

BUSINESS IMPACT ESTIMATE

1. SUMMARY OF THE PROPOSED ORDINANCE

This proposed ordinance establishes a planning and zoning master (PZSM) to address land use hearing matters and act as the local planning agency (LPA).

2. STATEMENT OF THE PUBLIC PURPOSE TO BE SERVED BY THE PROPOSED ORDINANCE

Changing the LPA from the current planning and zoning board to a PZSM is in the best interests of the health, safety, and welfare of the citizens of the City of Webster, Florida.

3. ESTIMATE OF THE DIRECT ECONOMIC IMPACT OF THE PROPOSED ORDINANCE ON PRIVATE, FOR-PROFIT BUSINESSES IN THE MUNICIPALITY, INCLUDING THE FOLLOWING, IF ANY:

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted: **None**
- b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: **None**
- c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs: **None**

4. GOOD FAITH ESTIMATE OF THE NUMBER OF BUSINESSES LIKELY TO BE IMPACTED BY THE ORDINANCE. **None of the proposed revisions will have a direct economic impact.**

5. ADDITIONAL INFORMATION THE GOVERNING BODY DETERMINES MAY BE USEFUL. **None**

ORDINANCE NO. 2025-34

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER, FLORIDA LAND DEVELOPMENT CODE; MORE SPECIFICALLY, AMENDING CERTAIN ARTICLES AS PROVIDED HEREIN; DELETING AND REPLACING ARTICLES IN WHOLE OR IN PART AS PROVIDED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Webster City Council desires to provide for the maximum freedom of use of private property and the greatest economic opportunity for its citizens and property owners as is consistent with the health, safety and welfare of the public; and,

WHEREAS, the City's Land Development Code is the principle authority for regulation of the use of private property and the primary instrument for the implementation of City policies related to development control, growth management and land use; and,

WHEREAS, the City of Webster City Council desires and has directed the periodic review of all elements of the Webster Code of Ordinances, including the Land Development Code, to establish a planning and zoning special master to address hearing matters that would normally come before the planning and zoning special master; and,

WHEREAS, City staff has reviewed the Land Development Code, has proposed amendments, revisions and changes necessary to ensure clarity, accuracy, efficiency and enforceability of the Code, and has prepared documents incorporating these changes for Council review; and,

WHEREAS, the City Council has determined, for the reasons stated herein, that amending the current Code of Ordinances to modify Webster's Land Development Code to create a Planning and Zoning Special Master to serve in lieu of a Planning and Zoning Board is reasonable, appropriate and necessary; and,

WHEREAS, the Council, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of the City of Webster, Florida to approve this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the City of Webster City Council, Florida as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the City of Webster Code of Ordinances; more specifically the Land Development Code, as incorporated by reference; amending specific articles, divisions and sections for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Section 166.021 of the Florida Statutes, the City of Webster City Council has all powers of local self-government to perform city functions and render city services and facilities except when prohibited by law, including the authority to establish and amend its Code of Ordinances, including its Land Development Code.

SECTION 3. AMENDMENT TO CITY OF WEBSTER CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE".

The City of Webster City Council hereby amends the Webster Code of Ordinances, Land Development Code, specifically amending as follows:

- A. The amendments to the Webster Code of Ordinances, Land Development Code attached hereto as Exhibit "A", and incorporated herein, *in haec verba*.

SECTION 4. CODIFICATION.

It is the intention of the City of Webster City Council, and it is hereby ordained that the provisions of this Ordinance shall be reflected and made a part of the Code of Ordinances of Webster, Florida. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Webster Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

Once adopted by the City of Webster City Council, this Ordinance shall become effective _____, 2025 or as otherwise provided for by law.

PASSED AND ADOPTED at a duly called session of the City of Webster City Council, this _____ day of _____, 2025.

**CITY OF WEBSTER CITY COUNCIL,
WEBSTER, FLORIDA**

ATTEST:

By: _____
Amy Flood, City Clerk

By: _____
Anagalys Vigoa, Mayor

By: _____
Andrew Hand, City Attorney

Exhibit A

- 13-171. Resultant lots.**
- 13-302. Planning and Zoning Special Master (PZSM).**
- 13-313. General administration of amendment and permit applications.**
- 13-315. Public notice.**
- 13-316. Public hearings.**
- 13-321. Review and approval procedure.**
- 13-331. Application review and approval procedure.**
- 13-333. Post-approval actions.**
- 13-370. Appeals.**
- 13-371. Variances.**
- 13-372. Floodplain variances.**
- 13-590. General.**
- 13-621. Temporary use requirements.**
- 13-632. Bed and breakfast.**
- 13-707. Variances and appeals.**

Sec. 13-171. Resultant lots.

Notwithstanding the limitations imposed by any other provisions of the City of Webster land development regulations, any lot or parcel which has been reduced in size through eminent domain acquisition, negotiated sale under threat of eminent domain action, establishment of a prescriptive right-of-way or other method of acquisition authorized by law shall continue to be recognized as a legal lot or parcel for all purposes of the city land development regulations except as otherwise provided herein. Such a lot may be designated as an eminent domain lot (EDL) and shall be considered a nonconforming use as defined in this Code with all rights and privileges as set forth in this article.

- (1) Building permits may be issued for such a parcel or lot to allow the erection, expansion, alteration, or replacement of any legal use together with accessory buildings as permitted within the applicable zoning classification as follows:
 - a. Single-family dwellings and their accessory buildings constructed, or to be constructed, upon an EDL shall not be required to comply with the minimum setback requirements applicable in the zoning district in which the EDL is located. If possible, every effort shall be made to comply with the minimum setback requirements of the zoning district. No accessory structure in any residential district shall be permitted less than five feet from a side or rear lot line and 15 feet from any road right-of-way unless approved by the director. Existing single-family dwellings shall be allowed to expand, be altered or replaced, provided that such improvements do not further encroach into the established setbacks, if less than the minimum for the district in which they are located.
 - b. Undeveloped commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements but shall conform to all other district regulations for the district in which the EDL is located.
 - c. Developed commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements and shall be allowed to expand, alter, or replace existing structures provided that such improvements do not further encroach into the established setbacks if less than the minimum for the district in which the EDL is located.
 - d. Signage shall not be required to meet required setback provisions, provided, however, no sign shall be located so as to cause a safety hazard.
 - e. Landscaping and/or buffering requirements shall not be required to meet code requirements as to the property taken by eminent domain but any side and rear requirements shall remain in effect.
 - f. If the size of any parking area is reduced, or if the parking area must be relocated because the terms and conditions of the city land development code cannot be met, a variance may be granted by the **planning and zoning special master (PZSM)**.
- (2) These provisions shall be construed liberally to the benefit of the property owner consistent with the council's intent to preserve private property rights and minimize the impact of public projects on private citizens.

Sec. 13-302. Planning and Zoning Special Master (PZSM).

- (a) *Establishment and purpose.* There is hereby established, pursuant to and in accordance with the provisions of Chapter 163, F.S., a Planning and Zoning Special Master (herein referred to as PZSM) whose principal functions shall be as specified in subsection (b).
- (b) *Duties and authority.* The PZSM's duties and authority shall be as follows:
- (1) *Local planning agency.* To sit as the local planning agency in reviewing studies and develop recommendations to the city council related to comprehensive planning, ordinances, development regulations and policies, re-development of the city, and other activities for carrying out planning in a coordinated and efficient manner.
 - (2) *Zoning and adjustments.* To sit as the Planning and Zoning Special Master and hold public hearings for recommending to the city council on applications for re-zoning or other amendments to this Code for the following purposes:
 - a. To recommend or approve/disapprove applications for special, conditional and temporary use permits, all as specified in Table 13-313A.
 - b. To approve/disapprove applications for variances, as specified in section 13-371.
 - (3) *Development regulations and policies.* To review development regulations, policies, and make recommendations to the city council on amendments to this Code.
 - (4) *Other.* To perform any other related duties assigned by the city council.
- (c) *Appointment and service.*
- (1) The special master shall be a member in good standing with the Florida Bar for a minimum of two (2) years. Candidates for the position of special master must have knowledge and understanding of local government law. Appointments shall be made by the city manager or designee on the basis of experience in planning and zoning issues. Such appointments shall be submitted to the city council for ratification.
 - (2) The city manager or designee shall appoint a special master and an alternate special master. Any special master may be reappointed at the discretion of the city manager or designee, subject to ratification by the city council. There shall be no limit on the number of reappointments that may be given to any individual special master; provided however, that a determination as to removal or reappointment must be made for each special master at the end of each of his/her one-year terms. The city manager or designee shall have authority to remove a special master with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.
 - (3) A special master shall not be a county employee but shall be compensated at an hourly rate to be established by contract.
- (d) *Meetings.*
- (1) *Schedule.* The PZSM shall establish a regular hearing schedule and shall meet frequently enough to expeditiously perform its duties in conformity with public notice and other applicable laws.
 - (2) *Conduct.* All PZSM hearings shall be open to the public and conducted in accordance with the provisions set forth in this article. The PZSM shall adopt rules and regulations governing its procedures and operations consistent with those provisions and Florida law.
 - (3) *Record.* All actions of the PZSM shall be public record. All hearings shall be audio-recorded and written minutes shall be prepared for all proceedings. The city manager or designee shall keep a properly indexed record of its actions, which shall be a public record.

Sec. 13-313. General development review process.

Applications for amendments and permits have the following general administration requirements.

(1) *Pre-application meeting.*

- a. *City staff.* Prior to filing for any amendment or permit, an applicant may be required to consult with city development staff. All other applicants are strongly encouraged to meet with staff prior to submitting applications for development. The purpose of this pre-application consultation is for informal discussion of the schedule and requirements of the comprehensive plan and this Code applicable to the proposed development. The dissemination of information or general affirmation by development review staff shall not be construed as a development approval.
- b. *Regulatory agencies and utilities.* It shall be the responsibility of the applicant to contact all regulatory agencies having jurisdiction, and utility companies having existing or future facilities at the proposed development site.

(2) *Application submission.*

- a. *Filing.* A request for an amendment or permit is initiated with the submission of an application by authorized applicants to the **city manager or designee** for presentation to the authority.
- b. *Authorized applicants.*
 1. *Zoning map and LDC amendments.*
 - a) *Zoning map amendments.* Applications may only be submitted by an owner of record of subject property or the authorized agents. An applicant must submit evidence of his/her authority to submit an application. In addition, the council is authorized to initiate a zoning map amendment on any parcel of land in the unincorporated area of the city.
 - b) *LDC text amendments.* Applications may be submitted to amend the text of the land development code by any private or public person or entity or their representative.
 2. *Land use and development permits (except building permits).* Applications may only be submitted by all owners or the authorized agents. An applicant must submit evidence of his/her authority to submit an application.
 3. *Building permits.* Permits may only be obtained by those persons or entities eligible to perform the work under F.S. ch. 489, part I, or chapter 6, article II of this Code, or their authorized agent.
 - a) Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit or prior to a certificate of occupancy being issued.
 - b) Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.
- c. *Application fees.* Application fees shall be set by the city council via resolution at its sole and absolute discretion.
- d. *Application materials.* An application form, in a format provided by the **city manager or designee**, and other materials are required for each amendment or permit application. The burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by the application and this Code. The authority may allow less information or require more information to be submitted according to the needs of the particular application.

(3) *Application processing.*

- a. *Application identification.* Upon filing, an application shall be assigned a unique identification number.
- b. *Expeditious processing.* Department and all authorities shall make every reasonable effort to process all applications as expeditiously as possible, consistent with any public notice requirements of division 2 and schedule of public hearings established by the council, and with the need to ensure that all approvals conform to the requirements of the comprehensive plan and this Code and are in the best interests of the citizens of the City of Webster.
- c. *Application completeness review.*
 1. *Completeness review.* Upon receipt of an application, the **city manager** or designee shall review it for completeness within the time limits specified.
 2. *Request for additional information.*
 - a) The **city manager or designee** shall notify the applicant of any apparent errors or omissions and request any additional information.
 - b) Failure to correct an error or omission or to supply additional information shall not be grounds for dismissal of an application, except that this does not prevent the authority from denying an application if it does not possess sufficient information to ensure the request meets Code.
- d. *Review set.*
 1. *Review set.* Upon determination of completeness, or notification that no additional information is forthcoming, the **city manager or designee** shall set the application for formal review and action by the authority as presented in Table 13-313A, and in this article.
 2. *Application amendments.* An application may be amended after it has been noticed for public hearing; however, such amendment may result in a delay or cancellation of the application's scheduled hearing.
 3. *Application withdrawal.* Applications may be withdrawn by the applicant at any time.
 4. *Application abatement.* Applications will be abated after one year of inactivity from the date of the last comment letter submitted by staff. The **city manager or designee** may extend this timeframe, if there are peculiar circumstances related to the site.

(4) *Review and approval procedure.* Review and approval procedures are established in this article, and are charted for information purposes in Table 13-313A.

(5) *Level of review required.*

a. TABLE 13-313A DEVELOPMENT REVIEWS AND APPROVALS

Application/Permit Type	Section		Staff	City Manager		PZSM	Council
Site Plans							
Conceptual Plan	13-332		Yes	Yes		No	Yes
Preliminary Plan	13-340		Yes	Yes		No	No
Engineering Plan	13-340		Yes	Yes		No	No
Subdivisions							
Subdivision	13-350		Yes	Yes		No	No
Preliminary Plat	13-351		Yes	Yes		No	No
Final Plat	13-354		Yes	Yes		No	Yes

Comp Plan/FLUM/Zoning Map Amendments							
Comprehensive Plan/Future Land Use Map Amendment			Yes	Yes		Yes	Yes
Zoning Map Amendment	13-321		Yes	Yes		Yes	Yes
Zoning Map Amendment To PUD	13-321		Yes	Yes		Yes	Yes
LDC Amendments (Text)	13-321		Yes	Yes		Yes	Yes
Use Permits							
MINOR DEVELOPMENT							
Permitted	13-341		Yes	Yes		No	No
Special	13-331		Yes	Yes		Yes	No
Temporary (short) ¹	13-331		Yes	Yes		No	No
Temporary (long) ¹	13-331		Yes	Yes		Yes	No
MAJOR DEVELOPMENT							
Permitted	13-341		Yes	Yes		No	No
Special	13-331		Yes	Yes		Yes	Yes
Conditional Use	13-341		Yes	Yes		Yes	Yes
Temporary (short)	13-331		Yes	Yes		Yes	Yes
Temporary (long)	13-331		Yes	Yes		Yes	Yes
Others							
Building Permit	13-341		Yes	No		No	No
Operating Permit	13-341		Yes	Yes		No	Yes
Change of Occupancy	13-341		Yes	No		No	No
Development Agreement	13-321		Yes	Yes		No	Yes
Deviation	13-344		Yes	No		No	No
Variance	13-371		Yes	Yes		Yes	No
Floodplain Variance	13-372		Yes	Yes		Yes	No

Council = City Council; PUD = Planned Unit Development

¹ Temporary use (short and long) permits require **PZSM** approval, if first denied by staff. All temporary use (long) permit renewals require **PZSM** approval.

1. *Sufficiency.* The burden of presenting a sufficient application to the authority shall be upon the applicant. An application is sufficient when it contains all of the information necessary for the authority to decide, at that level of review, whether the development complies with the Code. The **city manager or designee** shall determine if the application is sufficient and shall specify the particular type of information lacking and/or the particular requirement with respect to which the application is insufficient.
2. *Consistency.*
 - a) In deciding whether to approve an application, the central issue before the authority is whether the proposed change is consistent with the goals, objectives and policies of the City of Webster Comprehensive Plan, requirements of this Code, other applicable laws, previously approved plans and permits, and advances the public health, safety or welfare.
3. *Review criteria.*
 - a) For LDC and zoning map amendments, considerations shall include, but are not necessarily limited to:
 - 1) Change of conditions, or absence of changed conditions.

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- 2) Community need, or lack of community need.
 - 3) Benefits to the community.
 - 4) The rights of private property owners.
 - b) For special, conditional and temporary land use permits, considerations shall include, but are not necessarily limited to:
 - 1) Community need, or lack of community need.
 - 2) Adverse impacts on the community.
 - 3) Benefits to the community.
 - 4) The rights of private property owners.
4. *Other considerations.* Most other issues are secondary, and all information related to other issues raised at any public hearing should be regarded as such by the authority. In particular:
- a) When considering LDC and zoning map amendments:
 - 1) The authority should consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing district.
 - 2) The authority should balance the rights of that individual with the impact of the proposed changes on the public at large.
 - b) *Land use permits.* When considering land use permits the authority should consider the impact of the proposed change on the public at large.
- b. *Action on application.* Recommending and approving authorities shall take action on applications as follows:
1. *Approve as presented.* A motion or action to approve the application as presented shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this Code or other applicable laws with respect to which the application complies.
 2. *Approve with conditions.* Where authorized in this Code, the application may be approved subject to conditions. The nature of the required conditions shall be indicated in writing on the records of the authority and furnished to the applicant. The action and conditions may be appealed as provided in division 7 of this article. An appealed decision of one or more of the required conditions shall be considered a rejection of the application approval and such approval shall expire.
 3. *Disapproval.*
 - a) A motion to approve that fails to obtain an affirmative vote shall be considered an action for disapproval. Subsequent to the vote, the authority shall specify the items of non-compliance.
 - b) A motion or action for disapproval shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this Code or other applicable laws with respect to which the application does not comply. If such a motion or motions fail, it shall be conclusively presumed that the application complies with all laws. If the application is disapproved, the authority shall provide the reasons for disapproval in writing on its records and furnished to the applicant. While adherence to the requirements of the comprehensive plan, this Code and other laws is mandatory, all recommending and approving authorities shall make reasonable attempts to facilitate a resolution of the non-compliance

issues upon which a disapproval is proposed or given, when alternative methods of compliance are apparent.

Nothing herein shall prevent an applicant who has received approval with or without conditions from applying for an amendment to any action by the city, its staff or reviewing **authorities** for an amendment to such approval.

4. *Table (or continue) the application.* If the authority determines that information for the proper evaluation of the application is not available at the time of review, it may postpone its decision until a future date to provide the opportunity for such to be furnished.
 5. *Return application.* At the discretion of the approving authority, the application may be returned to the recommending authority for further consideration where additional material information, which was not reasonably available at time of recommendation hearing, has become known.
- c. Actions of the authority shall be recorded and included in the written minutes of the public hearing or meeting at which the action was considered and all such actions shall be deemed final for purposes of appeal on the date the action is taken.
1. For all amendments and special, conditional and long temporary use permit applications requiring public hearings.
 - a) Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the **city manager or designee**.
 - b) A staff report shall be issued and entered into the record of the required public hearing.
 2. *For short temporary use and development permits.* Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the **city manager or designee**. When an approved plan, plat or permit deviates from the preceding approvals of that development activity, such deviations and the reasons therefore shall be included in the written decision.

(6) *Reapplication.*

- a. *Amendments and use permits.* Whenever the authority disapproves an application for an amendment or use permit, a reapplication for the same amendment or use permit may not be submitted except in conformance with the following:
 1. *Disapproval.* Unless specified otherwise in the disapproval, denied applications may be resubmitted to the **city manager or designee** any time after a period of 90 days from date of denial has expired.
 2. *Waiver of time.* Notwithstanding subsection 1., whenever an application is denied on a basis other than the failure of the applicant to submit a complete application, a reapplication may be allowed by the **city manager or designee** at any time as follows:
 - a) Where the applicant clearly demonstrates that circumstances affecting the property that is the subject of the application have substantially changed since the denial; or
 - b) Where new material information is available that could not with reasonable diligence have been presented at a previous hearing.

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- c) A request to be heard on the basis of subsection a) or b) may be filed with the city manager or designee at any time. However, such filing does not extend the time period within which an appeal must be taken. Although an application may be accepted by the city manager or designee, the final determination for meeting the conditions of subsection a) or b) rests solely with the authority.
3. *New application.* Notwithstanding subsections 1., 2. and 3., new applications affecting the same property previously denied may be submitted. A new application is one that differs substantially from one previously considered. Although an application may be accepted by the city manager or designee, the final determination for meeting the conditions of a new application rests solely with the authority.
- b. *Development permits.* Disapproved applications for development permits may be resubmitted at any time.

Sec. 13-315. Public notice.

As specified in this article, all applications for rezonings, variances, operating, use and development permits requiring review and action by the city council and/or PZSM shall be considered in public hearings which shall be noticed and conducted as required herein.

- (a) *City council and PZSM.* Amendments, variances and operating and use permits requiring review and action by the city council and/or PZSM.

(1) *Publication.*

- a. *Contents of notice.* When publication is required, advertisement shall be in the legal notice section of the paper, unless specified otherwise, and shall include, in addition to the general intent or purpose of the hearing, and the date, time and place of hearing, the following information on each application to be heard:

1. Application identification number.
2. Applicant's name.
3. The requested action.
4. The general location and legal description of the property involved.
5. The size of the property on which action is requested.

- b. *Rezonings.* For rezonings and land development code amendments, public notice pursuant to F.S. § 125.66 shall be given.

- c. *Variances and use permits requiring review and action by the PZSM and/or city council.* Public hearings shall be advertised in at least one (1) newspaper of paid general circulation within the City of Webster as follows.

1. The legal advertisement shall comply with all statutory advertising requirements for the particular action. Every effort shall be made to advertise not less than five (5) days prior to the hearing; however, as long as a legal advertisement is accomplished prior to a hearing, failure to advertise five (5) days prior to the hearing shall not be grounds for challenging any action taken on the application.
2. *Conditional use permits.* Legal advertisements shall describe the geographic area involved, a descriptive name of the facility and a general, non-technical description of the activities planned to be conducted at the facility.

- (2) *Posting.* All properties for which applications require public hearings before the PZSM or city council shall be posted by the applicant with plaques furnished by the county administrator or designee. Such plaques shall identify the application, the requested action, and the date, time and place of hearing. Plaques shall be sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the authority's agenda. Such notices shall be posted at least seven (7) days prior to the first hearing at which the subject property will be considered, at locations specified by the city manager or designee.

(3) *Notice to affected property owners.*

- a. *When required.* The department shall notify by first class mail the owners of all property lying within five hundred (500) feet of the perimeter of the parent tract of the parcel described in the application, except that:

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1. *Conditional uses:* For applications for conditional use permits, each unit of local government within three (3) miles of the proposed conditional use and any school district with a facility within three (3) miles of the proposed conditional use shall be mailed the same notice.
 2. *Special uses:* For applications for special use permits for community water system wellfields, the owners of all property lying within five hundred (500) feet of the proposed wellfield area will be notified. Such notice will include the restrictions on the use of their property if the special use is granted.
 3. *Rezoning:* Where a zoning map amendment of one (1) or more parcels is proposed by the council, the city manager or designee shall notify the owners of all properties whose zoning classification is to be changed by the proposed amendment, unless such amendment is comprehensive and city-wide in effect, in which case such notice shall consist solely of notice published in a newspaper of paid general circulation within the City of Webster.
- b. *Notice requirements.* Notices shall be mailed at least ten (10) days prior to the first hearing date to owners of real property listed on the current city tax roll or other source of current ownership. Evidence of mailing to affected property owners shall be available at the hearing. Notices required herein shall:
1. State the application's identification number and applicant's name.
 2. State the date, time and place of the public hearing.
 3. Reasonably identify the property proposed for change and summarize the nature and character of the proposed change.
 4. State that the full extent of proposed changes may be obtained from the department and provide its telephone number and address.
- (4) *Exception.* Staff, the city manager or designee and all reviewing agencies shall make every reasonable effort to comply with the notice provisions set forth in this code. However, it is the council's intent that failure to strictly comply with the notice provisions of subsections (2) and (3) of this section shall not render any final action by staff, any review board or authority or the council invalid and shall not constitute grounds for challenge by any person of any final action. When an application is tabled by any reviewing authority to a time and date certain, no additional publication or notice as set forth in this section is required. Failure of any person to object during the hearing to any defect in any type of notice set forth herein shall constitute a waiver of any objection as to any lack of compliance.
- (b) *Other notification.* Upon receipt of any application, in addition to the public notice requirements of this section, the county administrator or authority may determine the possible involvement or interest of other government agencies or private organizations in the proposed development and may notify same.

Sec. 13-316. Public hearings.

(a) *Applicant's appearance.*

- (1) *Public notice adhered to.* Except as provided in subsection (a)(2) of this section, all applications shall be considered at the date and time specified in the public notice issued by the city manager or designee. The applicant or authorized agent is required to appear at the scheduled hearings before the PZSM and/or council, to present the application, unless for good cause, the applicant or authorized agent cannot be present at the hearing.
- (2) *Request for delay.* The applicant may request a delay or continuance of the scheduled public hearing provided such request is filed in writing with the city manager or designee prior to the scheduled hearing. The request shall be granted only for good cause as determined by the city manager or designee. The applicant shall be required to pay all additional costs incurred by the council related to republication and mailing. If the continuance is granted, all interested parties, including the applicant and noticed property owners shall be given due notice of the delay and of the new hearing date and time.
- (3) *Failure to appear.*
 - a. Public hearing on applications for rezonings, use permits or variances requiring review and action by the PZSM. The applicant's failure to appear in person, or by an authorized agent, to present the application, or to have submitted a detailed written narrative presenting the application and stating the reason why they cannot be present, shall:
 1. Cause the application to be placed on the agenda of the authority's next regularly scheduled meeting. Such action shall be publicly announced at the hearing and the applicant shall be notified in writing.
 2. If the applicant fails to appear for the rescheduled hearing, the application shall automatically be denied by the PZSM; however, the applicant may refile at any time.
 3. If, after reapplication, the applicant again fails to appear at the scheduled public hearing(s), the application shall automatically be denied by the PZSM and the applicant may not refile for three (3) months.
 - b. Public hearing on applications for development permits requiring review and action by the council. The applicant's failure to appear in person, or by duly authorized agent, to present the application at the public hearing shall not prohibit or delay hearing of said application. However, the council, at its discretion, may hold said application and request the presence of the applicant if necessary for due consideration of the application.

(b) *Conduct of hearing.* Public hearings shall be conducted in accordance with the following and other applicable laws:

- (1) *Public participation.* All hearings shall be open to the public and the agenda of the meeting shall be made available at least three (3) days prior. All hearings shall be conducted so as to promote full and free exchange of information necessary to the subject at hand. Irrelevant or immaterial information shall not be allowed nor shall duplication of testimony or argument by either side of the matter. All affected or interested persons shall be given an opportunity to present evidence and arguments and ask pertinent questions.
- (2) *Evidence and arguments.*
 - a. *All evidence heard.* All pertinent testimony and evidence, favorable or unfavorable to the application, shall be heard; however, the authority may place reasonable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be decided without undue delay.

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- b. *Record of evidence.* All physical evidence presented at a quasi-judicial hearing shall be made a part of the record of the proceedings and retained as required by law.
 - c. *Evidence introduced at scheduled hearing.* Public hearings on applications for amendments, development and use permits and variances requiring review and action by the council or PZSM. Documents, plans, memorandum or other materials which have not been filed with the authority at least five (5) days prior to the hearing shall be considered at the authority's discretion. Consideration of such materials must be by majority vote of the authority. The presentation of any such material shall constitute good cause for a continuance if requested.
 - d. *Evidence required by authority.* In the event the authority requests additional information or research, the hearing shall be continued at least five (5) days after such information or evidence is filed with the authority.
 - e. *Findings.* All findings and conclusions necessary to the issuance or denial of the requested action shall be based upon competent, substantial evidence. Competent, substantial evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available. In no case shall incompetent evidence be the sole basis of quasi-judicial findings, unless competent, substantial evidence is not available.
- (3) *Application modification.* In response to questions or comments by persons at the hearing or suggestions by authority members, the applicant may modify the application at the hearing, including any plans and specifications submitted, provided:
- a. Such modification does not constitute a change in the nature or extent of the requested action severe enough to require new public notice.
 - b. When such modification is so substantial that the authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans or other information before it, the authority may table the request until such information is presented.
- (4) *Continuance.* The authority may continue a hearing to a subsequent time to receive additional information prior to the point a final decision is made. No further notice of a continued hearing need be made, provided the continuance date, time and place is announced when such continuance is made.
- (c) *Decision of authority.* Actions of the authority concerning an application shall be included in the written minutes. Rezoning approvals formally granted by the council shall be memorialized by formal resolution.
- (d) *Record of hearing.* The record of a hearing shall be made in accordance with F.S. § 286.011.

Sec. 13-321. Review and approval procedure.

- (a) *Public notice and hearing requirements observed.* All applications for amendments shall be reviewed and acted upon by the authority in a public hearing which has been noticed and conducted as specified in division 2.
- (b) *Application for LDC and zoning map amendments.* The applicant shall submit a completed application on a form. Upon completeness of the application, the following shall occur:
 - (1) *Staff review.* Staff shall review the application and provide recommendations to the PZSM five (5) days prior to the council hearing, if possible.
 - (2) *PZSM.* The application shall be set for a public hearing before the PZSM at its next scheduled meeting consistent with public notice requirements. The PZSM shall review and forward a recommendation to the council.
 - (3) *Council.* The application shall be set for a public hearing before the council at its next scheduled meeting consistent with public notice requirements.
- (c) *Application for Planned Unit Development (PUD).* The applicant shall submit a completed application the content and form of which shall be specified by the city manager or designee. Upon completeness of the application, the following shall occur:
 - (1) The following requirements apply to non-residential and residential PUDs with the exception of specific requirements for RVPUDs in subsection c.
 - (2) *Planned Unit Development approval procedures.*
 - a. *Council.* The application shall be set for a public hearing before the council at its next scheduled meeting consistent with the city's comprehensive plan amendment cycle, public notice requirements and the time required for (PZSM) recommendation.
 - (3) A preliminary development plan and traffic analysis are required with a PUD or RVPUD application. The application shall contain the following information in addition to the form provided by the city manager or designee.
 - a. Uses proposed in the "PUD" district.
 - b. Performance standards for operation of the permitted uses.
 - c. Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.
 - d. The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "PUD" planned unit development and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance authorizing the establishment of the particular "PUD" planned unit development.
 - (4) The staff report shall be recorded in public records.
 - a. *Term of development.*
 - 1. The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one year. Thereafter, construction must begin within one year of engineering approval. A one-year extension may be obtained for good cause shown. The time limits set forth above may be modified pursuant to the adoption of a development agreement, pursuant to F.S. § 163.3220, between the applicant and the council.

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2. In the event development has not commenced in accordance with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

(5) **Modification.** Approved PUD development plans may be modified as follows:

a. **Minimal adjustment.**

1. Minimal adjustment is defined as a change which is limited to a specific location within the development and which relates to the placement, configuration or use of a structure, road, parking area or other such improvement which has no potential external impact beyond the site, minimal interior impact to the development site and no impact to project intensity. The city manager or designee shall determine when a proposed change constitutes a minimal adjustment. Such determination shall constitute approval of the requested minimal adjustment.

b. **Minor modification.**

1. A minor modification is defined as a change in the site design, layout or proposed use which may impact the development as a whole, but which does not significantly change the character or intensity of the approved project and which does not significantly affect proposed stormwater management infrastructure or public utilities. The city manager or designee shall determine whether a proposed change constitutes a minor modification.
2. A minor modification may be approved by motion of the council upon consideration of staff review of the request. Application for a minor modification shall include a site plan showing the approved layout and the proposed design changes and/or information concerning proposed changes in use. Minor modification shall not be subject to the public notice requirements of this Code.

c. **Major modification.**

1. A major modification is defined as a substantial change in the project design or the type or intensity of the approved uses, or a change which has significant impact on stormwater management infrastructure or public utilities. The city manager or designee shall determine whether a proposed change constitutes a major modification.
2. A major modification shall require the same review and approval procedures as the original application.

Sec. 13-331. Application review and approval procedure.

- (a) *Public notice and hearing requirements observed.* All applications for use permits shall be classified as minor or major development (see section 13-312) and, except when acted upon by the **city manager or designee**, shall be reviewed and acted upon by the authority in a public hearing which has been noticed and is conducted as specified in division 2 of this article.
- (b) *Minor development.* Upon completeness of the application, the following shall occur:
 - (1) *Permitted use.* The application shall be reviewed and acted upon by the **city manager or designee** within five **(5)** days.
 - (2) *Special use.*
 - a. **City manager or designee.** The application shall be reviewed by the **city manager or designee** who shall forward a recommendation to the planning and zoning special master a minimum of five (5) days prior to its hearing.
 - b. **PZSM.** The application shall be set for a public hearing before the **PZSM** at its next scheduled meeting consistent with public notice requirements.
 - (3) *Temporary use.*
 - a. *Short.* The application shall be reviewed and acted upon by the **city manager or designee** within five **(5)** days of completeness. An application not approved by the **city manager or designee** shall be processed pursuant to subsection b.3.
 - b. *Long.*
 - 1. The application shall be reviewed and approved or denied by the **city manager or designee** within five **(5)** days of completeness. An application not approved by the county administrator or designee shall be processed pursuant to subsection b.3.
 - 2. Renewal of a temporary (long) use permit shall be reviewed by the **city manager or designee** who shall forward a recommendation to the **PZSM** a minimum of five (5) days prior to its hearing.
 - 3. The application shall be set for a public hearing before the **PZSM** at its next scheduled meeting consistent with public notice requirements.
- (c) *Major development.* Upon completeness of the application, the following shall occur:
 - (1) *Permitted use.* The application shall be reviewed and acted upon by the county administrator or designee.
 - (2) *Special, conditional, and temporary use.*
 - a. *Staff review.* The application shall be reviewed and considered by staff and a recommendation forwarded to the **PZSM**.
 - b. **PZSM.** The application shall be set for public hearing before the **PZSM** at a meeting consistent with public notice requirements and the time required for prior staff consideration and recommendation. The **PZSM** shall consider the application and make a recommendation to the **council**.
 - c. **Council.** The application shall be set for public hearing before the **council** for their consideration at a meeting consistent with public notice requirements and the time required for prior review and recommendation.

Sec. 13-333. Post-approval actions.

- (a) *Development permit.* Upon issuance of any use permit, the applicant may submit an application for a development permit, as required by Table 13-313A. If a required subsequent permit or plan, or partial subsequent plan if the development is phased, is not approved within two (2) years of the date of the use permit approval, and an extension of time, not to exceed one (1) year, has not been granted by the authority on a demonstration of good cause, the use permit shall expire.
- (b) *Wellfields.* All property owners within a wellhead protection zone shall be notified of an approved special use permit for a community water supply system wellfield. Documents identifying the encumbered land and the encumbrances shall be recorded with the clerk of the courts.
- (c) *Renewal or extensions.*
 - (1) *Special, conditional use, and operating permits.* Special, conditional use, and operating permits may be approved for a specified length of time. Requests for extension of such a permit may be made to the same authority initially approving it. Such extension may be granted, subject to the same review as the original application.
 - (2) *Temporary use permits.* Temporary use permits are approved for a specified length of time. Requests for renewal of a short temporary permit may be approved by the city manager or designee. Long temporary permit renewals require council approval, whether initially approved by the city manager or the council. Such renewal may be granted, subject to the standards herein. The city manager or designee may only renew a short temporary use permit one time for a maximum of thirty (30) days.
 - (3) *Termination.* At the end of the time period for which a use permit was issued, including any renewal or extension periods, the use shall be discontinued, and all temporary structures involved shall be removed. Failure to comply with this requirement shall be a violation of this code. Prior to the expiration of a use permit, the applicant may request an extension upon demonstration of good cause, which may include the changing of ownership of the land, as noted below.
- (d) *Use permit amendment.* Applications for substantial amendments to approved use permits shall be reviewed and acted upon in the same manner as the existing use permit.
- (e) *Violations, penalties.* All temporary, special and conditional use permits are issued subject to the conditions contained in the permit. The continuance of such permits for the permit period requires compliance with all conditions of the permit and other applicable provisions of this Code.
 - (1) *Permit suspension/revocation.*
 - a. Permits may be suspended or revoked by the approving authority for, but not necessarily limited to, the following causes:
 - 1. Submission by the holder of false or inaccurate information in the permit application.
 - 2. A substantial, or repeated violation of the terms and conditions of the approved permit, or any other ordinance, regulation, or law, including any state or federal rule or regulation.
 - 3. Refusal by the holder to allow lawful inspections of the permitted facility.
 - 4. When necessary to protect the public health, safety, welfare or the environment.
 - b. When the approving authority has cause to believe that grounds for suspension or revocation exists, it shall notify the property owner in writing, by certified mail, stating its intent to suspend or revoke the operating permit and the reason for such action. The owner may request a hearing before the approving authority on the intent to suspend or revoke. Such request must be in writing and received within fifteen (15) days from receipt of such notice. If a request for a hearing is made, it shall be held before the authority within forty-five (45) days of receipt of the request. If no written request for a hearing is received within the time specified, the permit approval shall

be deemed suspended or revoked. Upon suspension or revocation, the authority shall notify the owner in writing, by certified mail, of such action and, upon receipt of that notification, no further operations shall occur, except as specified in the suspension or revocation action. Operations shall not resume until and unless the suspension or revocation is removed.

- c. Notwithstanding the provisions of subsection b, upon determination by the approving authority that any of the activities conducted under the use permit have created, or will likely create, a hazardous condition threatening the public health, safety or welfare, and that an emergency situation exists, the authority may reduce the request for hearing time period, as appropriate to the situation.

Sec. 13-370. Appeals.

(a) *City manager or designee.*

- (1) *Authority.* In exercising its powers, the council may hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the city manager or designee in the performance of their duties.
- (2) *Appellant.* Appeals may be taken by any adversely affected person or official aggrieved by such order, requirement, decision or determination.
- (3) *Procedure.* Appeals shall be processed subject to the following:
 - a. *Written order.* Any adversely affected person aggrieved by any decision of the city manager or designee shall be furnished such decision in writing over the official's signature. Such document must be furnished to the aggrieved person within ten (10) days of such request.
 - b. *Notice of appeal.* An appeal is taken by filing with the council a notice of appeal and a copy of the city manager or designee's written order, requirement, decision or determination. Such appeal shall be in writing, on a form provided by the council, and shall include such information as the date of appeal, parcel identification number of the property involved, grounds upon which the appeal is made and other applicable information. It shall include all information necessary for a complete understanding of the situation by the council. Appeals must be filed within thirty (30) days of receipt of the city manager or designee's written order, requirement, decision or determination. A notice of appeal shall be considered filed with the council when delivered to the council office and date stamped. The city manager or designee from whom the appeal is taken shall, upon notification by the council office of the filing, forthwith transmit to the council all the documents, plan, papers, or other materials constituting the record upon which the action appealed was taken.
 - c. *Work stayed.* An appeal to the council stays all work on the premises and all proceedings in furtherance of the action appealed, unless the city manager or designee from whom the appeal was taken certifies to the council that (because of facts stated in the certification) a stay would, in his/her opinion, cause imminent peril to life or property. In that case, proceedings or work shall not be stayed except by a restraining order of the council or by a court of record on application and notice to the city manager or designee from whom the appeal is taken and on due cause shown.
 - d. *Expeditious hearing.* Appeals shall be heard as expeditiously as possible. The city manager shall place the matter on the next open council agenda and transmit to its members copies of all documents constituting the record relating to the action appealed from. The city manager shall also provide due notice to all known parties in interest.
 - e. *Burden of evidence.* When an appeal is taken to the council in accordance with this section, the city manager or designee from whom the appeal is taken shall have the initial burden of presenting to the council sufficient evidence and argument to justify decision appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion. Any affected party may appear in person, or by agent or attorney, and be heard.
 - f. *From action of council.* The council may affirm or reverse, wholly or partly, or modify, any order, requirement, decision or determination made by the city manager or designee in the performance of his/her duties, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the city manager or designee from whom the appeal is taken.

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1. A motion to affirm, reverse or modify the order, requirement, decision or determination appealed shall include, insofar as practical, a statement of the specific reasons or findings of facts that support the motion. The concurring vote of a majority of all members of the council shall be necessary to reverse any order, requirement, decision or determination of the city manager or designee or to decide in favor of the appellant on any matter upon which the council is required to pass under this section.
 2. If a motion to reverse or modify is not made, or fails to receive a majority vote, then a motion to uphold the order, requirement, decision or determination appealed from shall be in order.
- (b) *PZSM action.* Any adversely affected person, or the council, aggrieved by any final decision of the PZSM, may appeal any such final action to the Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.
- (c) *From action of council.* An appeal from a decision of the council shall be by petition for writ of certiorari to the Circuit Court of the Fifth Judicial Circuit within thirty (30) days from the date of final action by the council.
- (d) *Judicial review.* Notwithstanding subsections (a), (b) and (c), any adversely affected person aggrieved by any decision of the city manager or designee, planning and zoning special master, or council, may appeal any such final action to the Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.

Sec. 13-371. Variances.

- (a) *General.* Variances from the requirements of this Code may be granted by the **PZSM**. Variances may only be granted if it is concluded that strict enforcement would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Code will be observed, public safety and welfare secured and substantial justice done.
- (b) *Application submission.* Requests for variances shall be specified in the materials presented in applications for use and development permits. In addition to the application requirements, the applicant shall fully explain why compliance with the requirements of this Code would result undue hardships for him/her, and how by granting the variance, the spirit of this Code will be observed, public safety and welfare secured and substantial justice done.
- (c) *Application review and action.*
 - (1) *Review criteria.*
 - a. *General.* A variance may be approved if, due to conditions beyond the control of the applicant, enforcement of this Code would result in undue hardships for the applicant. This conclusion may only be reached if it is found that all of the following statements are true:
 - 1. If the applicant complies strictly with the provisions of this Code, he can make no reasonable use of his/her property.
 - 2. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. This shall be determined if special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same land use zone, and if the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same land use zone. The special conditions and circumstances of the hardship for which the applicant seeks relief must be suffered by the applicant and not by neighbors or the general public.
 - 3. The special conditions and circumstances of the hardship relates to the applicant's land, building or other structure rather than personal circumstances. The approving authority must determine that the land contained within the area to be developed is of such size, shape, topography, location or condition, or subject to such title limitations, adaptive reuse of structures, redevelopment of a site within an area designated as blighted, or subject to such other limiting circumstances as to render it impractical or impossible for the applicant to conform to the requirements of this Code without placing an undue hardship on him.
 - 4. The special conditions and circumstances creating the hardship are not the result of the applicants own actions.
 - 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 6. The variance granted will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - 7. The variance requested will neither result in the extension of a non-conforming situation in violation of section 13-151, nor authorize the initiation of a non-conforming use of land.
 - 8. The variance granted will not permit a use not permissible in Table 13-431A for the applicable land use zone, or any use expressly or by implication prohibited by this Code.

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9. No nonconforming use of neighboring lands, structures, or buildings in the same land use zone, and no permitted use of lands, structures and buildings in other land use zones have been considered grounds for the authorization of the variance.
 - b. *Flood hazard areas.* Variances from the requirements of floodplain protection standards shall meet the requirements of article VII of this Code.
 - c. *Setbacks.* In addition to the criteria of subsection a., the following concerns are to be considered for approval of a variance from the setback requirements of this Code.
 1. When the use proposed for a nonconforming parcel is one that is conforming in all other respects but the applicable setback requirements of sections 13-440, and these cannot reasonably be complied with, then the authority may allow deviations from the applicable setback requirements if it finds the following:
 - a) The property cannot reasonably be developed for the use proposed without such deviations, and
 - b) These deviations are necessitated by the size or shape of the nonconforming parcel, and
 - c) The property can be developed as proposed without any significantly adverse impact on surrounding properties or roadways, or the public health, safety or welfare.
 2. For purposes of subsection 1., compliance with applicable setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming parcel cannot practicably be constructed and located on the parcel in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (2) *Action on application.*
- a. Actions on applications shall be taken as specified in Table 13-313A.
 - b. Actions for approval.
 1. Before granting a variance, the approving authority must make an affirmative finding on each of the applicable criteria set forth in subsection (1). Insofar as practical, an action to make an affirmative finding shall include a statement of the specific reasons or findings of fact that support it. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws.
 2. In granting variances, the approving authority may, upon consideration of the factors listed above, and the purposes of this Code, impose such reasonable and appropriate conditions and safeguards, in excess of what is specified in this Code, as will ensure that the use will be as compatible as practicable with the surrounding properties and further the purposes of this Code. All conditions attached to a variance are enforceable in the same manner as any other applicable requirements of this Code.

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- c. **Actions for denial.** An action to deny a variance shall include a motion with specific reasons and may be made on the basis that any one or more of the criteria set forth in subsection (1) are not satisfied or that the application is insufficient.
- d. **Actions in writing.** All actions of the authority shall be recorded in accordance with F.S. ch. 286.
1. **Approved variances** shall be recorded in the public records by the **city manager or designee**.
- (d) **Revocation of variance.** Violation of the conditions of approval, as specified in the staff report, shall be deemed a violation of this Code. At a public hearing, upon proof of deliberate disregard and violation of such conditions, the approving authority may revoke the variance.
- (e) **Prohibited variances.** No lot created after the effective date of this Code that is less than the required area or width shall be entitled to a variance from any building area or setback requirement.

Sec. 13-372. Floodplain variances.

- (a) *Authority to grant floodplain variances.* The PZSM shall base their decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (d) below, the conditions of issuance set forth in subsection (e) below, and the comments and recommendations of the floodplain administrator and the building official. The PZSM has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.
- (1) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in article VII.
- (b) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (c) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of subsection 13-372(a)(1), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (d) *Considerations for issuance of variances.* In reviewing requests for variances, the PZSM shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:
 - (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (4) The importance of the services provided by the proposed development to the community;
 - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (6) The compatibility of the proposed development with existing and anticipated development;
 - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public infrastructure and utilities.
- (e) *Conditions for issuance of variances.* Variances shall be issued only upon:

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- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
 - (2) Determination by the PZSM that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (3) The variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 13-590. General.

(a) General provisions.

- (1) Unless otherwise provided herein, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Code. Repainting or changing the message of a sign shall not be considered a substantial alteration.
- (2) These sign standards are intended to complement the requirements of the building and electrical codes adopted by the council. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.
- (3) Compliance with the standards requirements of this section shall not constitute a defense to an action brought to abate a nuisance under the common law.

(b) Exempt, permitted and prohibited signs.

- (1) *Permitted signs.* Unless expressly prohibited herein, all signs are permitted by this division, subject to the setback provisions of section 13-591.
- (2) *Prohibited signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by this Code. Without limiting the generality of the above, the following signs are expressly prohibited:
 - a. Signs that involve motion or rotation of any physical part of the sign.
 - b. Signs with intermittent, flashing or animated lights except a time and temperature unit or an automatic changing sign which is electronically controlled and which has a display providing for commercial advertising or service information in printed form, such as, but not limited to, temperature, time and date; and specifically to exclude any actual or apparent continuous horizontal, vertical, diagonal, or circular motion or other animation of the display.
 - c. Signs affixed to vehicles parked on a property where such signs are promotional in nature. Exempt from the prohibitions of this subsection are any vehicle used to conduct the business on that property to which the sign on the vehicle pertains.
 - d. Signs of any type which obstruct in any way ingress or egress to or from a structure.
 - e. Signs projecting over a street or road designated for use by vehicles of any type.
- (3) *Exemptions.* The following signs shall be exempt from regulation as provided herein:
 - a. Ground or wall signs in front of residences giving the name and address of the resident and ground or wall signs of other buildings giving the address of the building.
 - b. Commemorative signs of bronze or other appropriate metal or stone. These plaques, tablets, stone inscriptions or cornerstones must be permanently integrated into the structure.
 - c. Government signs.
 - d. Safety signs. Typical safety signs are "danger" or "no smoking." Classification of a sign as a safety sign shall be as determined by the city manager or designee.
 - e. Real estate signs. One sign per road frontage, not to exceed six square feet in total area, is permitted.
 - f. Temporary signs advising of special activities by a nonprofit organization may be placed at a location designated by the city manager for a period not to exceed ten days.
 - g. Political signs. One political sign per issue or candidate may be placed on a property. To the extent that a wall or window sign as defined by this Code may be utilized for the purpose of political signs, such wall or window sign may be utilized.

h. Signage located on elevated water tanks.

- (c) *Signs constituting safety hazards.* No sign is authorized in any place where such sign constitutes a safety hazard. The judgment of the city manager or designee is final, except that the aggrieved party may appeal an adverse decision to PZSM. In cases where an existing sign is declared unsafe by the city manager or designee, the responsible party shall remove the sign within 24 hours of receipt of the city manager or designee's written notice, unless an appeal shall be filed with the PZSM.

Sec. 13-621. Temporary use requirements.

(a) *Temporary structures or facilities due to construction or reconstruction.*

(1) *Temporary structures or facilities to be used as a residence, or office for public use, during construction, repair or renovation of principal structure, including the use of mobile homes or recreational vehicles.*

- a. No temporary use shall commence unless and until a valid building permit has been obtained to construct, repair or renovate the principal structure on the property where the temporary structure is to be placed, except in cases of extreme personal hardship, such as where a residence has been damaged or destroyed by fire or other disaster to an extent which makes such dwelling uninhabitable, and such dwelling is to be rebuilt or repaired. In this case, the use may commence upon a use permit being issued but shall not be valid for more than **ninety (90)** days unless a valid building permit has been obtained to re-construct or repair the residence or other structure.
- b. The maximum period for which approval may be given is one **(1)** year. Renewals shall only be approved as is reasonably necessary to allow the proposed occupants of the principal structure to complete the construction, repair or renovation work necessary to make such building habitable.
- c. The temporary structure or facility must be located on the same parcel as the structure under construction and occupied by the residents of the primary structure.
- d. Any permits required for the installation of temporary structures or facilities shall be obtained prior to commencement of the use.
- e. The temporary structure or facility must be removed from the property within **thirty (30)** days of the expiration of the temporary use permit, or not later than **thirty (30)** days after occupancy of the principal structure. A temporary use permit will be considered terminated if at any time the principal structure building permit becomes invalid.
- f. Temporary use permits for the temporary use of mobile homes, trailers or recreational vehicles utilized due to construction activities shall be approved by the **city manager or designee**.

(2) *Temporary construction yards, asphalt and concrete plants, petroleum contaminated soil treatment by biological means.*

- a. The maximum period for which approval may be given is one **(1)** year. Renewals shall only be approved as is reasonably necessary to allow the original intended purpose to be completed.
- b. Any permits required for the installation of the temporary structure or facility shall be obtained prior to commencement of the use.
- c. Any temporary structures or facilities must be removed from the property within 30 days of the expiration of the temporary use permit, or not later than **thirty (30)** days after conclusion of the activity for which the temporary permit was issued, whichever occurs first.

(b) *Security.* Temporary structures to be used to house security personnel in excess of that allowed as an accessory use, including the use of mobile homes or recreational vehicles.

- (1) The temporary structure must be located on the same parcel as the activity or use to be protected and occupied by persons who will provide the security.
- (2) The maximum period for which approval may be given is **one (1)** years. Renewals shall only be approved as is reasonably necessary to continue the required level of protection.
- (3) Any permits required for the installation of the temporary structure shall be obtained prior to commencement of the use.

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- (4) The temporary structure must be removed from the property within **thirty (30)** days of the expiration of the temporary use permit, or not later than **thirty (30)** days after the activity or use protected ceases, whichever occurs first.
- (c) *Medical hardship.* Second principal residence on one parcel of record in cases of extreme medical hardship, such as where a temporary residence, which may be an RV or mobile home, is needed to house a caregiver or care receiver for a relatively short period of time.
- (1) The **city manager or designee** may approve a temporary **second primary** residence in the case of extreme medical hardship for a maximum period of one **(1)** year. Renewals shall require a public hearing before the **PZSM**.
 - (2) The **temporary** residence must be removed from the property within the time set forth in the temporary use permit as approved, but in no event later than **ninety (90)** days of the expiration of the temporary use permit, or not later than **ninety (90)** days after recovery or relocation of the person receiving care, whichever occurs first.
 - (3) The caregiver and care receiver must reside on the property on a full-time basis during the period prescribed herein. Occupants of the **temporary** residence shall be restricted to the caregiver or care receiver, the caregiver's or care receiver's spouse or partner, and the minor children of the caregiver or care receiver's spouse or partner.
 - (4) A signed letter from a Florida licensed medical doctor (**MD**), doctor of osteopathy (**DO**), and advanced practice registered nurse (**APRN**), which shall include his or her license number, stating the requirement for continuous necessary medical care and oversight of the care receiver must accompany the application for recognition of hardship under this section.
 - (5) Any permits required for the installation or use of the temporary structure shall be obtained prior to commencement of the use.
- (d) *Special public assembly events.* Special public assembly events are defined as temporary activities for recreational, entertainment, or religious purposes which are held in locations where such events are not expressly permitted or routinely conducted and for which supporting facilities may be absent or inadequate. Such events may occur on public or private property and include, but are not limited to, carnivals, fairs, circuses, music concerts, rodeos, tent revivals, cultural festivals and other activities of a similar character and nature, whether or not admission is charged and whether or not the event is conducted by a business, organization or private individual.
- (1) The maximum period for which approvals may be given for special public assembly events is **fourteen (14)** calendar days per event site. The event site shall include all properties, parcels or tracts which support the event. Multiple events may be permitted so long as the total number of event days does not exceed **fourteen (14)** per calendar year.
 - (2) *Use requirements:*
 - a. A written summary of all proposed activities, including a schedule of proposed events.
 - b. A site plan drawn to scale that identifies the event site, event uses and all existing or proposed structures and infrastructure.
 - c. A parking and traffic management plan drawn to scale, including the location of all proposed parking areas and ingress and egress from the site.
 - d. Details of all arrangements made for the provision of public sanitary facilities.
 - e. Details of proposed waste and litter control and post-event clean up.
 - f. Details of all arrangements for security and policing of the event(s).
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- (3) Staff shall complete review of all application materials within three business days of receipt of a properly completed application, unless council review or approval is required, and shall approve the special public assembly event unless good cause can be shown as to why such approval is detrimental to the public health, safety or welfare. Staff may propose reasonable conditions to address issues identified in the course of review and shall approve the proposed event if the applicant agrees to the proposed conditions. Specified reasons for denial must be provided in writing to the applicant.
 - (4) Upon recommendation of staff, the council may require the posting of a bond to ensure compliance with any conditions of approval.
 - (5) Requested city services in support of proposed event(s) beyond those customarily provided must have prior approval of the council and may be subject to a fee adequate to recover city costs.
 - (6) Applicants may appeal denial of the issuance of a special public assembly event permit in accordance with the provisions of section 13-370.
- (e) *Agricultural uses.* Grazing by farm animals, at densities not exceeding those specified in this Code for permitted uses, and production of trees for timber are allowed as temporary uses in all zoning districts, until development pursuant to the parcel's assigned zoning district occurs.
- (f) *Temporary emergency relief housing provided by the Federal Emergency Management Agency.* This provision shall only apply upon enactment of a local, state, or federal declaration of emergency or disaster.
- (1) Notwithstanding any other requirement of this Code, a recreational vehicle, travel trailer, mobile home, or other temporary housing (temporary emergency housing) provided by FEMA may be placed on a parcel of land to provide temporary shelter for city citizens caused by a natural disaster.
 - (2) Temporary emergency housing provided by FEMA may remain on a parcel of land until it is required to be removed by FEMA or upon a finding by the council that the presence of such housing constitutes a danger to the public health or welfare or constitutes a public nuisance as determined by the council at a noticed, public hearing.
 - (3) Temporary emergency housing shall not be placed on the parcel of land in a manner that hinders roadway access, encroaches onto an adjacent property, or causes a public safety concern.
 - (4) Temporary emergency housing shall be located in a manner that does not interfere with on-site or adjacent property utilities.
 - (5) The permit will assure that the placement of the temporary emergency housing is related to the impact of a declared disaster. Permits shall expire six (6) months after issuance unless extended by the PZSM upon a finding that there remains a need for the temporary emergency housing. Normal setback requirements may be waived if the condition of the property requires a waiver in order to locate the housing on the subject property.
 - (6) The city shall waive all permitting and inspection fees for temporary emergency housing.
 - (7) Any city impact fees shall not be assessed for temporary emergency housing.
- (g) *Temporary commercial activities and uses.* Transient merchants, street vendors and other temporary commercial uses may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the City of Webster Comprehensive Plan, or a vested commercial or industrial zoning use as recognized pursuant to the land development code. Such use may only take place via written lease with the landowner, or with other proper authorization. A detailed site plan to scale must be provided to the city indicating boundaries of intended use, structures (including, but not limited to, tents), appropriate sanitation, parking areas and appropriate vehicular and pedestrian access, as determined by staff on a case by case basis. Vehicular access must be approved in writing by the Florida Department of Transportation if a state maintained road is utilized. If a Sumter County maintained road is used for access, approval must be obtained in writing from Sumter County Public Works. If the transient merchant utilizes a tent or other structure or utilizes electricity in any manner, then they must obtain the proper permits from Sumter County
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Fire Rescue and Sumter County Building Department. Transient merchants, upon submittal of written proof from a church or school of permission to operate on church or school property, may operate on such property regardless of the property's designated future land use category.

- (1) *Operators of temporary vehicle and watercraft sale lots.* A parcel or contiguous parcels may be used for the sale of vehicles by the operator or any related entity for up to **fourteen (14)** consecutive days, up to four times per calendar year. Operators shall be allowed two "set up" and two "shut down" days prior to and subsequent to the 14-day sale period. The "set up" and "shut down" days shall not count against the allotted 14-day sale period described herein. No vehicle may be sold on the parcel or parcels at issue during the "set up" or "shut down" periods described herein.
- (2) *Transient merchant seasonal sales of holiday items.* The sale of items by transient merchants for holidays may be conducted during the following time periods:
 - a. Holiday items: Monday of the week of Thanksgiving to December 24.
 - b. Fall celebration items: October 1 to October 31.
 - c. Fireworks: June 20 to July 5 and December 10 to January 2 (F.S. § 791.01).
- (3) *Street vendors.* Street vendors may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the City of Webster Comprehensive Plan, or parcels designated as vested commercial or industrial, and shall operate only between 8:00 a.m. and 9:00 p.m. and must remove all equipment, inventory and evidence of operation daily upon close of business.

Sec. 13-632. Bed and breakfast.

- (a) A bed and breakfast establishment is allowable as an accessory use to a primary residential use in residential and agricultural districts. The owner must reside on site. For the purpose of this section, an owner shall be an individual who owns a fifty (50) percent or greater interest in the real property on which the establishment is located.
- (b) The maximum number of guests resident in a bed and breakfast located in an agricultural or residential zoning district shall be eight (8). This number may be exceeded only if the PZSM makes a specific finding that due to the size of the property, the number of existing bedrooms, and the relationship to surrounding residential structures, additional guests will not adversely impact the neighborhood. Under no circumstances shall the number of guests supported exceed sixteen (16). Table 13-431A establishes whether such use shall be permitted or require a special land use permit.
- (c) All applications for a bed and breakfast establishment shall require site plan approval by staff.
- (d) All bed and breakfast establishments shall comply with all applicable state rules and regulations and permitting and shall meet all applicable building codes and city regulations as well as all life safety and accessibility for persons with disabilities, rules and regulations.
- (e) In residential and agricultural zoning districts, meals may only be served to residents and guests. In commercial zoning districts, meals may be served to guests and the general public if all applicable codes are complied with and the establishment obtains all necessary permits and licenses.
- (f) The bed and breakfast establishment shall be a single-family residential dwelling of conventional construction. All guest rooms shall be contained within the primary structure and shall be accessed from within the primary structure, except for required emergency access. No kitchen facilities shall be allowed in a guest room.
- (g) A bed and breakfast establishment in agricultural and residential land use areas may have employees who do not reside on-site only if approved as part of the special use application. A bed and breakfast establishment in a commercial zoning district may have non-resident employees.
- (h) A bed and breakfast establishment in agricultural and residential zoning districts may have one on-site sign with a face no larger than nine square feet. The sign may be illuminated with unobtrusive lighting that does not interfere with the use and enjoyment of neighboring properties. Signage and lighting plans shall be submitted as part of the site plan approval process. A bed and breakfast establishment in a commercial zoning district shall comply with all applicable signage regulations.
- (i) Each bed and breakfast establishment shall provide for off-street parking, with a maximum of two (2) spaces for the owner/occupant and one (1) space for each guest bedroom. Handicapped accessible parking rules and regulations shall be complied with. Guest parking areas may not be located in the front of the structure when observable from adjacent properties or public roads. Parking areas must be screened from view of adjacent properties.
- (j) The only activity allowable in a bed and breakfast establishment is the renting of guest rooms to transient visitors for periods of up to sixty (60) consecutive days. Special activities, such as the use for social events, reunions, weddings, and parties are expressly prohibited in agricultural and residential districts. Such special activities are permitted in bed and breakfast establishments located in a commercial zoning district.
- (k) All bed and breakfast establishments shall comply with all safety codes, building codes, state regulations and accessibility codes. All required licenses shall be obtained prior to commencing operation and copies shall be filed with the division.
- (l) The granting of a special use permit is specific to the original applicant. Sale or transfer of the property, or the vacation of the premises by the original owner/applicant terminates the permit. Any new owner shall apply for a new conditional use permit to be authorized to use the premises for a bed and breakfast establishment.

(m) Bed and breakfast facilities determined to fall under the agritourism category are exempt from this section.

Sec. 13-707. Variances and appeals.

- (a) *General.* The PZSM shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), and article III (Administration), division 7, section 13-372, the PZSM shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) *Appeals.* The PZSM shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the PZSM may appeal such decision to the circuit court, as provided by Florida Statutes.

Exhibit A

- 13-171. Resultant lots.**
- 13-302. Planning and Zoning Special Master (PZSM).**
- 13-313. General administration of amendment and permit applications.**
- 13-315. Public notice.**
- 13-316. Public hearings.**
- 13-321. Review and approval procedure.**
- 13-331. Application review and approval procedure.**
- 13-333. Post-approval actions.**
- 13-370. Appeals.**
- 13-371. Variances.**
- 13-372. Floodplain variances.**
- 13-590. General.**
- 13-621. Temporary use requirements.**
- 13-632. Bed and breakfast.**
- 13-707. Variances and appeals.**

Sec. 13-171. Resultant lots.

Notwithstanding the limitations imposed by any other provisions of the City of Webster land development regulations, any lot or parcel which has been reduced in size through eminent domain acquisition, negotiated sale under threat of eminent domain action, establishment of a prescriptive right-of-way or other method of acquisition authorized by law shall continue to be recognized as a legal lot or parcel for all purposes of the city land development regulations except as otherwise provided herein. Such a lot may be designated as an eminent domain lot (EDL) and shall be considered a nonconforming use as defined in this Code with all rights and privileges as set forth in this article.

- (1) Building permits may be issued for such a parcel or lot to allow the erection, expansion, alteration, or replacement of any legal use together with accessory buildings as permitted within the applicable zoning classification as follows:
 - a. Single-family dwellings and their accessory buildings constructed, or to be constructed, upon an EDL shall not be required to comply with the minimum setback requirements applicable in the zoning district in which the EDL is located. If possible, every effort shall be made to comply with the minimum setback requirements of the zoning district. No accessory structure in any residential district shall be permitted less than five feet from a side or rear lot line and 15 feet from any road right-of-way unless approved by the ~~director~~city manager or designee. Existing single-family dwellings shall be allowed to expand, be altered or replaced, provided that such improvements do not further encroach into the established setbacks, if less than the minimum for the district in which they are located.
 - b. Undeveloped commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements but shall conform to all other district regulations for the district in which the EDL is located.
 - c. Developed commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements and shall be allowed to expand, alter, or replace existing structures provided that such improvements do not further encroach into the established setbacks if less than the minimum for the district in which the EDL is located.
 - d. Signage shall not be required to meet required setback provisions, provided, however, no sign shall be located so as to cause a safety hazard.
 - e. Landscaping and/or buffering requirements shall not be required to meet code requirements as to the property taken by eminent domain but any side and rear requirements shall remain in effect.
 - f. If the size of any parking area is reduced, or if the parking area must be relocated because the terms and conditions of the city land development code cannot be met, a variance may be granted by the ~~PZBPZSM~~.
- (2) These provisions shall be construed liberally to the benefit of the property owner consistent with the council's intent to preserve private property rights and minimize the impact of public projects on private citizens.

Sec. 13-302. Planning and ~~zoning~~ Zoning board Special Master (PSZM).

(a) *Establishment and purpose.* There is hereby established, pursuant to and in accordance with the provisions of F.S. ch. 163, a ~~planning and zoning board~~ Planning and Zoning Special Master (herein referred to as PZBPZSM) whose principal functions shall be as specified in subsection (b).

(b) *Duties and authority.* The ~~PZB's~~ PZSM's duties and authority shall be as follows:

~~To sit as the local planning agency in reviewing studies and develop recommendations to the city council related to comprehensive planning, ordinances, administrative procedures, development and re-development of the city, and other activities for carrying out planning in a coordinated and efficient manner.~~

(1) Local planning agency. ~~To sit as the local planning agency in reviewing studies and develop recommendations to the council related to comprehensive planning, ordinances, development regulations and policies, and other activities for carrying out planning in a coordinated and efficient manner.~~ Planning and zonings.

(2) Zoning and adjustments -a. ~~—~~ To sit as the ~~planning and zoning board~~ PZSM and hold public hearings for recommending to the city council on applications for re-zoning or other amendments to this Code for the following purposes:

~~1-a.~~ To recommend or approve/disapprove applications for special, conditional and temporary use permits, all as specified in Table 13-313A.

~~2-b.~~ To approve/disapprove applications for variances, as specified in section 13-~~371~~ 361.

~~(2)(3)~~ Development regulations and policies. To review development regulations, policies, and make recommendations to the city council on amendments to this Code.

~~(3)(4)~~ Other. To perform any other related duties assigned by the city council.

(c) Appointment and service. ~~Membership.~~

(1) Appointment. ~~The PZB shall consist of five members appointed by the council. Each member shall be a resident of the City of Webster. No member shall be a paid employee or elected official of Sumter County or any municipality located therein. The special master shall be a member in good standing with the Florida Bar for a minimum of two (2) years. Candidates for the position of special master must have knowledge and understanding of local government law. Appointments shall be made by the city manager or designee on the basis of experience in planning and zoning issues. Such appointments shall be submitted to the council for ratification.~~

(2) Terms. ~~The terms of members shall be for four years from the date of appointment. Members may continue to serve until their successors have been appointed and may be appointed to successive terms without limitation. Board members serve at the pleasure of the council and may be removed by action of the majority of same. Failure to attend hearings, as prescribed in the city council's appointment policy or any other good cause related to performance or qualifications are grounds for dismissal. A member who ceases to be a resident of the City of Webster shall be automatically dismissed. Vacancies occurring during the unexpired term of a member shall be filled within 30 days after the vacancy occurs. The city manager or designee shall appoint a special master and an alternate special master. Any special master may be reappointed at the discretion of the city manager or designee, subject to ratification by the council. There shall be no limit on the number of reappointments that may be given to any individual special master; provided however, that a determination as to removal or reappointment must be made for each special master at the end of each of his/her one-year terms. The city manager or designee shall have authority to remove a special~~

master with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

- (3) Organization. At its initial meeting and at its first meeting in each year thereafter, the PZB shall elect, by majority vote of its membership, one of its members to serve as chairman and preside over the board's meetings, and one member to serve as vice chairman. Those persons so elected shall serve for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the membership. The chairman and vice chairman may take part in all deliberations and shall vote on all issues, unless prohibited by law. The director, or his designee, shall serve as secretary to the PZB. A special master shall not be a county employee but shall be compensated at an hourly rate to be established by contract.

- (4) Advisory members or committees. As necessary, the city council may appoint one or more individuals or committees to assist the PZB in performing its planning and zoning responsibilities with respect to a particular subject area. Individuals and members of such advisory committees shall sit as nonvoting members on the PZB when such issues are being considered and lend their talents, energies, and expertise to it. However, all formal recommendations and other actions to the city council shall be made by the PZB.

(d) Meetings.

- (1) Schedule. The PZB-PZSM shall establish a regular hearing schedule and shall meet frequently enough to expeditiously perform its duties in conformity with public notice and other applicable laws.
- (2) Conduct. All PZB-PZSM hearings shall be open to the public and conducted in accordance with the provisions set forth in this Code. The PZB-PZSM shall adopt rules and regulations governing its procedures and operations not inconsistent with those provisions and Florida law.
- (3) Record. All actions of the PZB-PZSM shall be public record. All hearings shall be audio-recorded and written minutes shall be prepared of all proceedings. The director-city manager or designee shall keep a properly indexed record of its actions, which shall be a public record.

- (4) Joint meetings. The PZB and the city council may hold combined public hearings and meetings on any application or other matters. Such combined meetings shall not prevent the PZB and/or the council from holding additional hearings, if deemed necessary.

(e) Quorum and voting.

- (1) Quorum. A quorum for the PZB shall consist of a majority of the board. A quorum is necessary for any official action.
- (2) Voting. Voting shall be conducted as follows:
- a. All members shall vote on each motion unless a member abstains because of a conflict of interest or unless otherwise prohibited by law. Conflict of Interest forms shall be filed with the PZB secretary when applicable.
 - b. All actions shall be taken by majority vote.
 - c. A roll call vote shall be taken upon the request of any member.

(f) Compensation, legal counsel, administrative staff.

- (1) Compensation. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city council or as otherwise provided by law.
- (2) Legal counsel. The council shall appoint legal counsel to the PZB.

~~(3) — Administrative staff. The council shall provide clerical and administrative personnel, including a secretary, to the PZB as may be reasonably required for the proper performance of its duties.~~

Sec. 13-313. General ~~administration of amendment and permit applications.~~ development review process.

Applications for amendments and permits have the following general administration requirements.

(1) *Pre-application meeting.*

- a. *City staff.* Prior to filing for any amendment or permit, an applicant may be required to consult with city development staff. All other applicants are strongly encouraged to meet with staff prior to submitting applications for development. The purpose of this pre-application consultation is for informal discussion of the schedule and requirements of the comprehensive plan and this Code applicable to the proposed development. The dissemination of information or general affirmation by development review staff shall not be construed as a development approval.
- b. *Regulatory agencies and utilities.* It shall be the responsibility of the applicant to contact all regulatory agencies having jurisdiction, and utility companies having existing or future facilities at the proposed development site.

(2) *Application submission.*

- a. *Filing.* A request for an amendment or permit is initiated with the submission of an application by authorized applicants to the ~~director~~ city manager or designee for presentation to the authority.
- b. *Authorized applicants.*
 1. *Zoning map and LDC amendments.*
 - a) *Zoning map amendments.* Applications may only be submitted by an owner of record of subject property or the authorized agents. An applicant must submit evidence of his/her authority to submit an application. In addition, the council is authorized to initiate a zoning map amendment on any parcel of land in the unincorporated area of the city.
 - b) *LDC text amendments.* Applications may be submitted to amend the text of the land development code by any private or public person or entity or their representative.
 2. *Land use and development permits (except building permits).* Applications may only be submitted by all owners or the authorized agents. An applicant must submit evidence of his/her authority to submit an application.
 3. *Building permits.* Permits may only be obtained by those persons or entities eligible to perform the work under F.S. ch. 489, part I, or chapter 6, article II of this Code, or their authorized agent.
 - a) Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit or prior to a certificate of occupancy being issued.
 - b) Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.
- c. *Application fees.* Application fees shall be set by the city council via resolution at its sole and absolute discretion.
- d. *Application materials.* An application form, in a format provided by the ~~director~~ city manager or designee, and other materials are required for each amendment or permit application. The

burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by the application and this Code. The authority may allow less information or require more information to be submitted according to the needs of the particular application.

(3) *Application processing.*

- a. *Application identification.* Upon filing, an application shall be assigned a unique identification number.
- b. *Expeditious processing.* Department and all authorities shall make every reasonable effort to process all applications as expeditiously as possible, consistent with any public notice requirements of division 2 and schedule of public hearings established by the council, and with the need to ensure that all approvals conform to the requirements of the comprehensive plan and this Code and are in the best interests of the citizens of the City of Webster.
- c. *Application completeness review.*
 1. *Completeness review.* Upon receipt of an application, the director-city manager or designee shall review it for completeness within the time limits specified.
 2. *Request for additional information.*
 - a) The director-city manager or designee shall notify the applicant of any apparent errors or omissions and request any additional information.
 - b) Failure to correct an error or omission or to supply additional information shall not be grounds for dismissal of an application, except that this does not prevent the authority from denying an application if it does not possess sufficient information to ensure the request meets Code.
- d. *Review set.*
 1. *Review set.* Upon determination of completeness, or notification that no additional information is forthcoming, the director-city manager or designee shall set the application for formal review and action by the authority as presented in Table 13-313A, and in this article.
 2. *Application amendments.* An application may be amended after it has been noticed for public hearing; however, such amendment may result in a delay or cancellation of the application's scheduled hearing.
 3. *Application withdrawal.* Applications may be withdrawn by the applicant at any time.
 4. *Application abatement.* Applications will be abated after one year of inactivity from the date of the last comment letter submitted by staff. The director-city manager or designee may extend this timeframe, if there are peculiar circumstances related to the site.

- (4) *Review and approval procedure.* Review and approval procedures are established in this article, and are charted for information purposes in Table 13-313A.

(5) Level of review required.

a. TABLE 13-313A DEVELOPMENT REVIEWS AND APPROVALS

Application/Permit Type	Section		Staff	Division Director/City Manager		PZB-PZSM	Council
Site Plans							
Conceptual Plan	13-332		Yes	Yes		No	Yes
Preliminary Plan	13-340		Yes	Yes		No	No
Engineering Plan	13-340		Yes	Yes		No	No
Subdivisions							
Subdivision	13-350		Yes	Yes		No	No
Preliminary Plat	13-351		Yes	Yes		No	No
Final Plat	13-354		Yes	Yes		No	Yes
Comp Plan/FLUM/Zoning Map Amendments							
Comprehensive Plan/Future Land Use Map Amendment			Yes	Yes		Yes	Yes
Zoning Map Amendment	13-321		Yes	Yes		Yes	Yes
Zoning Map Amendment To PUD	13-321		Yes	Yes		Yes	Yes
LDC Amendments (Text)	13-321		Yes	Yes		Yes	Yes
Use Permits							
MINOR DEVELOPMENT							
Permitted	13-341		Yes	Yes		No	No
Special	13-331		Yes	Yes		Yes	No
Temporary (short) ¹	13-331		Yes	Yes		No	No
Temporary (long) ¹	13-331		Yes	Yes		Yes	No
MAJOR DEVELOPMENT							
Permitted	13-341		Yes	Yes		No	No
Special	13-331		Yes	Yes		Yes	Yes
Conditional Use	13-341		Yes	Yes		Yes	Yes
Temporary (short)	13-331		Yes	Yes		Yes	Yes
Temporary (long)	13-331		Yes	Yes		Yes	Yes
Others							
Building Permit	13-341		Yes	No		No	No
Operating Permit	13-341		Yes	Yes		No	Yes
Change of Occupancy	13-341		Yes	No		No	No
Development Agreement	13-321		Yes	Yes		No	Yes
Deviation	13-344		Yes	No		No	No
Variance	13-371		Yes	Yes		Yes	No
Floodplain Variance	13-372		Yes	Yes		Yes	No

¹ Temporary use (short and long) permits require ~~council~~ PZSM approval, if first denied by staff. All temporary use (long) permit renewals require ~~council~~ PZSM approval.

1. *Sufficiency.* The burden of presenting a sufficient application to the authority shall be upon the applicant. An application is sufficient when it contains all of the information necessary for the authority to decide, at that level of review, whether the development complies with the Code. The ~~director-city manager~~ or designee shall determine if the application is sufficient and shall specify the particular type of information lacking and/or the particular requirement with respect to which the application is insufficient.
2. *Consistency.*
 - a) In deciding whether to approve an application, the central issue before the authority is whether the proposed change is consistent with the goals, objectives and policies of the City of Webster Comprehensive Plan, requirements of this Code, other applicable laws, previously approved plans and permits, and advances the public health, safety or welfare.
3. *Review criteria.*
 - a) For LDC and zoning map amendments, considerations shall include, but are not necessarily limited to:
 - 1) Change of conditions, or absence of changed conditions.
 - 2) Community need, or lack of community need.
 - 3) Benefits to the community.
 - 4) The rights of private property owners.
 - b) For special, conditional and temporary land use permits, considerations shall include, but are not necessarily limited to:
 - 1) Community need, or lack of community need.
 - 2) Adverse impacts on the community.
 - 3) Benefits to the community.
 - 4) The rights of private property owners.
4. *Other considerations.* Most other issues are secondary, and all information related to other issues raised at any public hearing should be regarded as such by the authority. In particular:
 - a) When considering LDC and zoning map amendments:
 - 1) The authority should consider whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing district.
 - 2) The authority should balance the rights of that individual with the impact of the proposed changes on the public at large.
 - b) *Land use permits.* When considering land use permits the authority should consider the impact of the proposed change on the public at large.

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- b. *Action on application.* Recommending and approving authorities shall take action on applications as follows:

1. *Approve as presented.* A motion or action to approve the application as presented shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this Code or other applicable laws with respect to which the application complies.
2. *Approve with conditions.* Where authorized in this Code, the application may be approved subject to conditions. The nature of the required conditions shall be indicated in writing on the records of the authority and furnished to the applicant. The action and conditions may be appealed as provided in division 7 of this article. An appealed decision of one or more of the required conditions shall be considered a rejection of the application approval and such approval shall expire.
3. *Disapproval.*
 - a) A motion to approve that fails to obtain an affirmative vote shall be considered an action for disapproval. Subsequent to the vote, the authority shall specify the items of non-compliance.
 - b) A motion or action for disapproval shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this Code or other applicable laws with respect to which the application does not comply. If such a motion or motions fail, it shall be conclusively presumed that the application complies with all laws. If the application is disapproved, the authority shall provide the reasons for disapproval in writing on its records and furnished to the applicant. While adherence to the requirements of the comprehensive plan, this Code and other laws is mandatory, all recommending and approving authorities shall make reasonable attempts to facilitate a resolution of the non-compliance issues upon which a disapproval is proposed or given, when alternative methods of compliance are apparent.

Nothing herein shall prevent an applicant who has received approval with or without conditions from applying for an amendment to any action by the city, its staff or reviewing ~~boards~~ authorities for an amendment to such approval.

4. *Table (or continue) the application.* If the authority determines that information for the proper evaluation of the application is not available at the time of review, it may postpone its decision until a future date to provide the opportunity for such to be furnished.
 5. *Return application.* At the discretion of the approving authority, the application may be returned to the recommending authority for further consideration where additional material information, which was not reasonably available at time of recommendation hearing, has become known.
- c. Actions of the authority shall be recorded and included in the written minutes of the public hearing or meeting at which the action was considered and all such actions shall be deemed final for purposes of appeal on the date the action is taken.
1. For all amendments and special, conditional and long temporary use permit applications requiring public hearings.
 - a) Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the ~~director~~ city manager or designee.

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- b) A staff report shall be issued and entered into the record of the required public hearing.

- 2. *For short temporary use and development permits.* Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the director-city manager or designee. When an approved plan, plat or permit deviates from the preceding approvals of that development activity, such deviations and the reasons therefore shall be included in the written decision.

(6) *Reapplication.*

- a. *Amendments and use permits.* Whenever the authority disapproves an application for an amendment or use permit, a reapplication for the same amendment or use permit may not be submitted except in conformance with the following:
 - 1. *Disapproval.* Unless specified otherwise in the disapproval, denied applications may be resubmitted to the director-city manager or designee any time after a period of 90 days from date of denial has expired.
 - 2. *Waiver of time.* Notwithstanding subsection 1., whenever an application is denied on a basis other than the failure of the applicant to submit a complete application, a reapplication may be allowed by the director-city manager or designee at any time as follows:
 - a) Where the applicant clearly demonstrates that circumstances affecting the property that is the subject of the application have substantially changed since the denial; or
 - b) Where new material information is available that could not with reasonable diligence have been presented at a previous hearing.
 - c) A request to be heard on the basis of subsection a) or b) may be filed with the director-city manager or designee at any time. However, such filing does not extend the time period within which an appeal must be taken. Although an application may be accepted by the director-city manager or designee, the final determination for meeting the conditions of subsection a) or b) rests solely with the authority.
 - 3. *New application.* Notwithstanding subsections 1., 2. and 3., new applications affecting the same property previously denied may be submitted. A new application is one that differs substantially from one previously considered. Although an application may be accepted by the director-city manager or designee, the final determination for meeting the conditions of a new application rests solely with the authority.
- b. *Development permits.* Disapproved applications for development permits may be resubmitted at any time.

Sec. 13-315. Public notice.

As specified in this article, all applications for rezonings, variances, operating, use and development permits requiring review and action by the council and/or PZSM shall be considered in public hearings which shall be noticed and conducted as required herein.

- (a) Council and PZSM. Amendments, variances and operating and use permits requiring review and action by the council and/or PZSM.

(1) *Publication.*

- a. *Contents of notice.* When publication is required, advertisement shall be in the legal notice section of the paper, unless specified otherwise, and shall include, in addition to the general intent or purpose of the hearing, and the date, time and place of hearing, the following information on each application to be heard:
 1. Application identification number.
 2. Applicant's name.
 3. The requested action.
 4. The general location and legal description of the property involved.
 5. The size of the property on which action is requested.
- b. *Rezonings.* For rezonings and land development code amendments, public notice pursuant to F.S. ch. 166.041 shall be given.
- c. *Variances and use permits requiring review and action by the council and/or PZSM.* Public hearings shall be advertised in at least one (1) newspaper of paid general circulation within the City of Webster.
 1. The legal advertisement shall comply with all statutory advertising requirements for the particular action. Every effort shall be made to advertise not less than five (5) days prior to the hearing; however, as long as a legal advertisement is accomplished prior to a hearing, failure to advertise five (5) days prior to the hearing shall not be grounds for challenging any action taken on the application.
 2. *Conditional use permits.* Legal advertisements shall describe the geographic area involved, a descriptive name of the facility and a general, non-technical description of the activities planned to be conducted at the facility.

- (2) *Posting.* All properties for which applications require public hearings before the PZSM or council shall be posted by the applicant with plaques furnished by the director. Such plaques shall identify the application, the requested action, and the date, time and place of hearing. Plaques shall be sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the authority's agenda. Such notices shall be posted at least seven (7) days prior to the first hearing at which the subject property will be considered, at locations specified by the ~~director~~city manager or designee.

(3) *Notice to affected property owners.*

- a. *When required.* For applications that require public hearings before the council, the department shall notify by first class mail the owners of all property lying within five hundred (500) feet of the perimeter of the parent tract of the parcel described in the application, except that:

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1. *Conditional uses.* For applications for conditional use permits, each unit of local government within three (3) miles of the proposed conditional use and any school district with a facility within three (3) miles of the proposed conditional use shall be mailed the same notice.
 2. *Special uses.* For applications for special use permits for community water system wellfields, the owners of all property lying within five hundred (500) feet of the proposed wellfield area will be notified. Such notice will include the restrictions on the use of their property if the special use is granted.
 3. *Rezoning.* Where a zoning map amendment of one (1) or more parcels is proposed by the council, the ~~director~~ city manager or designee shall notify the owners of all properties whose zoning classification is to be changed by the proposed amendment, unless such amendment is comprehensive and city-wide in effect, in which case such notice shall consist solely of notice published in a newspaper of paid general circulation within the City of Webster.
- b. *Notice requirements.* Notices shall be mailed at least ten (10) days prior to the first hearing date to owners of real property listed on the current city tax roll or other source of current ownership. Evidence of mailing to affected property owners shall be available at the hearing. Notices required herein shall:
1. State the application's identification number and applicant's name.
 2. State the date, time and place of public hearing.
 3. Reasonably identify the property proposed for change and summarize the nature and character of the proposed change.
 4. State that the full extent of proposed changes may be obtained from the department and provide its telephone number and address.
- (4) *Exception.* Staff, the director and all reviewing agencies shall make every reasonable effort to comply with the notice provisions set forth in this Code. However, it is the council's intent that failure to strictly comply with the notice provisions of subsections (2) and (3) of this section shall not render any final action by staff, any review board or authority or the council invalid and shall not constitute grounds for challenge by any person of any final action. When an application is tabled by any reviewing authority to a time and date certain, no additional publication or notice as set forth in this section is required. Failure of any person to object during the hearing to any defect in any type of notice set forth herein shall constitute a waiver of any objection as to any lack of compliance.
- (b) *Other notification.* Upon receipt of any application, in addition to the public notice requirements of this section, the director or authority may determine the possible involvement or interest of other government agencies or private organizations in the proposed development and may notify same.

Sec. 13-316. Public hearings.

(a) *Applicant's appearance.*

- (1) *Public notice adhered to.* Except as provided in subsection (a)(2) of this section, all applications shall be considered at the date and time specified in the public notice issued by the ~~director~~city manager or designee. The applicant or authorized agent is required to appear at the scheduled hearings before the PZSM and/or council, to present the application, unless for good cause, he/she or authorized agent cannot be present at the hearing.
- (2) *Request for delay.* The applicant may request a delay or continuance of the scheduled public hearing provided such request is filed in writing with the ~~director~~city manager or designee prior to the scheduled hearing. The request shall be granted only for good cause as determined by the ~~director~~city manager or designee. The applicant shall be required to pay all additional costs incurred by the council related to republication and mailing. If the continuance is granted, all interested parties, including the applicant and noticed property owners shall be given due notice of the delay and of the new hearing date and time.
- (3) *Failure to appear.*
 - a. Public hearing on applications for ~~development permits for rezonings, use permits or variances~~ requiring review and action by the ~~council~~PZSM. The applicant's failure to appear in person, or by duly authorized agent, to present the application at the public hearing shall not prohibit or delay hearing of said application. ~~However, the council, at its discretion, may hold said application and request the presence of the applicant if necessary for due consideration of the application, or to have submitted a detailed written narrative presenting the application and stating the reason why they cannot be present, shall:~~
 1. Cause the application to be placed on the agenda of the authority's next regularly scheduled meeting. Such action shall be publicly announced at the hearing and the applicant shall be notified in writing.
 2. If the applicant fails to appear for the rescheduled hearing, the application shall automatically be denied by the PZSM; however, the applicant may refile at any time.
 3. If, after reapplication, the applicant again fails to appear at the scheduled public hearing(s), the application shall automatically be denied by the PZSM and the applicant may not refile for three (3) months.
 - b. Public hearing on applications for development permits requiring review and action by the council. The applicant's failure to appear in person, or by duly authorized agent, to present the application at the public hearing shall not prohibit or delay hearing of said application. However, the council, at its discretion, may hold said application and request the presence of the applicant if necessary for due consideration of the application.

(b) *Conduct of hearing.* Public hearings shall be conducted in accordance with the following and other applicable laws:

- (1) *Public participation.* All hearings shall be open to the public and the agenda of the meeting shall be made available at least three (3) days prior. All hearings shall be conducted so as to promote full and free exchange of information necessary to the subject at hand. Irrelevant or immaterial information shall not be allowed nor shall duplication of testimony or argument by either side of the matter. All affected or interested persons shall be given an opportunity to present evidence and arguments and ask pertinent questions.

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- (2) *Evidence and arguments.*
- a. *All evidence heard.* All pertinent testimony and evidence, favorable or unfavorable to the application, shall be heard; however, the authority may place reasonable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be decided without undue delay.
 - b. *Record of evidence.* All physical evidence presented at a quasi-judicial hearing, shall be made a part of the record of the proceedings and retained as required by law.
 - c. *Evidence introduced at scheduled hearing.*
 - 1. Public hearings on applications for amendments, development and use permits and variances requiring review and action by the council or PZSM. Documents, plans, memorandum or other materials which have not been filed with the authority at least five (5) days prior to the hearing shall be considered at the authority's discretion. Consideration of such materials must be by majority vote of the authority. The presentation of any such material shall constitute good cause for a continuance if requested.
 - d. *Evidence required by authority.* In the event the authority requests additional information or research, the hearing shall be continued at least five (5) days after such information or evidence is filed with the authority.
 - e. *Findings.* All findings and conclusions necessary to the issuance or denial of the requested action shall be based upon competent, substantial evidence. Competent, substantial evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available. In no case shall incompetent evidence be the sole basis of quasi-judicial findings, unless competent, substantial evidence is not available.
- (3) *Application modification.* In response to questions or comments by persons at the hearing or suggestions by authority members, the applicant may modify the application at the hearing, including any plans and specifications submitted, provided:
- a. Such modification does not constitute a change in the nature or extent of the requested action severe enough to require new public notice.
 - b. When such modification is so substantial that the authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans or other information before it, the authority may table the request until such information is presented.
- (4) *Continuance.* The authority may continue a hearing to a subsequent time to receive additional information prior to the point a final decision is made. No further notice of a continued hearing need be made, provided the continuance date, time and place is announced when such continuance is made.
- (c) *Decision of authority.* Actions of the authority concerning an application shall be included in the written minutes. Rezoning approvals formally granted by the council shall be memorialized by formal resolution.
- (d) *Record of hearing.* The record of a hearing shall be made in accordance with F.S. § 286.011.

Sec. 13-321. Review and approval procedure.

- (a) *Public notice and hearing requirements observed.* All applications for amendments shall be reviewed and acted upon by the authority in a public hearing which has been noticed and conducted as specified in division 2.
- (b) *Application for LDC and zoning map amendments.* The applicant shall submit a completed application on a form provided by the ~~director~~city manager or designee. Upon completeness of the application, the following shall occur:
 - (1) *Staff review.* Staff shall review the application and provide recommendations to the ~~council~~PZSM five (5) days prior to the ~~council~~PZSM hearing, if possible.
 - (2) *PZSM.* The application shall be set for a public hearing before the PZSM at its next scheduled meeting consistent with public notice requirements. The PZSM shall review and forward a recommendation to the council.
 - (23) *Council.* The application shall be set for a public hearing before the council at its next scheduled meeting consistent with public notice requirements.
- (c) *Application for Planned Unit Development (PUD).* The applicant shall submit a completed application the content and form of which shall be specified by the ~~director~~city manager or designee. Upon completeness of the application, the following shall occur:
 - (1) The following requirements apply to non-residential and residential PUDs with the exception of specific requirements for RVPUDs in subsection c.
 - (2) *Planned Unit Development approval procedures.*
 - a. *Council.* The application shall be set for a public hearing before the council at its next scheduled meeting consistent with the city's comprehensive plan amendment cycle, public notice requirements and the time required for (LPA) recommendation.
 - (3) A preliminary development plan and traffic analysis are required with a PUD or RVPUD application. The application shall contain the following information in addition to the form provided by the ~~director~~city manager or designee.
 - a. Uses proposed in the "PUD" district.
 - b. Performance standards for operation of the permitted uses.
 - c. Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.
 - d. The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "PUD" planned unit development and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance authorizing the establishment of the particular "PUD" planned unit development.
 - (4) The staff report shall be recorded in public records.
 - a. *Term of development.*
 - 1. The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one year. Thereafter, construction must begin within one year of engineering approval. A one-year extension may be obtained for good cause shown. The time limits set forth above may be modified

pursuant to the adoption of a development agreement, pursuant to F.S. § 163.3220, between the applicant and the council.

2. In the event development has not commenced in accordance with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

(5) *Modification.* Approved PUD development plans may be modified as follows:

a. *Minimal adjustment.*

1. Minimal adjustment is defined as a change which is limited to a specific location within the development and which relates to the placement, configuration or use of a structure, road, parking area or other such improvement which has no potential external impact beyond the site, minimal interior impact to the development site and no impact to project intensity. The director-city manager or designee shall determine when a proposed change constitutes a minimal adjustment. Such determination shall constitute approval of the requested minimal adjustment.

b. *Minor modification.*

1. A minor modification is defined as a change in the site design, layout or proposed use which may impact the development as a whole, but which does not significantly change the character or intensity of the approved project and which does not significantly affect proposed stormwater management infrastructure or public utilities. The director-city manager or designee shall determine whether a proposed change constitutes a minor modification.
2. A minor modification may be approved by motion of the council upon consideration of staff review of the request. Application for a minor modification shall include a site plan showing the approved layout and the proposed design changes and/or information concerning proposed changes in use. Minor modification shall not be subject to the public notice requirements of this Code.

c. *Major modification.*

1. A major modification is defined as a substantial change in the project design or the type or intensity of the approved uses, or a change which has significant impact on stormwater management infrastructure or public utilities. The director-city manager or designee shall determine whether a proposed change constitutes a major modification.
2. A major modification shall require the same review and approval procedures as the original application.

Sec. 13-331. Application review and approval procedure.

- (a) *Public notice and hearing requirements observed.* All applications for use permits shall be classified as minor or major development (see section 13-312) and, except when acted upon by the ~~director~~city manager or designee, shall be reviewed and acted upon by the authority in a public hearing which has been noticed and is conducted as specified in division 2.
- (b) *Minor development.* Upon completeness of the application, the following shall occur:
- (1) *Permitted use.* The application shall be reviewed and acted upon by the ~~director~~city manager or designee within five (5) days.
 - (2) *Special use.*
 - a. ~~Director~~City manager or designee. The application shall be reviewed by the ~~director~~city manager or designee who shall forward a recommendation to the planning and zoning board a minimum of five (5) days prior to its hearing.
 - b. ~~Council~~PZSM. The application shall be set for a public hearing before the ~~council~~PZSM at its next scheduled meeting consistent with public notice requirements.
 - (3) *Temporary use.*
 - a. *Short.* The application shall be reviewed and acted upon by the ~~director~~city manager or designee within five (5) days of completeness. An application not approved by the director shall be processed pursuant to subsection b.3.
 - b. *Long.*
 1. The application shall be reviewed and approved or denied by the director within five (5) days of completeness. An application not approved by the ~~director~~city manager or designee shall be processed pursuant to subsection b.3.
 2. Renewal of a temporary (long) use permit shall be reviewed by the director city manager or designee who shall forward a recommendation to the council a minimum of five (5) days prior to its hearing.
 3. The application shall be set for a public hearing before the ~~council~~PZSM at its next scheduled meeting consistent with public notice requirements.
- (c) *Major development.* Upon completeness of the application, the following shall occur:
- (1) *Permitted use.* The application shall be reviewed and acted upon by the director.
 - ~~(2)a.~~ *Special, conditional and temporary uses.*
 - ~~ba.~~ *Staff review.* The application shall be reviewed and considered by staff and a recommendation forwarded to the ~~council~~PZSM.
 - b. PZSM. The application shall be set for public hearing before the PZSM at a meeting consistent with public notice requirements and the time required for prior staff consideration and recommendation. The PZSM shall consider the application and make a recommendation to the council.
 - c. *Council.* The application shall be set for public hearing before the council at a meeting consistent with public notice requirements and the time required for prior staff consideration and recommendation.

Sec. 13-333. Post-approval actions.

- (a) *Development permit.* Upon issuance of any use permit, the applicant may submit an application for a development permit, as required by Table 13-313A. If a required subsequent permit or plan, or partial subsequent plan if the development is phased, is not approved within two (2) years of the date of the use permit approval, and an extension of time, not to exceed one (1) year, has not been granted by the authority on a demonstration of good cause, the use permit shall expire.
- (b) *Wellfields.* All property owners within a wellhead protection zone shall be notified of an approved special use permit for a community water supply system wellfield. Documents identifying the encumbered land and the encumbrances shall be recorded with the clerk of the courts.
- (c) *Renewal or extensions.*
 - (1) *Special, conditional use, and operating permits.* Special, conditional use, and operating permits may be approved for a specified length of time. Requests for extension of such a permit may be made to the same authority initially approving it. Such extension may be granted, subject to the same review as the original application.
 - (2) *Temporary use permits.* Temporary use permits are approved for a specified length of time. Requests for renewal of a short temporary permit may be approved by the ~~director~~city manager or designee. Long temporary permit renewals require council approval, whether initially approved by the ~~director~~city manager, PZSM, or the council. Such renewal may be granted, subject to the standards herein. The ~~director-city manager or designee~~ may only renew a short temporary use permit one time for a maximum of thirty (30) days.
 - (3) *Termination.* At the end of the time period for which a use permit was issued, including any renewal or extension periods, the use shall be discontinued, and all temporary structures involved shall be removed. Failure to comply with this requirement shall be a violation of this Code. Prior to the expiration of a use permit, the applicant may request an extension upon demonstration of good cause, which may include the changing or ownership of the land, as noted below.
- (d) *Use permit amendment.* Applications for substantial amendments to approved use permits shall be reviewed and acted upon in the same manner as the existing use permit.
- (e) *Violations, penalties.* All temporary, special and conditional use permits are issued subject to the conditions contained in the permit. The continuance of such permits for the permit period requires compliance with all conditions of the permit and other applicable provisions of this Code.
 - (1) *Permit suspension/revocation.*
 - a. Permits may be suspended or revoked by the approving authority for, but not necessarily limited to, the following causes:
 - 1. Submission by the holder of false or inaccurate information in the permit application.
 - 2. A substantial, or repeated violation of the terms and conditions of the approved permit, or any other ordinance, regulation, or law, including any state or federal rule or regulation.
 - 3. Refusal by the holder to allow lawful inspections of the permitted facility.
 - 4. When necessary to protect the public health, safety, welfare or the environment.
 - b. When the approving authority has cause to believe that grounds for suspension or revocation exists, it shall notify the property owner in writing, by certified mail, stating its intent to suspend or revoke the operating permit and the reason for such action. The owner may request a hearing before the approving authority on the intent to suspend or revoke. Such request must be in

writing and received within fifteen (15) days from receipt of such notice. If a request for a hearing is made, it shall be held before the authority within forty-five (45) days of receipt of the request. If no written request for a hearing is received within the time specified, the permit approval shall be deemed suspended or revoked. Upon suspension or revocation, the authority shall notify the owner in writing, by certified mail, of such action and, upon receipt of that notification, no further operations shall occur, except as specified in the suspension or revocation action. Operations shall not resume until and unless the suspension or revocation is removed.

- c. Notwithstanding the provisions of subsection b, upon determination by the approving authority that any of the activities conducted under the use permit have created, or will likely create, a hazardous condition threatening the public health, safety or welfare, and that an emergency situation exists, the authority may reduce the request for hearing time period, as appropriate to the situation.

Sec. 13-370. Appeals.

(a) *From final actions of administrative officials.*

- (1) *Authority.* In exercising its powers, the council may hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the ~~administrative officials~~city manager or designee in the performance of their duties.
- (2) *Appellant.* Appeals may be taken by any adversely affected person or official aggrieved by such order, requirement, decision or determination.

(3) *Procedure.* Appeals shall be processed subject to the following:

- a. *Written order.* Any adversely affected person aggrieved by any decision of the city manager or designee shall be furnished such decision in writing over the official's signature. Such document must be furnished to the aggrieved person within ten (10) days of such request.
- b. *Notice of appeal.* An appeal is taken by filing with the council a notice of appeal and a copy of the city manager or designee's written order, requirement, decision or determination. Such appeal shall be in writing, on a form provided by the council, and shall include such information as the date of appeal, parcel identification number of the property involved, grounds upon which the appeal is made and other applicable information. It shall include all information necessary for a complete understanding of the situation by the council. Appeals must be filed within thirty (30) days of receipt of the city manager or designee's written order, requirement, decision or determination. A notice of appeal shall be considered filed with the council when delivered to the council's office and date stamped. The city manager or designee from whom the appeal is taken shall, upon notification by the council's office of the filing, forthwith transmit to the council all the documents, plan, papers, or other materials constituting the record upon which the action appealed was taken.
- c. *Work stayed.* An appeal to the council stays all work on the premises and all proceedings in furtherance of the action appealed, unless the city manager or designee from whom the appeal was taken certifies to the council that (because of facts stated in the certification) a stay would, in his/her opinion, cause imminent peril to life or property. In that case, proceedings or work shall not be stayed except by a restraining order of the council or by a court of record on application and notice to the county administrator or designee from whom the appeal is taken and on due cause shown.
- ad. *Expeditious hearing.* Appeals shall be heard as expeditiously as possible. The city clerk shall place the matter on the next open council agenda and transmit to its members copies of all documents constituting the record relating to the action appealed from. The city clerk shall also provide due notice to all known parties in interest.
- ae. *Burden of evidence.* When an appeal is taken to the council in accordance with this section, the official from whom the appeal is taken shall have the initial burden of presenting to the council sufficient evidence and argument to justify decision appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion. Any affected party may appear in person, or by agent or attorney, and be heard.
- af. *Council action.* The council may affirm or reverse, wholly or partly, or modify, any order, requirement, decision or determination made by an administrative official in the performance of his/her duties, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the official from whom the appeal is taken.

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1. A motion to affirm, reverse or modify the order, requirement, decision or determination appealed shall include, insofar as practical, a statement of the specific reasons or findings of facts that support the motion. The concurring vote of a majority of all members of the council shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the appellant on any matter upon which the council is required to pass under this section.
 2. If a motion to reverse or modify is not made, or fails to receive a majority vote, then a motion to uphold the order, requirement, decision or determination appealed from shall be in order.
- (b) PZSM action. Any adversely affected person, or the council, aggrieved by any final decision of the PZSM, may appeal any such final action to the Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.
- (c) From action of council. An appeal from a decision of the council shall be by petition for writ of certiorari to the circuit court of the fifth judicial circuit within thirty (30) days from the date of final action by the council.
- (ed) Judicial review. Notwithstanding subsections (a), (b) and (c), any adversely affected person aggrieved by any decision of any officer, department, board, council or bureau of the council, including the council, may appeal any such final action to the Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.

Sec. 13-371. Variances.

- (a) *General.* Variances from the requirements of this Code may be granted by the ~~council~~ **PZSM**. Variances may only be granted if it is concluded that strict enforcement would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Code will be observed, public safety and welfare secured and substantial justice done.
- (b) *Application submission.* Requests for variances shall be specified in the materials presented in applications for use and development permits. In addition to the application requirements, the applicant shall fully explain why compliance with the requirements of this Code would result undue hardships for him/her, and how by granting the variance, the spirit of this Code will be observed, public safety and welfare secured and substantial justice done.
- (c) *Application review and action.*
 - (1) *Review criteria.*
 - a. *General.* A variance may be approved if, due to conditions beyond the control of the applicant, enforcement of this Code would result in undue hardships for the applicant. This conclusion may only be reached if it is found that all of the following statements are true:
 - 1. If the applicant complies strictly with the provisions of this Code, he can make no reasonable use of his/her property.
 - 2. The hardship is unique, or nearly so, rather than one shared by many surrounding properties. This shall be determined if special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same land use zone, and if the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same land use zone. The special conditions and circumstances of the hardship for which the applicant seeks relief must be suffered by the applicant and not by neighbors or the general public.
 - 3. The special conditions and circumstances of the hardship relates to the applicant's land, building or other structure rather than personal circumstances. The approving authority must determine that the land contained within the area to be developed is of such size, shape, topography, location or condition, or subject to such title limitations, adaptive reuse of structures, redevelopment of a site within an area designated as blighted, or subject to such other limiting circumstances as to render it impractical or impossible for the applicant to conform to the requirements of this Code without placing an undue hardship on him.
 - 4. The special conditions and circumstances creating the hardship are not the result of the applicants own actions.
 - 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 6. The variance granted will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - 7. The variance requested will neither result in the extension of a non-conforming situation in violation of section 13-151, nor authorize the initiation of a non-conforming use of land.
 - 8. The variance granted will not permit a use not permissible in Table 13-431A for the applicable land use zone, or any use expressly or by implication prohibited by this Code.

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9. No nonconforming use of neighboring lands, structures, or buildings in the same land use zone, and no permitted use of lands, structures and buildings in other land use zones have been considered grounds for the authorization of the variance.
 - b. *Flood hazard areas.* Variances from the requirements of floodplain protection standards shall meet the requirements of article VII of this Code.
 - c. *Setbacks.* In addition to the criteria of subsection a., the following concerns are to be considered for approval of a variance from the setback requirements of this Code.
 1. When the use proposed for a nonconforming parcel is one that is conforming in all other respects but the applicable setback requirements of sections 13-440, and these cannot reasonably be complied with, then the authority may allow deviations from the applicable setback requirements if it finds the following:
 - a) The property cannot reasonably be developed for the use proposed without such deviations, and
 - b) These deviations are necessitated by the size or shape of the nonconforming parcel, and
 - c) The property can be developed as proposed without any significantly adverse impact on surrounding properties or roadways, or the public health, safety or welfare.
 2. For purposes of subsection 1., compliance with applicable setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming parcel cannot practicably be constructed and located on the parcel in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- (2) *Action on application.*
- a. Actions on applications shall be taken as specified in Table 13-313A.
 - b. Actions for approval.
 1. Before granting a variance, the approving authority must make an affirmative finding on each of the applicable criteria set forth in subsection (1). Insofar as practical, an action to make an affirmative finding shall include a statement of the specific reasons or findings of fact that support it. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws.
 2. In granting variances, the approving authority may, upon consideration of the factors listed above, and the purposes of this Code, impose such reasonable and appropriate conditions and safeguards, in excess of what is specified in this Code, as will ensure that the use will be as compatible as practicable with the surrounding properties and further the purposes of this Code. All conditions attached to a variance are enforceable in the same manner as any other applicable requirements of this Code.

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- c. *Actions for denial.* An action to deny a variance shall include a motion with specific reasons and may be made on the basis that any one or more of the criteria set forth in subsection (1) are not satisfied or that the application is insufficient.
 - d. *Actions in writing.* All actions of the authority shall be recorded in accordance with F.S. ch. 286.
 - 1. Approved variances shall be recorded in the public records by the director~~city manager or~~ designee.
 - (d) *Revocation of variance.* Violation of the conditions of approval, as specified in the staff report, shall be deemed a violation of this Code. At a public hearing, upon proof of deliberate disregard and violation of such conditions, the approving authority may revoke the variance.
 - (e) *Prohibited variances.* No lot created after the effective date of this Code that is less than the required area or width shall be entitled to a variance from any building area or setback requirement.

Sec. 13-372. Floodplain variances.

- (a) *Authority to grant floodplain variances.* The ~~planning and zoning board~~PZSM shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (d) below, the conditions of issuance set forth in subsection (e) below, and the comments and recommendations of the floodplain administrator and the building official. The ~~planning and zoning board~~PZSM has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.
 - (1) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in article VII.
- (b) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (c) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of subsection 13-372(a)(1), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (d) *Considerations for issuance of variances.* In reviewing requests for variances, the ~~planning and zoning board~~PZSM shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:
 - (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (4) The importance of the services provided by the proposed development to the community;
 - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (6) The compatibility of the proposed development with existing and anticipated development;
 - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public infrastructure and utilities.
- (e) *Conditions for issuance of variances.* Variances shall be issued only upon:

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- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
 - (2) Determination by the ~~planning and zoning board~~ PZSM that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (3) The variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2020-02, § 3, 3-19-2020)

Sec. 13-590. General.

(a) *General provisions.*

- (1) Unless otherwise provided herein, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Code. Repainting or changing the message of a sign shall not be considered a substantial alteration.
- (2) These sign standards are intended to complement the requirements of the building and electrical codes adopted by the council. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.
- (3) Compliance with the standards requirements of this section shall not constitute a defense to an action brought to abate a nuisance under the common law.

(b) *Exempt, permitted and prohibited signs.*

- (1) *Permitted signs.* Unless expressly prohibited herein, all signs are permitted by this division, subject to the setback provisions of section 13-591.
- (2) *Prohibited signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by this Code. Without limiting the generality of the above, the following signs are expressly prohibited:
 - a. Signs that involve motion or rotation of any physical part of the sign.
 - b. Signs with intermittent, flashing or animated lights except a time and temperature unit or an automatic changing sign which is electronically controlled and which has a display providing for commercial advertising or service information in printed form, such as, but not limited to, temperature, time and date; and specifically to exclude any actual or apparent continuous horizontal, vertical, diagonal, or circular motion or other animation of the display.
 - c. Signs affixed to vehicles parked on a property where such signs are promotional in nature. Exempt from the prohibitions of this subsection are any vehicle used to conduct the business on that property to which the sign on the vehicle pertains.
 - d. Signs of any type which obstruct in any way ingress or egress to or from a structure.
 - e. Signs projecting over a street or road designated for use by vehicles of any type.
- (3) *Exemptions.* The following signs shall be exempt from regulation as provided herein:
 - a. Ground or wall signs in front of residences giving the name and address of the resident and ground or wall signs of other buildings giving the address of the building.
 - b. Commemorative signs of bronze or other appropriate metal or stone. These plaques, tablets, stone inscriptions or cornerstones must be permanently integrated into the structure.
 - c. Government signs.
 - d. Safety signs. Typical safety signs are "danger" or "no smoking." Classification of a sign as a safety sign shall be as determined by the ~~Director~~city manager or designee.
 - e. Real estate signs. One sign per road frontage, not to exceed six square feet in total area, is permitted.
 - f. Temporary signs advising of special activities by a nonprofit organization may be placed at a location designated by the city manager for a period not to exceed ten days.

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- g. Political signs. One political sign per issue or candidate may be placed on a property. To the extent that a wall or window sign as defined by this Code may be utilized for the purpose of political signs, such wall or window sign may be utilized.
 - h. Signage located on elevated water tanks.
- (c) *Signs constituting safety hazards.* No sign is authorized in any place where such sign constitutes a safety hazard. The judgment of the ~~director~~ city manager or designee is final, except that the aggrieved party may appeal an adverse decision to planning and zoning board ~~PZSM~~. In cases where an existing sign is declared unsafe by the ~~director~~ city manager or designee, the responsible party shall remove the sign within twenty-four (24) hours of receipt of the director's ~~city manager or their designee's~~ written notice, unless an appeal shall be filed with the planning and zoning board ~~PZSM~~.

Sec. 13-621. Temporary use requirements.

(a) *Temporary structures or facilities due to construction or reconstruction.*

(1) *Temporary structures or facilities to be used as a residence, or office for public use, during construction, repair or renovation of principal structure, including the use of mobile homes or recreational vehicles.*

- a. No temporary use shall commence unless and until a valid building permit has been obtained to construct, repair or renovate the principal structure on the property where the temporary structure is to be placed, except in cases of extreme personal hardship, such as where a residence has been damaged or destroyed by fire or other disaster to an extent which makes such dwelling uninhabitable, and such dwelling is to be rebuilt or repaired. In this case, the use may commence upon a use permit being issued but shall not be valid for more than ninety (90) days unless a valid building permit has been obtained to re-construct or repair the residence or other structure.
- b. The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the proposed occupants of the principal structure to complete the construction, repair or renovation work necessary to make such building habitable.
- c. The temporary structure or facility must be located on the same parcel as the structure under construction and occupied by the residents of the primary structure.
- d. Any permits required for the installation of temporary structures or facilities shall be obtained prior to commencement of the use.
- e. The temporary structure or facility must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after occupancy of the principal structure. A temporary use permit will be considered terminated if at any time the principal structure building permit becomes invalid.
- f. Temporary use permits for the temporary use of mobile homes, trailers or recreational vehicles utilized due to construction activities shall be approved by the development services director/city manager or designee.

(2) *Temporary construction yards, asphalt and concrete plants, petroleum contaminated soil treatment by biological means.*

- a. The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the original intended purpose to be completed.
- b. Any permits required for the installation of the temporary structure or facility shall be obtained prior to commencement of the use.
- c. Any temporary structures or facilities must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after conclusion of the activity for which the temporary permit was issued, whichever occurs first.

(b) *Security.* Temporary structures to be used to house security personnel in excess of that allowed as an accessory use, including the use of mobile homes or recreational vehicles.

- (1) The temporary structure must be located on the same parcel as the activity or use to be protected and occupied by persons who will provide the security.
- (2) The maximum period for which approval may be given is two-one (1) years. Renewals shall only be approved as is reasonably necessary to continue the required level of protection.

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- (3) Any permits required for the installation of the temporary structure shall be obtained prior to commencement of the use.
 - (4) The temporary structure must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after the activity or use protected ceases, whichever occurs first.
- (c) *Medical hardship.* Second principal residence on one parcel of record in cases of extreme medical hardship, such as where a temporary residence, which may be an RV or mobile home, is needed to house a caregiver or care receiver for a relatively short period of time.
- (1) The ~~director-city manager or designee~~ may approve a temporary second primary residence in the case of extreme medical hardship for a maximum period of one year. Renewals shall require a public hearing before the ~~council~~PZSM.
 - (2) The ~~temporary second principal~~ residence must be removed from the property within the time set forth in the temporary use permit as approved, but in no event later than ninety (90) days of the expiration of the temporary use permit, or not later than ninety (90) days after recovery or relocation of the person receiving care, whichever occurs first.
 - (3) The caregiver and care receiver must reside on the property on a full-time basis during the period prescribed herein. Occupants of the ~~second principal~~temporary residence shall be restricted to the caregiver or care receiver, the caregiver's or care receiver's spouse or partner, and the minor children of the caregiver or care receiver's spouse or partner.
 - (4) A signed letter from a Florida licensed medical doctor (MD), ~~or~~ doctor of osteopathy (DO), or advanced practice registered nurse (APRN), which shall include his or her license number, stating the requirement for continuous necessary medical care and oversight of the care receiver must accompany the application for recognition of hardship under this section.
 - (5) Any permits required for the installation or use of the temporary structure shall be obtained prior to commencement of the use.
- (d) *Special public assembly events.* Special public assembly events are defined as temporary activities for recreational, entertainment, or religious purposes which are held in locations where such events are not expressly permitted or routinely conducted and for which supporting facilities may be absent or inadequate. Such events may occur on public or private property and include, but are not limited to, carnivals, fairs, circuses, music concerts, rodeos, tent revivals, cultural festivals and other activities of a similar character and nature, whether or not admission is charged and whether or not the event is conducted by a business, organization or private individual.
- (1) The maximum period for which approvals may be given for special public assembly events is fourteen (14) calendar days per event site. The event site shall include all properties, parcels or tracts which support the event. Multiple events may be permitted so long as the total number of event days does not exceed fourteen (14) per calendar year.
 - (2) *Use requirements:*
 - a. A written summary of all proposed activities, including a schedule of proposed events.
 - b. A site plan drawn to scale that identifies the event site, event uses and all existing or proposed structures and infrastructure.
 - c. A parking and traffic management plan drawn to scale, including the location of all proposed parking areas and ingress and egress from the site.
 - d. Details of all arrangements made for the provision of public sanitary facilities.

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- e. Details of proposed waste and litter control and post-event clean up.
 - f. Details of all arrangements for security and policing of the event(s).
- (3) Staff shall complete review of all application materials within five (5) business days of receipt of a properly completed application, unless council review or approval is required, and shall approve the special public assembly event unless good cause can be shown as to why such approval is detrimental to the public health, safety or welfare. Staff may propose reasonable conditions to address issues identified in the course of review and shall approve the proposed event if the applicant agrees to the proposed conditions. Specified reasons for denial must be provided in writing to the applicant.
 - (4) Upon recommendation of staff, the council may require the posting of a bond to ensure compliance with any conditions of approval.
 - (5) Requested city services in support of proposed event(s) beyond those customarily provided must have prior approval of the council and may be subject to a fee adequate to recover city costs.
 - (6) Applicants may appeal denial of the issuance of a special public assembly event permit in accordance with the provisions of section 13-370.
- (e) *Agricultural uses.* Grazing by farm animals, at densities not exceeding those specified in this Code for permitted uses, and production of trees for timber are allowed as temporary uses in all zoning districts, until development pursuant to the parcel's assigned zoning district occurs.
 - (f) *Temporary emergency relief housing provided by the Federal Emergency Management Agency.* This provision shall only apply upon enactment of a local, state, or federal declaration of emergency or disaster.
 - (1) Notwithstanding any other requirement of this Code, a recreational vehicle, travel trailer, mobile home, or other temporary housing (temporary emergency housing) provided by FEMA may be placed on a parcel of land to provide temporary shelter for city citizens caused by a natural disaster.
 - (2) Temporary emergency housing provided by FEMA may remain on a parcel of land until it is required to be removed by FEMA or upon a finding by the council that the presence of such housing constitutes a danger to the public health or welfare or constitutes a public nuisance as determined by the council at a noticed, public hearing.
 - (3) Temporary emergency housing shall not be placed on the parcel of land in a manner that hinders roadway access, encroaches onto an adjacent property, or causes a public safety concern.
 - (4) Temporary emergency housing shall be located in a manner that does not interfere with on-site or adjacent property utilities.
 - (5) The permit will assure that the placement of the temporary emergency housing is related to the impact of a declared disaster. Permits shall expire six (6) months after issuance unless extended by the ~~council~~ **PZSM** upon a finding that there remains a need for the temporary emergency housing. Normal setback requirements may be waived if the condition of the property requires a waiver in order to locate the housing on the subject property.
 - (6) The city shall waive all permitting and inspection fees for temporary emergency housing.
 - (7) Any city impact fees shall not be assessed for temporary emergency housing.
 - (g) *Temporary commercial activities and uses.* Transient merchants, street vendors and other temporary commercial uses may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the City of Webster Comprehensive Plan, or a vested commercial or industrial zoning use as recognized pursuant to the land development code. Such use may only take place via written lease with the landowner, or with other proper authorization. A detailed site plan to scale must be provided to the city indicating boundaries of intended use, structures (including, but not limited to, tents), appropriate

sanitation, parking areas and appropriate vehicular and pedestrian access, as determined by staff on a case by case basis. Vehicular access must be approved in writing by the Florida Department of Transportation if a state maintained road is utilized. If a Sumter County maintained road is used for access, approval must be obtained in writing from Sumter County Public Works. If the transient merchant utilizes a tent or other structure or utilizes electricity in any manner, then they must obtain the proper permits from Sumter County Fire Rescue and Sumter County Building Department. Transient merchants, upon submittal of written proof from a church or school of permission to operate on church or school property, may operate on such property regardless of the property's designated future land use category.

- (1) *Operators of temporary vehicle and watercraft sale lots.* A parcel or contiguous parcels may be used for the sale of vehicles by the operator or any related entity for up to fourteen (14) consecutive days, up to four times per calendar year. Operators shall be allowed two "set up" and two "shut down" days prior to and subsequent to the 14-day sale period. The "set up" and "shut down" days shall not count against the allotted 14-day sale period described herein. No vehicle may be sold on the parcel or parcels at issue during the "set up" or "shut down" periods described herein.
- (2) *Transient merchant seasonal sales of holiday items.* The sale of items by transient merchants for holidays may be conducted during the following time periods:
 - a. Holiday items: Monday of the week of Thanksgiving to December 24.
 - b. Fall celebration items: October 1 to October 31.
 - c. Fireworks: June 20 to July 5 and December 10 to January 2 (F.S. § 791.01).
- (3) *Street vendors.* Street vendors may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the City of Webster Comprehensive Plan, or parcels designated as vested commercial or industrial, and shall operate only between 8:00 a.m. and 9:00 p.m. and must remove all equipment, inventory and evidence of operation daily upon close of business.

Sec. 13-632. Bed and breakfast.

- (a) A bed and breakfast establishment is allowable as an accessory use to a primary residential use in residential and agricultural districts. The owner must reside on site. An owner for purposes of this section shall be an individual who owns a fifty (50) percent or greater interest in the real property on which the establishment is located.
- (b) The maximum number of guests resident in a bed and breakfast located in an agricultural or residential zoning district shall be eight (8). This number may be exceeded only if the ~~planning and zoning board~~ PZSM makes a specific finding that due to the size of the property, the number of existing bedrooms, and the relationship to surrounding residential structures, additional guests will not adversely impact the neighborhood. Under no circumstances shall the number of guests supported exceed sixteen (16). Table 13-431A establishes whether such use shall be permitted or require a special land use permit.
- (c) All applications for a bed and breakfast establishment shall require site plan approval by staff.
- (d) All bed and breakfast establishments shall comply with all applicable state rules and regulations and permitting and shall meet all applicable building codes and city regulations as well as all life safety and ~~handicapped~~ accessibility for persons with disabilities rules and regulations.
- (e) In residential and agricultural zoning districts, meals may only be served to residents and guests. In commercial zoning districts, meals may be served to guests and the general public if all applicable codes are complied with and the establishment obtains all necessary permits and licenses.
- (f) The bed and breakfast establishment shall be a single-family residential dwelling of conventional construction. All guest rooms shall be contained within the primary structure and shall be accessed from within the primary structure, except for required emergency access. No kitchen facilities shall be allowed in a guest room.
- (g) A bed and breakfast establishment in agricultural and residential land use areas may have employees who do not reside on-site only if approved as part of the special use application. A bed and breakfast establishment in a commercial zoning district may have non-resident employees.
- (h) A bed and breakfast establishment in agricultural and residential zoning districts may have one (1) on-site sign with a face no larger than nine (9) square feet. The sign may be illuminated with unobtrusive lighting that does not interfere with the use and enjoyment of neighboring properties. Signage and lighting plans shall be submitted as part of the site plan approval process. A bed and breakfast establishment in a commercial zoning district shall comply with all applicable signage regulations.
- (i) Each bed and breakfast establishment shall provide for off-street parking, with a maximum of two (2) spaces for the owner/occupant and one (1) space for each guest bedroom. Handicapped accessible parking rules and regulations shall be complied with. Guest parking areas may not be located in the front of the structure when observable from adjacent properties or public roads. Parking areas must be screened from view of adjacent properties.
- (j) The only activity allowable in a bed and breakfast establishment is the renting of guest rooms to transient visitors for periods of up to sixty (60) consecutive days. Special activities, such as the use for social events, reunions, weddings, and parties are expressly prohibited in agricultural and residential districts. Such special activities are permitted in bed and breakfast establishments located in a commercial zoning district.
- (jk) All bed and breakfast establishments shall comply with all safety codes, building codes, state regulations and accessibility codes. All required licenses shall be obtained prior to commencing operation and copies shall be filed with the division.

(k) The granting of a special use permit is specific to the original applicant. Sale or transfer of the property, or the vacation of the premises by the original owner/applicant terminates the permit. Any new owner shall apply for a new conditional use permit to be authorized to use the premises for a bed and breakfast establishment.

(m) Bed and breakfast facilities determined to fall under the agritourism category are exempt from this section.

Sec. 13-707. Variances and appeals.

- (a) *General.* The ~~Planning and Zoning Board~~PZSM shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), and article III (Administration), division 7, section 13-372, the ~~planning and zoning board~~PZSM shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) *Appeals.* The ~~planning and zoning board~~PZSM shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the ~~planning and zoning board~~PZSM may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 2020-02, § 5, 3-19-2020)

**CITY OF WEBSTER
LAND DEVELOPMENT CODE AMENDMENT**

**PLANNING AND ZONING BOARD
July 10, 2025**

**CITY OF WEBSTER CITY COUNCIL
July 17, 2025
August 21, 2025**

CASE NUMBER:	ZON25-000032
APPLICANT:	The City of Webster
REQUESTED ACTION:	Land Development Code Amendment to certain articles and divisions providing for deleting and replacement of articles in whole and in part to incorporate a Planning and Zoning Special Master in place of the current Planning and Zoning Board

GENERAL DESCRIPTION AND BACKGROUND

The City of Webster, Florida Land Development Code (LDC) currently utilizes a Planning and Zoning Board (PZB) per Webster LDC Sec. 13-302. However, to date, the City has had high turnover on the PZB, which can lead to issues gathering a quorum. The City has therefore opted change the format of the Local Planning Agency (LPA) to be a Planning and Zoning Special Master (PZSM).

The Interlocal Agreement between the City of Webster and Sumter County will cover this change in formatting, and the intention is to utilize the same PZSM who oversees the unincorporated Sumter County PZSM hearings. Public hearings with the opportunity for the citizens of Webster to speak will still continue as scheduled prior to the City's monthly city council meetings.

The attached Ordinance and Exhibit A include all references needed to proceed with a PZSM under Webster's current LDC.

PLANNING DIVISION STAFF CONCLUSION

Staff deemed the application sufficient for review. Staff finds the application in compliance with the minimum requirements of the City of Webster, Florida Land Development Code and Sumter County Unified Comprehensive Plan. Staff recommends APPROVAL.

**NOTICE OF INTENT TO
CONSIDER CITY OF WEBSTER ORDINANCE
TO AMEND LAND DEVELOPMENT CODE**

NOTICE IS HEREBY GIVEN that the City Council of the City of Webster will consider the enactment of a City Ordinance on the following subject:

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER, FLORIDA LAND DEVELOPMENT CODE; MORE SPECIFICALLY, AMENDING CERTAIN ARTICLES AS PROVIDED HEREIN; DELETING AND REPLACING ARTICLES IN WHOLE OR IN PART AS PROVIDED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Requested action:

ZON25-000032: Land Development Code Amendment to certain articles, providing for deleting and replacement of articles in whole or in part for the incorporation of the Planning and Zoning Special Master in lieu of the Planning and Zoning Board.

The proposed ordinance will be heard at three (3) public hearings as follows:

Planning and Zoning Board

6:00 PM, July 10, 2025

City Council - First Reading

6:00 PM, July 17, 2025

City Council - Second Reading & Final Vote

6:00 PM, August 21, 2025

The meetings will be held at the Webster City Hall, located at 85 E. Central Ave, Webster, FL 33597.

The proposed ordinances may be inspected at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or at the Sumter County Planning and Floodplain Division located at 7375 Powell Road, Wildwood, FL 34785, between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

All persons are advised that if they decide to appeal any decision made by the Council on this matter, they will need a record of the proceedings, and may need to ensure that a verbatim record is made, which includes testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), any person with a disability requiring reasonable accommodations in order to participate in this Public Hearing should call the City Manager at (352) 793-2073 at least 48 hours prior to the meeting time.

Published: 7/03/2025

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Edmar Corachia, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sumter Sun Times, a newspaper printed and published in the City of Bushnell, County of Sumter, State of Florida, and that this affidavit is Page 1 of 2; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

PUBLICATION DATES:

- Jul 3, 2025

NOTICE ID: wmFXd0XflP7tYVpOhCuM

NOTICE NAME: CITY OF WEBSTER ZON25-000032

Publication Fee: \$157.68

Affiant further says that the Sumter Sun Times newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Edmar Corachia

(Signed) _____

VERIFICATION

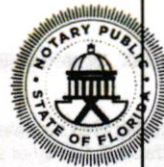
State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this:
07/08/2025



Notary Public

Notarized remotely online using communication technology via Proof.



PAMELA BAEZ
Notary Public - State of Florida
Commission # HH 186700
Expires on October 14, 2025