide (**Ref: Ord.# 1089 dated 5/14/02**).
4. Such other conditions as may be required by the development approval authority to ensure that concurrency will be met for all applicable facilities and services.

II-2 CONSISTENCY AND CONCURRENCY DETERMINATIONS

II-2.1 General

A. Purpose:

The purpose of this Section is to describe the requirements for determining the consistency of proposed development projects with the City of Milton Comprehensive Plan, in addition to meeting the concurrency requirements.

B. Intent:

It is the intent of this section to ensure the availability of facilities and services necessary to serve the proposed development, at the adopted level of service standard, concurrent with the impacts of the development. It is further the intent to ensure that a concurrency determination is made by the City prior to the issuance of a development order.

II-2.2 Definitions

As used in this Section, the following words, phrases, and terms shall have the meanings herein assigned:

Concurrency - A condition where specified facilities and/or services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development.

Consistency - A condition where the development proposal complies with and fulfills the intent of the Comprehensive Plan.

II-2.3 General Consistency with Comprehensive Plan

A. Presumption of General Consistency:

A development proposal shall be presumed to be consistent with the City of Milton Comprehensive Plan if the proposal is found to meet all the requirements of these regulations excepting those aspects of the development addressed by the Comprehensive Plan but not covered by these regulations.

B. Challenging the Consistency of a Development Proposal:

Any public official or citizen may question the consistency of a development proposal with the comprehensive plan. If a question of consistency is raised, the Planning and Development Department shall make a determination of consistency. The determination will be made prior to final approval of the development plan by the City. The determination shall be supported with written findings.

- C. No Presumption in Favor of Concurrency:
Notwithstanding the presumption created in Section II - 2.3 A, all applications for development approval within the City of Milton shall demonstrate that specified public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities. Determination of compliance with concurrency requirements shall be through procedures described in the following sections.

II-2.4 Concurrency Management System

- A. General:
The following method of ensuring concurrency shall be known as the Concurrency Management System (CMS) for the City of Milton. The CMS is based upon the City of Milton Comprehensive Plan, especially the Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a development order, city development permit or building permit by the City of Milton or by the Santa Rosa County Building Official will not result in a degradation of the adopted levels of service for specified public facilities and services. The CMS also includes an annual monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.
- B. Adopted Levels of Service Shall Not Be Degraded:
1. General Rule
 - a. All applications for development approval shall demonstrate that the proposed development does not degrade adopted levels of service in the City. The adopted levels of service imply that sufficient treatment, collection and distribution systems must be available and must be adequate to accommodate the additional demands imposed by the proposed development. Any new collection and distribution lines shall be sized in accordance with the requirements contained in the City of Milton Public Works Manual.
 - b. The latest point at which concurrency is determined is prior to final development order approval by the appropriate development approval authority. In the case of new subdivisions, the latest point at which concurrency is determined is prior to preliminary plat approval.
 2. Exception
Notwithstanding the foregoing, the adopted levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the adopted levels of service will be met, unless otherwise prohibited by local, state or federal requirements.

C. Determination of Available Capacity:

For purposes of these regulations, the available capacity of a facility shall be determined by:

1. Adding Together

- a. The total capacity of existing facilities operating at the required level of service; and
- b. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
 - 1) Necessary facilities are in place, or are under construction, at the time the development order or permit is issued;
 - 2) The development order is issued contingent upon the necessary facility and/or service being in place when the impacts of development occur. In the case of residential subdivisions, the time at which the impacts of development occur may be considered to be up to three (3) years from final plat approval. **(Ref: Ordinance #1040)**
 - 3) The necessary facilities are guaranteed in an enforceable development agreement which ensures that the necessary facilities and/or services will be in place when the impacts of the development occur, or for roads and recreational facilities, which ensures that actual construction will commence within three years of development order issuance. **(Ref: Ord.# 1089 dated 5/14/02)**
 - 4) The necessary facilities are the subject of a binding executed contract for construction at the time of issuance of the development order or development permit, for roads and for parks and recreational facilities. Actual construction or provision of service must commence within three years of issuance of the development order or permit. **(Ref: Ord.# 1089 dated 5/14/02)**

2. Subtracting From that Number the Sum Of

- a. The demand for the service or facility created by existing development as documented in the City of Milton Comprehensive Plan or as updated based on related state agency data; and
- b. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

3. Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain the adopted level of service:

- a. The project owner or developer may provide the necessary improvements to maintain the adopted level of service. In such case, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of

service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

- b. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.

D. Burden of Showing Compliance on Developer:

The burden of showing compliance with the level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information to indicate that adequate facilities and/or services are available at the adopted LOS standards at the time of development impact.

This information shall include, but is not limited to the following:

- Statements or letters of available capacity from local utility providers (i.e.: sanitary sewer and potable water)
- Statement of demand generated by the development for solid waste disposal and recreational facilities;
- Copies of FDER permits for Stormwater Management in compliance with Chapter 17-25 FAC or letters of exemption thereof;
- Statements relating to the number of vehicle trips generated by the proposed development and identification of related roadway impacts.

A detailed Traffic Impact Study (TIS) shall be required for any development contributing more than five percent of the adopted level of service maximum roadway volume, or any development significantly altering access to or traffic flow on arterial and collector roadways. The purpose of such Traffic Impact Study shall be to assess roadway level of service given projected traffic volumes and to determine traffic improvements needed to accommodate development impacts.

E. Determination of Concurrency:

The determination of concurrency occurs prior to review of the application for development approval and shall include compliance with the level of service standards as adopted by the City of Milton.

F. Annual Report:

A. Contents:

The City of Milton shall monitor the concurrency provision through the preparation of an Annual Report on the CMS. The initial year of concurrency monitoring; however, shall be based on data contained in the relevant elements of the 1990 Milton Comprehensive Plan. Each Annual Report shall contain:

- a) A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
- b) A summary of building permit activity issued by Santa Rosa County within the City of Milton, indicating:

1. those that expired without commencing construction;
 2. those that are active at the time of the report; and
 3. the quantity of development represented by the outstanding building permits.
- c) A summary of development orders approved, indicating:
1. those that expired without subsequent building permits;
 2. those that were completed during the reporting period;
 3. those that are valid at the time of the report but do have associated building permits or construction activity; and
 4. the phases and quantity of development represented by the outstanding development orders.
- d) An evaluation of each facility and service indicating:
1. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
 2. the portion of the available capacity held for valid development orders;
 3. a comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits;
 4. a comparison of actual capacity and levels of service to adopted levels of service from the City of Milton Comprehensive Plan.
 5. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the City of Milton Capital Improvements Element.

G. Use of Annual Report:

The CMS Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development approvals and development permits during the 12 months following completion of the annual report.

II-2.5 Adopted Levels of Service

A. Potable Water

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service for potable water of 100 gallons per capita per day as established in the Potable Water Sub-Element of the City of Milton Comprehensive Plan (1ERU – 277 gpd). **(Ref: Ord.# 1089 dated 5/14/02)**

B. Sanitary Sewer:

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service for wastewater treatment of 117 gallons per capita per day as established in the Sanitary Sewer Sub-Element of the City of Milton Comprehensive Plan (1ERU - 324gpd). **(Ref: Ord.# 1089 dated 5/14/02)**

C. Transportation System:

1. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the City of Milton Comprehensive Plan:

<u>TYPE OF FACILITY</u>	<u>PEAK HOUR LEVEL OF SERVICE</u>
Principal Arterials	D
Minor Arterials	E
Collectors	E

2. Determination of Project Impact

The impact of proposed development activity on available capacity shall be determined as follows:

- a. The area of traffic impact of the development shall be determined by the developer subject to review and approval by the City.
- b. The projected level of service for roads within the traffic impact area shall be calculated based upon estimated trips to be generated by the project utilizing the Institute of Traffic Engineers trip generation rates by land use type. Where the development will have access to more than one road, the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility.

D. Drainage System:

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service which specifies the design storm as a 100-year critical duration storm, and to treat the first inch of runoff for sites less than 100 acres in size as required in Section V-6, Stormwater Management. Additionally, development activities must comply with the stormwater management provisions as contained in these land development regulations. **(Ref: Ord.# 1089 dated 5/14/02)**

E. Solid Waste:

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of 3.9 pounds per capita per day for solid waste as established in the Solid Waste Sub-Element of the City of Milton Comprehensive Plan.

- F. Recreation:
Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five acres per 2,000 people for recreational facilities as established in the Recreation and Open Space Element of the City of Milton Comprehensive Plan.

II-3 DUTIES OF VARIOUS INDIVIDUALS, BOARDS, AND AGENCIES IN ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS

II-3.1 City Manager

The City Manager or his designee shall be responsible for receiving requests for concurrency determinations, informing applicants of required information, and issuing a concurrency certificate.

The City Manager shall act as Chairman of the Technical Review Committee, setting meetings and distributing applications for major development proposals to committee members for review.

The City Manager may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations, as provided for in Section II-8.

The City Manager or designee shall review stormwater management plans for conformance with the requirements contained in Section V-6, Stormwater Management.

II-3.2 Planning and Development Department

The Planning and Development Department shall be responsible for administration and application of land development regulations as set forth herein. Responsibilities include the following: (**Ref: Ord. # 1074 dated 5/14/02**)

- Determines whether a proposed development activity is consistent with the Future Land Use Map contained in the adopted comprehensive plan.
- Receives applications for development approval and determine whether the development activity is a minor or major development.
- Reviews applications for minor development and approves for permit issuance.
- Refers applications which require review by the Downtown Redevelopment Advisory Board and/or Historic Preservation Board to the applicable Board(s) for review and action. The Planning and Development Department shall have the authority to approve minor development activities within the Downtown Community Redevelopment Area. In addition, the Planning and Development Department shall have authority to approve minor development activity, including signage which complies with the Historic Preservation Guidelines in Article III, 12.6.E. The Planning and Development Department shall also have the authority to approve minor development activity which involve contributing structures, provided the alteration or renovation of the regulated historic structure is limited to repainting the exterior surface using the approved historic paint color chart, or replacement of windows, doors, roof, awnings with the approved historic materials and style provided all other city regulations are met.
- The Planning and Development Director acts as Redevelopment Director for the Downtown Community Redevelopment Area.
- Receives requests for special exceptions and variances and refers these to the Board of Adjustment.

- Receives requests for amendments to the land development regulations or the comprehensive plan and refers these to the Planning Board.
- Upon development order approval by the Technical Review Committee or City Council, the Zoning Coordinator shall coordinate the review of construction plans and specifications for conformance to the Public Works Manual and the Life Safety Code.
- Upon determination of compliance with the Public Works Manual and receipt of approval by Milton's Life Safety Code Officer, the Planning and Development Department shall authorize the issuance of a building permit.
(Ref: Ord.# 1074 dated 5/14/02)

II-3.3 Life Safety Code Officer

The Life Safety Code Officer for the City of Milton reviews all site plans and construction plans and specifications, other than single family residential, for conformance with the Life Safety Code and the Standard Fire Prevention Code.

Prior to authorizing the issuance of a building permit for development activity other than single family residential, the Planning and Development Department shall require evidence to be provided by the Life Safety Code Officer indicating conformance with the Life Safety Code and the Standard Fire Prevention Code.

II-3.4 Technical Review Committee

The Technical Review Committee is composed of City staff knowledgeable in areas of land development, building, zoning, public works and/or planning, and is appointed by the City Manager. The City Manager shall act as Chairman of the Technical Review Committee.

The Technical Review Committee (TRC) is responsible for development review and development order approval for all major development activity except major subdivision platting and planned development projects (PDP's). Development order approval is issued based upon a determination by the TRC that the proposed development activity conforms to the requirements of these land development regulations.

The Technical Review Committee acts in an advisory role for development activity which requires review by the Planning Board and approval by City Council, such as major subdivision plats and PDP's, and may be called upon to confer with the Board of Adjustment regarding requests for special exceptions and variances.

All minutes of the Technical Review Committee meetings shall be filed with the Planning and Development Department.

II-3.5 Downtown Redevelopment Advisory Board

The Downtown Redevelopment Advisory Board (DRAB) is responsible for approving the issuance of land use certificates for all proposed major development activity within the Downtown Community Redevelopment Area. Issuance of the land use certificate signifies that the proposed development activity is consistent with the Downtown Community Redevelopment Plan and the architectural theme established for the historic district. **(Ref: Ordinance #1040)**

The development approval authority shall require evidence of a land use certificate from the Downtown Redevelopment Advisory Board prior to authorizing development order approval of building permit issuance.

All minutes of the Downtown Redevelopment Advisory Board meetings shall be filed with the Planning and Development Department.

II-3.6 Planning Board

The City of Milton Planning Board is hereby designated as the Local Planning Agency. The Planning Board as established under Chapter 2, City of Milton Code of Ordinances, shall be responsible for review and recommendations regarding the development, updating and amendment of the comprehensive plan and land development regulations. All plan amendments and revised regulations shall require Planning Board review and recommendation prior to Council approval.

All major subdivision plats and planned development projects shall require review and recommendation by the Milton Planning Board prior to action by City Council.

All minutes of the Planning Board meetings shall be filed with the Planning and Development Department.

II-3.7 City Council

The City Council of the City of Milton is responsible for approving planned development projects and preliminary and final plats for major subdivisions. The City Council also acts as the Redevelopment Agency for the Downtown Community Redevelopment Area (DCRA). Development activity involving the addition of five residential units or 5,000 square feet of nonresidential development will require City Council approval of the required land use certificate for development in the DCRA. Upon approval of the land use certificate by City Council, the development approval authority may approve the development order.

II-3.8 Historic Preservation Board

The Historic Preservation Board, as established in Article IV, Section IV-5 of these regulations, shall issue a certificate of appropriateness for renovations or alterations to regulated historic structures within the Historic District as set forth in Article IV, Section IV-5.

The development approval authority shall require evidence of a certificate of appropriateness prior to authorizing development order of building permit approvals for historic structures as defined in Article IV, Section IV-5.

All minutes of the Historic Preservation Board shall be filed with the Planning and Development Department.

II-3.9 Board of Adjustment

A. Establishment and Procedures:

A Board of Adjustment is hereby established which shall consist of seven members to be appointed by the City Council, each for staggered terms of three years. Members of the Board of Adjustment may be removed from office by the City Council in regular council action. Vacancies shall be filled by the City Council for the unexpired term of the member affected.

B. Proceedings of the Board of Adjustment:

The Board of Adjustment shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning and Development Department.

C. Powers and Duties of the Board of Adjustment.

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any board, department or committee in the administration and application of these regulations. Decisions rendered by City Council shall not be appealed to the Board of Adjustment
2. Special Exceptions: To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to consider by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under these regulations or to deny special exceptions when not in harmony with the purpose and intent of these regulations. (Refer to Section II-4).
3. Variances: To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. (Refer to Section II-5).
4. Powers of Planning and Development Department on Appeals: In exercising the above mentioned powers, the Board of Adjustment may, so long as such an action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly,

or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the power of the Planning and Development Department from whom the appeal is taken. (Refer to Section II-6).

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decisions, or determination of the Planning and Development Department, Technical Review Committee, or other administrative official; or to decide in favor of the applicant on any matters upon which it is required to decide in the application of these regulations.

II-4 SPECIAL EXCEPTIONS

II-4.1 Requirements and Procedures:

A special exception shall not be granted by the Board of Adjustment unless and until the following requirements and procedures are met:

- A. A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required. No application may be filed by the same applicant for the same special exception for a period of six months unless there is a substantial change of facts or circumstances. **(Ref. Ord.#1126-03 dated 9/9/03)**
- B. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent and the owners of abutting property shall be notified by mail. Notice of such hearing shall be posted in a conspicuous spot on the property for which special exception is sought, at the Milton City Hall and in one other public place at least 15 days prior to the public hearing. Required fees as set forth in Section II-10 of this Article shall be deposited with the City Clerk to cover the cost of posting notices and notification by mail.
- C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- D. The Board of Adjustment shall make a finding that it is empowered under the section of these regulations described in the application to grant the special exception, and provided that the granting of the special exception will not adversely affect the public interest. The Board of Adjustment shall confer with appropriate representatives of boards and/or committees having development review responsibility or specific knowledge regarding the special exception.

- E. Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:
1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
 3. Refuse and service areas, with particular reference to the items in (1) and (2) above;
 4. Utilities, with reference to location, availability and compatibility;
 5. Screening and buffering with reference to type, dimensions, and character;
 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
 7. Required yards and other open space;
 8. General compatibility with adjacent properties and other property in the district.
- F. Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

II-5 VARIANCES

II-5.1 Requirements and Procedures

A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless and until the following requirements or procedures are met:

- A. A written application for a variance (hardship relief) is submitted to the Planning and Development Department demonstrating that a hardship exists based on one of the following conditions:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district;
 2. That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
 3. That the special conditions and circumstances do not result from the actions of the applicant; or
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

No application may be filed by the same applicant for the same variance for a period of six months unless there is a substantial change of facts or circumstances.

(Ref. Ord.#1126-03 dated 9/9/03)

- B. Notice of public hearing shall be given in accordance with the provisions specified under Section II-4, Special Exceptions and a public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- C. The Board of Adjustment shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

- D. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under Section II-7.
- F. The Board of Adjustment shall prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void.
- G. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; however, as provided for in these regulations, the Board may make a "substantially similar use" determination upon request by the development approval authority.

II-6 APPEALS

II-6.1 Appeals to Board of Adjustment

Appeals to the Board of Adjustment concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the City of Milton affected by any decision of the Planning and Development Department, Technical Review Committee, or any administrative official or board. (Decisions rendered by City Council shall not be appealed to the Board of Adjustment.) Appeals shall be taken within a reasonable time period, not to exceed 30 days, by filing with the Planning and Development Department and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Planning and Development Department shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a time, not to exceed 30 days from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and render their decision at the hearing. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, certifies to the Board of Adjustment, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by injunction granted by the circuit court on notice to the official from whom the appeal is taken and on due cause shown.

II-6.2 Judicial Review of Decisions

- A. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the Board of Adjustments by Petition for Writ of Common-law Certiorari to the Circuit Court in and for Santa Rosa County, pursuant to Florida law.

- B. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the City Council by Petition for Writ of Common-law Certiorari to the Circuit Court in and for Santa Rosa County, pursuant to Florida law.

II-6.3 Appeals of Downtown Redevelopment Advisory and Historic Preservation Board

Appeals to the Milton City Council acting as the Redevelopment Agency may be taken by any person aggrieved or by any officer or bureau of the governing body of the City of Milton affected by any decision of the Downtown Redevelopment Advisory Board and Historic Preservation Board. Appeals shall be taken within a reasonable time period, not to exceed thirty (30) days, by filing with the Planning and Development Department and with the Milton City Council a notice of appeal specifying the grounds thereof. The Planning and Development Department shall forthwith transmit to the Council all papers constituting the record upon which the action appealed was taken. **(Ref: Ord. #1100 dated 9/9/2002)**

II-7 ENFORCEMENT AND PENALTIES

II-7.1 Administration and Enforcement

The Code Enforcement Officer, Planning and Development Director and Certified Stormwater Inspectors for the City of Milton shall enforce these regulations. If he finds that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal building or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions. **(Ref: Ord. #1152-04 dated 6/8/2004)**

II-7.2 Expiration of Permit

- A. Except as specifically provided elsewhere in the City of Milton Land Development Regulations, if the work described in any building permit or city development permit has not begun within six months from the date of issuance thereof, or if work ceases for a period of 12 months, said permit shall expire; it shall be canceled by the Santa Rosa County Building Official or the City's Planning and Development Department as applicable, and written notice thereof shall be given to the persons affected. **(Ref: Ord.# 1159-04 dated 10/12/04)**

Furthermore, except as specifically provided elsewhere in the City of Milton Land Development Regulations, if the work described in any building permit or city development permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Santa Rosa County Building Official or City Planning and Development Department as applicable, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit and/or a new development permit has been obtained. **(Ref: Ord.# 1159-04 dated 10/12/04)**

- B. **Expiration of Permit for Permanent Outdoor Advertising Signs**
If the work described in any city development permit granted for the purpose of erecting a permanent outdoor advertising sign is not completed within 365 days from the issuance thereof, said permit shall expire; it shall be canceled by the City Planning and Development Department and written notice thereof shall be given to the persons affected. **(Ref: Ord.# 1159-04 dated 10/12/04)**

II-7.3 Construction and Use to be as Provided in Applications, Plans, Permits

Building permits issued on the basis of plans and applications approved by the development approval authority authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations, and shall be punishable as provided by Sections II-7.4 and II-7.5 below.

II-7.4 Code Enforcement Board

As established in Chapter 2, Article III Division 4, of the City of Milton Code of Ordinances, the Code Enforcement Board functions to hear alleged Code violations, issue findings of fact, based on evidence of record and conclusions of law, and issue orders affording proper relief. The Board is authorized to impose fines for non-compliance with these regulations and to impose liens against real property.

Note: See Ordinance #1151-04 dated June 2004 – Establishing Code Enforcement Hearing Officer System

II-7.5 Penalties

In case any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, land or water is used in violation of these regulations or any ordinance, the proper local authorities of the City of Milton, in addition to other remedies, may institute any appropriate action or proceeding in a civil action in the Circuit Court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, and to restrain, correct, or abate such violation, to prevent the occupancy of said building, land, structure, or water, and to prevent any illegal act, conduct or business, or use in and about such premises.

Any violation of these regulations is declared to be unlawful and whenever these regulations require the doing of any act, failure to do the act is declared to be unlawful. Violations shall be punishable by a fine not exceeding \$500, or imprisonment for a term not exceeding six months or by both such fine and imprisonment. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

II-8 EMERGENCY EXEMPTIONS

These regulations shall not be construed to prevent any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life or property.

A report of any such emergency action shall be made to the City Manager or Mayor by the owner of person in control of the property upon which the emergency action was taken as soon as practicable, but no later than ten days following such action. Remedial action may be required by the City Manager subject to appeal to the City Council in the event of dispute.

II-9 PROJECTS REQUIRING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

Applications for Development Approval (ADA) may only be considered if the proposed development is consistent with the adopted comprehensive plan. As provided in Section II-2, there is a presumption of general consistency with the comprehensive plan if the requirements of these regulations are met.

Upon receipt of an ADA, the Planning and Development Department shall make a determination of consistency of the proposed development activity with the adopted Future Land Use map of the comprehensive plan. Applicants for proposed developments which are not consistent with the adopted Plan may apply to the Local Planning Agency (LPA) to consider a proposed plan amendment, which if approved must be reviewed by the Florida Department of Community Affairs in accordance with Florida Statutes, Section 163.3187.

The City will not be responsible for the preparation of any Comprehensive Plan Amendment. The developer will hire a competent professional in the planning field to complete the Comprehensive Plan Amendment. The developer will be responsible for any and all legal ads, public notices and registered mailings per Florida Statutes Section 163.3184 and 163.3187. Required notices and mailings shall be coordinated with the Planning and Development Department. **(Ref: Ord. #1195-05 dated 01/10/06)**

II-10 PUBLIC HEARINGS

If the City Council calls a public hearing, the applicant shall pay the cost of notice by publication and notice by mail. Property owners shall be notified by mail when their property is located within 500 feet of a boundary of an area to be changed. All owners of property under consideration for change shall be notified by mail.

Any application for amendment, supplement, change, modification or repeal of the content of these regulations shall follow the same procedure stated above, except that no notification of property owners shall be necessary. Notice shall be by publication in the local newspaper and posted in the City Hall.

Notification of owners, publication in newspapers, and posting in public places, of any application for amendment, supplement, change, modification or repeal shall be no later than 15 days before the public hearing. **(Ref: Ord. #1195-05 dated 01/10/06)**

II-11 SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council shall establish by separate ordinance of schedule of fees, charges and expenses for development review, review of technical construction plans, issuance of building permits, appeals, variances, special exceptions, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Planning and Development Department, and may be altered or amended only by ordinance adopted by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on application or appeal. A collection procedure shall be established by the Planning and Development Department.