

ARTICLE IX ADMINISTRATION

PART 9.00.00 GENERALLY

Sec. 9.00.01 Purpose

This Article sets forth the application and review procedures required for obtaining development approval, appealing decisions, and taking legislative action.

Sec. 9.00.02 Development Review Manual

A. Generally

The County Administrator is authorized and directed to prepare a Development Review Manual containing supplemental administrative regulations and procedures, forms, applications, fee schedules, submittal requirements, internal review procedures, charts and related materials, consistent with the intent and content of this Code, and necessary to facilitate the efficient, effective and equitable administration of this Code.

B. Format and Publication

The Development Review Manual shall be drafted in plain English, shall have a table of contents and index, and shall be published and made available to the general public at a cost not exceeding the actual cost of duplication.

C. Approval by Board of County Commissioners

The Development Review Manual shall be completed and submitted to the Board of County Commissioners for approval by Resolution. The County Administrator shall be authorized to change or modify the Development Review Manual at any time following initial approval of the Development Review Manual by the Board of County Commissioners.

Sec. 9.00.03 Withdrawal Of Applications

An application for any action under this Article may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application may be withdrawn thereafter, with the consent of the Board of County Commissioners or Planning and Zoning Agency, as applicable.

Sec. 9.00.04 Expiration of Applications

Applications for any action under this Article will be valid six (6) months from the most recent date of the review comment notification to the Applicant. Failure to substantially respond to the review comment notification during this period will require the applicant to resubmit the application and pay the appropriate resubmittal fee. Failure to respond within twelve (12) months from the most recent date of the review comment notification to the Applicant will result in expiration of the

application. Upon expiration, a new application is required, including all appropriate fees. Applications that have received final review comment notification shall be scheduled for a public hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date a complete application is determined.

Sec. 9.00.05 Concurrent Applications

An application for the rezoning of land, Special Use Permit, or Variance on all or part of the same land may be made concurrently. In such cases, the effective date of the Special Use Permit and/or Variance shall be held in abeyance until action has been taken by the Board of County Commissioners on the application for rezoning of such land.

Sec. 9.00.06 Time Periods

All time periods provided for in this Article are substantive, and non-compliance with any time period shall deny the substantive right to which the time period applies unless the time period is waived by the Board of County Commissioners. The Board of County Commissioners may waive any such time period or time limits upon a finding of good cause.

Sec. 9.00.07 Material Misrepresentations

Misrepresentation of a material fact in any application for Development Order or Development Permit may be grounds for denial of such application and grounds for revocation of any such application having been granted.

Sec. 9.00.08 Management of Applications among Multiple Boards

It is the intent of this section to simplify and expedite the process for projects with applications pending approval from various boards or agencies that will later appear before the Board of County Commissioners.

- A. Applications requiring more than one (1) type of approval shall be processed concurrently so long as all submitted applications are consistent and are related to the same proposed development or activity.
- B. When a board or agency has made a decision or finding on an application or companion application, its approval or approval with conditions shall constitute a recommendation to the Board of County Commissioners, unless otherwise provided for in this Code.
- C. The Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with the Board of County Commissioners findings or suggestions.

Sec. 9.00.09 Title Issues or Impediments

An applicant for development approval or permit is responsible for any title ownership, or other legal impediment. If there are title issues, ownership issues, or other legal impediments affecting the application, the County may decline to process any development approval or permit, or may suspend, continue, or decline to hold any public hearing, or both, until such issues or impediments are resolved to the County Administrator or his or her designee's satisfaction.

PART 9.01.00 DEVELOPMENT PERMIT REQUIRED

Sec. 9.01.01 Generally

No development activity may be undertaken unless the activity is authorized by a Development Permit.

Sec. 9.01.02 Prerequisites To Issuance Of Development Permit

Except as provided in Section 9.01.03 below, a Development Permit shall not be issued unless the proposed development activity:

- A. Is authorized by a final order issued pursuant to this Code; and
- B. Conforms to the Development Review Manual adopted by reference in Section 9.00.02 of this Code.

Sec. 9.01.03 Exceptions To Requirement Of A Final Order

A Development Permit may be issued for the following development activities in the absence of a final order issued pursuant to this Code. However, any development activity exempted from compliance with this Code, shall comply with all previous applicable requirements of law, Ordinance, plat, Development Order or Development Permit in effect at the time of approval of the development activity. Unless otherwise specifically provided, the development activity shall conform to this Code and the Development Review Manual.

- A. Development activity necessary to implement a valid development plan on which the start of Construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The Construction or alteration of a One or Two Family Dwelling on a Lot of Record in a legally recorded Subdivision, or Legally Documented Unrecorded Subdivision, approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing Building or Structure so long as no change is made to its gross floor area, its Use, or the amount of impervious surface on the site.
- D. The erection of a Sign or the removal of Protected Trees on a previously developed site which is independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. All other activities that are required by this Code to only obtain a Development Permit.

Sec. 9.01.04 Procedure

A. Application

An application for a Development Permit shall be filed with the County Administrator on forms provided by the County Administrator.

B. Completeness Review

The application and any required submittals shall be reviewed for completeness by the County Administrator. If incomplete, the County Administrator shall, within five (5) working days of receipt of the application, inform the Applicant of what additional information is needed.

C. Compliance Review

The County Administrator shall review the proposal and decide whether to grant or deny the requested Development Permit in accordance with time limits established in the Development Review Manual. The County Administrator's decision shall be based on whether the proposal complies with all applicable provisions of this Code and other County regulations.

D. Decision

A decision to approve the application shall be in the form of a written Permit. A decision not to approve shall be in the form of a letter setting forth the reasons for the denial.

Sec 9.01.05 Right-of-Way Permits

A. An "Application for Right-of-Way Permit" shall be submitted to, and approved by, the County Administrator prior to commencement of any planned Construction activities within County right-of-way. Construction activities include, but are not limited to: utility installations, driveway connections, sidewalks, drainage alterations, placement of mailboxes, Signs, and similar Construction activities that normally occur within the right-of-way, unless exempted by provisions of Section 6.04.04.B. Right-of-Way Permits shall not be required for Construction activities that are approved through a "Development Permit" subject to the provisions of Part 9.01.00 herein.

B. The "Application for Right-of-Way Permit" and related drawings shall be submitted in triplicate to the County Administrator for review. One of the three (3) applications shall be an original. Upon approval, the Applicant will receive one (1) copy of the approved application which shall be kept on the job site during the duration of the Construction or installation activities and shall be made available to County personnel upon request during field inspections. The original will be placed in County files and one (1) copy shall be used by County inspection staff.

C. Upon approval by the County Administrator, the Right-of-Way Permit shall allow the described Construction for a specified period not to exceed six (6) months from the date of approval. Right-of-Way Permits for Construction may be extended with prior written approval from the County Administrator up to a total period of twelve (12) months. Additional extensions beyond a total permit period of twelve (12) months shall require a

new "Application for Right-of-Way Permit" to be submitted and approved including payment of all applicable fees.

D. Notification

All site-related roadway and drainage improvements shall be constructed in accordance with approved Construction drawings and related specifications under the authority of the "Right-of-Way Permit" or "Development Permit", as approved by the St. Johns County Development Review process. To ensure Construction is in compliance with Permit conditions, the County Administrator shall be given advanced notification of the following items in the format indicated:

PERMIT TYPE/WORK ITEM	ADVANCED NOTIFICATION	FORMAT
Development Permits		
Commencement of Construction	24 hours	Written
Storm Sewers and Underdrains (prior to backfilling)	24 hours	Verbal
Roadway Subgrade	24 hours	Verbal
Roadway Curb and Concrete Work	24 hours	Verbal
Roadway Base Course	24 hours	Verbal
Roadway Surface Course	24 hours	Verbal
Final Inspections	5 days	Verbal
Right-of-Way Permits		
All Construction and Installations	24 hours	Verbal

E. The County acknowledges that conflicts may occur in scheduling and there may be times when a County inspector will not be available. In those instances where an inspector is not available, and to wait would unreasonably delay the project, the inspection requirements may be met, with advanced approval, by having the Engineer of Record submit, with applicable test reports, a signed and sealed certification to the County Administrator that Construction was performed and completed as specified in the approved Construction drawings and specifications.

PART 9.02.00 (Reserved)

PART 9.03.00 SPECIAL USES, VARIANCES, TEMPORARY USE PERMITS, MINOR MODIFICATION TO PUD OR PRD

Sec. 9.03.01 Generally

An application for an Special Use Permit, Variance, Temporary Use Permit, Minor Modification to a PUD or PRD shall be reviewed according to the procedures below. The Applicant shall submit an application on a form provided by the County Administrator.

Sec. 9.03.02 Procedures

A. Review by County Administrator

1. The County Administrator shall review the application to determine if all required information has been submitted. If additional information is needed, the County Administrator shall notify the Applicant of the deficiencies within five (5) working days of receipt of the application.
2. Upon receipt of a complete application, such matter shall be placed on the agenda of the next reasonably available Planning and Zoning Agency meeting allowing for required notice and the preparation of the report as set forth below.
3. The County Administrator shall issue a written report setting forth findings and conclusions supporting its recommendation that the Planning and Zoning Agency grant or deny the application in accordance with time limits established in the Development Review Manual. This report shall be mailed to the Applicant immediately upon its completion.

B. Hearing by Planning and Zoning Agency

The Planning and Zoning Agency shall hold a quasi-judicial hearing on the application in accordance with the procedures set forth in Part 9.06.00 below.

PART 9.04.00 REZONING OF LAND AND COMPREHENSIVE PLAN AMENDMENTS

Sec. 9.04.01 Generally

A. Amendments Authorized

The Zoning Atlas and Future Land Use Map of the St. Johns County Comprehensive Plan may from time to time be amended pursuant to the procedures set forth below.

B. Small-Scale Land Use Map Amendment Defined

A small-scale land Use map amendment is an amendment to the Future Land Use Map portion of the St. Johns County Comprehensive Plan involving ten (10) acres or less of land, as provided for in Section 163.3187(1)(c), F.S.

Sec. 9.04.02 Initiation Of Proposals

An Ordinance for the rezoning of land or for a land Use map amendment to the Future Land Use Map may be proposed only by the owner(s) of the subject property or duly authorized agent, the St. Johns County Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department. All such proposals shall be submitted in writing accompanied by all pertinent information which may be required by the County Administrator for proper consideration of the matter which shall include certificate of title by a title or abstract company or attorney, licensed in the State of Florida, or current copy of recorded deed.

Sec. 9.04.03 Review By Planning and Zoning Agency

A. Public Hearing

A public hearing shall be held by the Planning and Zoning Agency to consider a proposal for a rezoning. The hearing for a site-specific rezoning shall be a quasi-judicial type hearing in accordance with the procedures at Part 9.06.00 below. The hearing for a land Use map amendment shall be legislative in nature.

B. Planning and Zoning Agency Report

1. The Planning and Zoning Agency shall prepare a report and recommendations to the Board of County Commissioners which shall address:
 - a. The need and justification for the change; and
 - b. The relationship of the proposed amendment or rezoning to the County Comprehensive Plan and this Land Development Code.
2. Unless a longer time is mutually agreed upon by the Board of County Commissioners and the Planning and Zoning Agency, in the particular case, the Planning and Zoning Agency shall submit its report and recommendations to the Board of County Commissioners no later than sixty (60) days from the date a complete application was filed with the County Administrator.

3. The report and recommendation of the Planning and Zoning Agency shall be advisory only and shall not be construed to be binding upon the Board of County Commissioners.

Sec. 9.04.04 Action By Board Of County Commissioners

A public hearing shall be held by the Board of County Commissioners to consider a proposal for a site-specific rezoning. The hearing shall be a quasi-judicial hearing pursuant to the procedures at Part 9.06.00 below.

Sec. 9.04.05 Limitations On Rezoning Land

A. Re-Application After Approval of Rezoning

Whenever the Board of County Commissioners has, by amendment to this Code, changed the zoning classification of land, the Planning and Zoning Agency shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such amendment to this Code.

B. Re-Application After Denial of Rezoning

Whenever the Board of County Commissioners has denied an application for the rezoning of land, no further application shall be filed for the same rezoning category of any part, or all of the same land for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning category of any part or all of the same land for a period of two (2) years from the date of such action denying the last application filed.

C. Waiver of Time Limits

The time limits in Sections 9.04.05.A. and 9.04.05.B. above may be waived by the affirmative vote of a majority of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the County.

PART 9.05.00 LAND USE POLICY DECISIONS

Sec. 9.05.01 Generally

A. Land Use Policy Decisions Defined

Land Use policy decisions are those that have been declared by the courts of Florida to be “legislative” in nature, rather than “quasi-judicial”. These include the following:

1. Amendments to the text of the Comprehensive Plan.
2. Amendments to the Future Land Use Map of the Comprehensive Plan.
3. Large-scale administrative rezonings initiated by the County involving multiple parcels of property.

B. Applicability

The procedures in this Part shall be followed for the making of all land Use policy decisions as defined above.

C. State Law Controlling

This Part supplements the mandatory requirements of state law, which must be adhered to in all respects.

Sec. 9.05.02 Procedures

A. Application

1. A property owner, or duly authorized agent, of land seeking a land Use amendment, the Board of County Commissioners, the Planning and Zoning Agency, or the County Planning Department may initiate a proposal for a Comprehensive Plan text or Future Land Use Map change.
2. Applications for amendments to the Comprehensive Plan, other than small-scale land Use map amendments, or applications otherwise exempt by Chapter 163, F.S., from the twice per year adoption cycle, shall only be accepted during the months of June and December of each calendar year.

B. Referral to Planning and Zoning Agency

The County Administrator shall refer all land Use policy matters to the Planning and Zoning Agency for review. The County Administrator shall set the application for hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date the application was received, unless specific time periods are otherwise established per Florida Statutes.

C. Recommendation of Planning and Zoning Agency

The Planning and Zoning Agency shall hold a legislative hearing on each land Use policy matter pursuant to the procedures at Part 9.06.00 below. The Planning and Zoning Agency shall thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies any provisions of this Code, the Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
2. States factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, includes the written comments, if any, received from the Planning and Zoning Agency.

D. Decision By Board of County Commissioners

The Board of County Commissioners shall hold a legislative hearing on Comprehensive Plan Amendments, not including small-scale amendments, pursuant to the procedures of Part 9.06.00 below. At the conclusion of the hearing(s) the Board of County Commissioners shall vote to transmit or not transmit the proposed amendments to the Florida Department of Community Affairs. Within one hundred twenty (120) days of receiving the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs, the Board of County Commissioners shall hold a legislative hearing on the proposed amendments pursuant to the procedures in Part 9.06.00 below to decide to adopt, adopt with changes, or not adopt the proposed amendment(s).

PART 9.06.00 HEARINGS

Sec. 9.06.01 Generally

Under the law of Florida, a hearing on a land Use matter may be legislative or quasi-judicial. Although Florida law often provides specific direction as to whether specific types of hearings are quasi-judicial or legislative, as a general guideline, if the hearing is for the purpose of establishing land Use policy that will have general applicability, the hearing is legislative and must be conducted in accord with procedures applicable to such hearings. Alternatively, if the purpose of the hearing is to apply general standards of this Code to a development proposal, then the hearing is quasi-judicial and must be conducted in accordance with procedures applicable to such hearings. Set forth below are guideline procedures for each type of hearing when such a hearing is to be held by either the Planning and Zoning Agency or the Board of County Commissioners. These procedures may be varied for good cause by the Chairman to the extent allowed by Florida law.

Sec. 9.06.02 Legislative Hearings

A. Notice

Notice that complies with the requirements of Chapter 163, Chapter 125, or other applicable provisions of Florida Statutes, shall be given.

B. Conduct of Hearing

1. The matter shall be introduced by the County Administrator or designee.
2. The County Administrator or designee shall present the analysis of the proposed action, any recommendation by the Planning and Zoning Agency, and any reports or recommendations received from other agencies.
3. Interested parties shall be allowed to submit written recommendations and comments before or during the hearing, and shall be given a reasonable opportunity to make oral statements in favor of or in opposition to the proposal.

Sec. 9.06.03 Quasi-Judicial Hearings

A. Rights of Parties

All parties to a quasi-judicial proceeding shall have the following rights:

1. Present their case or defense by oral and documentary evidence. This shall not include a right to compel testimony or production of non-public or confidential documents.
2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts.
3. Submit proposed findings and conclusions and supporting reasons therefor.
4. Make offers of compromise or proposals of adjustment. This shall not empower

the County to accept any compromise or endorsement, otherwise not authorized by law.

5. Be accompanied, represented and advised by counsel or represent themself. This shall not be interpreted to require the County to provide counsel to any party.
6. Be promptly notified of any action taken on the matter.

B. Evidence

Evidence may be submitted that would be admissible in civil proceedings in the courts of this State, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled. The exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect, however; parties must be given an opportunity to cross-examine witnesses. Otherwise, however, effect shall be given to rules of evidence recognized by the law of Florida.

C. Discussion by Board

Following the public portion of the hearing, the Planning and Zoning Agency or County Commission may debate and take action in accordance with their standard procedures. Witnesses may be called or recalled to answer questions. If rebuttal of such testimony is requested, it should be allowed but may be strictly limited.

D. Final Order

A Final Order on each request shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each Final Order may contain findings of fact and conclusions upon which the Order is based, and may include such conditions and safeguards as are appropriate in the matter including reasonable time limits within which action pursuant to such Order shall be begun or completed or both. The Final Order shall be furnished to the County Administrator and to the Applicant. Any finding of fact or conclusion of law included in the Order may be conclusionary or general in nature, and the inclusion of any finding of fact or conclusion of law shall not prevent or impair the Final Order from being found to be properly supported (a) by competent substantial evidence in the record or (b) by any conclusion of law supported by the record.

E. Record

A record of all matters considered at a quasi-judicial hearing shall be created by the County. A verbatim transcript of the record is not required but the County shall establish such record in a sufficient degree to disclose the factual basis for its final determination with respect to such requests and appeals.

Sec. 9.06.04 Notice Of Hearings

A. Generally

In addition to any requirements of state law that may apply to a given matter, the following notice requirements shall be followed. Where more than two methods of notice are required, failure to receive notice by one of the methods provided in this section shall not

constitute a jurisdictional defect or be grounds to invalidate a public hearing if a good faith attempt was made to provide such notice and all other notice requirements are met.

B. Mailed Notices

Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to Planned Unit Development (PUD) or Planned Rural Development (PRD), Special Use, or Variance is to be considered, the time and place of the public hearing shall be posted by United States mail to all Owners of real property within three hundred (300) feet of the boundaries of the land upon which the application is made; provided however, that where the Applicant is the Owner of land not included in such application and such land that is not included in the application is a part or adjoins the parcel upon which such request is made, the Planning and Zoning Agency may, in its discretion give mailed notice to such Owners as the Planning and Zoning Agency may determine. For the purpose of notice requirements to adjoining Owners within three hundred (300) feet, the names and addresses may be provided by the St. Johns County Administrator to the Applicant, which list shall include said information obtained from the St. Johns County Property Appraiser records within ninety (90) days prior to the last date that such ten (10) day notice must be mailed. Such list prepared for any required public hearing with the Planning & Zoning Agency shall also be used for a required public hearing with the Board of County Commissioners. A record of the date on which the list was compiled shall be provided to and maintained by the County.

Notwithstanding the provisions of this Section, mailed notice requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

C. Published Notice

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the time and place of the public hearing shall be published once in a St. Johns County Newspaper of general circulation, and others as deemed necessary by the County Administrator.

Notwithstanding the provisions of this Section, published notice for Special Use permits for domestic hens pursuant to Section 2.03.56 shall not be required.

Notwithstanding the provisions of this Section, published notice requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

D. Signs

Not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application for a rezoning, Major Modification to a PUD or PRD, Minor Modification to a PUD or PRD, Special Use, Variance, or Temporary Use Permit is to be considered, the County Administrator shall cause a Sign or Signs to be posted on the subject parcel. Such Sign(s) shall be in the form required by the County Administrator

and shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such Signs shall be erected on the nearest street Right-of-Way.

Notwithstanding the provisions of this Section, Signage requirements for administrative rezonings, as defined and provided in Section 9.05.01 of this Code, shall be in accordance with Florida Statutes.

E. Notice For Continued Hearings

Notwithstanding any other provision in the Code for notice of any hearing, a hearing that is continued or recessed to a time and date certain, as announced at the continued or recessed hearing, shall be required only to be noticed in a reasonable manner as determined by the County Administrator so long as that notice complies with any applicable, specific, statutory requirement.

PART 9.07.00 APPEALS

Sec. 9.07.01 Adversely Affected Person Defined

An “adversely affected person” as used herein shall be any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the St. Johns County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. A person within the area receiving mailed notice for the hearing on the matter at issue shall be automatically deemed to be an adversely affected person.

Sec. 9.07.02 Appeals From Decisions Of The County Administrator In Enforcing This Code

An Applicant or any adversely affected person may appeal any final decision of the County Administrator in enforcing this Code to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the decision. The appeal shall be scheduled on the next reasonably available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.03 Appeals From Decisions Of The Planning and Zoning Agency

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal any final decision by the Planning and Zoning Agency, to the Board of County Commissioners. Appeals are made to the Board of County Commissioners by filing a notice of appeal with the County Administrator within thirty (30) days of the date when the written Final Order is signed and dated. The appeal shall be scheduled on the next available meeting of the Board of County Commissioners. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.04 Appeals From Decisions Of The Architectural Review Committee or Design Review Board

The County Administrator, an Applicant or an adversely affected party, as defined in Section 9.07.01, may appeal a determination of the Architectural Review Committee or Design Review Board to the Board of County Commissioners by filing a notice of appeal in writing to the County Administrator within thirty (30) days of the date of the Final Order. The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.

Sec. 9.07.05 Notice Of Appeal

A notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.

- B. A statement of the interest of the adversely affected person, as defined in Section 9.07.01, seeking review.
- C. The specific error alleged as the grounds of the appeal.

Sec. 9.07.06 Appellate Hearing

When a decision is appealed to the Planning and Zoning Agency or Board of County Commissioners, the hearing shall be a de novo hearing on the merits and shall be conducted as a quasi-judicial hearing as set forth in Part 9.06.00. Payment of fees for an Appeal shall be in accordance with the Fee Schedule adopted by Resolution by the Board of County Commissioners.

Sec. 9.07.07 Stay Of Proceedings

An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination has been made by the Planning and Zoning Agency or Board of County Commissioners on the appeal, provided that no action shall be taken by the Applicant or the administrative official during such time which should change the status of the matter being appealed.

History: Ord. 2009-48, Ord. 2010-23; Ord. 2013-26; Ord. 2015-14; Ord. 2018-41