

ARTICLE 40
ADMINISTRATION AND ENFORCEMENT

40.01.00.00 INTENT

It is the intent of the City Commission through the regulations of this Article to provide for the administration and enforcement of the terms of this code and to define the powers and duties of the administrative officers, boards and commissions provided herein. This code, including the official zoning atlas, may from time to time be amended, supplemented, changed or repealed. It is not intended that amendments to this code relieve particular hardships or confer special privileges or rights on any person. All amendments shall be reasonably necessary to promote the public health, safety, and general welfare or to achieve the purposes of the comprehensive plan or part thereof.

40.02.00.00 ADMINISTRATION AND ENFORCEMENT

Except as otherwise specifically provided herein, the Zoning Administrator shall have primary responsibility for administering and enforcing this code.

40.03.00.00 PLANNING AND ZONING BOARD ESTABLISHED

There is hereby established a Planning and Zoning Board of the City of Lakeland. Pursuant to, and in accordance with, Part II, Chapter 163, Florida Statutes, the Planning and Zoning Board is hereby designated and established as the local land planning agency and the land development regulation commission for the incorporated territory of the City of Lakeland.

40.03.01.00 ORGANIZATION, RULES AND PROCEDURES

40.03.01.01 Appointment And Terms Of Planning And Zoning Board Members

Amend. 6 The Planning and Zoning Board shall consist of seven members to be appointed by the City Commission to serve for terms of three years. Members of the Board shall be appointed as provided for in resolutions of the city and the By-Laws of the Board. In addition, there shall be one nonvoting member who shall be a representative of the school district appointed by the Polk County School Board to attend those meetings at which the Planning and Zoning Board considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

40.03.01.02 Planning And Zoning Board Officers

The Board shall annually elect a Chairman, Vice-Chairman and a Secretary as provided for in resolutions of the city and the By-Laws of the Board.

40.03.01.03 Planning And Zoning Board Meetings And Records

All meetings of the Board shall be public meetings and all records of the Board shall be public records. The method of setting public meetings and storing records shall be as provided for in resolutions of the city and the By-Laws of the Board.

40.03.01.04 Planning And Zoning Board Rules And Procedures

The Board shall follow such rules, procedures and methods of accomplishing its duties as provided for in resolutions of the city and the By-Laws of the Board.

ARTICLE 40
ADMINISTRATION AND ENFORCEMENT

40.03.01.05 Provision Of Financial Support

The City Commission shall appropriate funds at its discretion for the use of the Planning and Zoning Board. The Board may, in order to accomplish the purposes and activities required by Part II, Chapter 163, Florida Statutes, expend such sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided, acceptance of loans or grants shall be approved by the City Commission.

40.03.02.00 PLANNING AND ZONING BOARD POWERS AND DUTIES

As the local land planning agency and the land development regulation commission for the city, the Board shall serve as an advisory board to the City Commission and assist the Commission in carrying out its powers and duties to plan, zone, regulate development, control density, and administer planning, zoning and development activities pursuant to Article VIII of the Constitution of the State of Florida, Florida Statutes, various special acts and the City Charter. The Board shall have, among others, the powers and duties set forth in the following sections:

40.03.02.01 Planning And Zoning Board Powers And Duties With Respect To Comprehensive Planning Program

As the local land planning agency for the city, the Board shall:

- a. Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof;
- b. Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida;
- c. Recommend said comprehensive plan or elements or portions thereof to the City Commission for adoption; and
- d. Monitor and oversee the effectiveness and status of the comprehensive plan as may be required from time to time.

40.03.02.02 Planning And Zoning Board Powers And Duties With Respect To Land Development Regulations

As the local land planning agency and land development regulation commission for the city, the Board shall develop and recommend to the City Commission land development regulations which implement the adopted comprehensive plan, and shall review said land development regulations, or amendments thereto, for consistency with the adopted comprehensive plan or elements or portions thereof, and report to the City Commission regarding its findings.

- a. Powers and Duties with Respect to Zoning:
 - (1) To consider applications for development approval for developments of regional impact and make recommendations to the City Commission pertaining thereto;
 - (2) To study and review the zoning atlas and the zoning provisions of this code and, from time to time, propose and recommend to the City Commission changes, modifications or amendments thereto;

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

- (3) To consider applications for a change in zoning or for annexation and zoning and either deny said applications or recommend their approval to the City Commission;
- (4) To make recommendations to the City Commission on the merits of holding a public hearing on applications for a change in zoning previously denied by the Board; and
- (5) To consider applications for conditional use approval and either deny said applications or recommend their approval to the City Commission.

b. Powers and Duties with Respect to Subdivision Regulation:

- (1) To hear and decide applications for final plat approval; and
- (2) To hear and decide appeals or variances from, and interpretations of, the subdivision regulation provisions of this code.

40.03.02.03 Planning And Zoning Board Studies And Reports

In the conduct of its duties, the Board shall make comprehensive studies, surveys and investigations and special studies of a specific nature relating to issues of planning and zoning. Copies of all reports and recommendations of the Board shall be filed with the City Commission.

40.03.02.04 Planning And Zoning Board Consultation With Public Agencies; Public Participation

In the conduct of its duties, the Board shall consult with the City Commission and other public and semi-public agencies. The City Commission and other public bodies and boards shall, upon request, furnish to the Board, within a reasonable time, such available information as may be required for the Board's work. Copies of all reports and recommendations of the Board may be furnished to other public and semi-public agencies and to the general public. It shall also be the duty of the Board to consult with the general public and encourage public participation in the planning process.

40.03.02.05 Planning And Zoning Board Right Of Entry

The Board, its members, officers, and employees, in the performance of their duties, may enter upon any land to make examinations, investigations and surveys.

40.04.00.00 DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of Community Development is the administrative head of the city's Community Development Department. The Director of Community Development shall be an employee of the Planning and Zoning Board, and appointed by the City Manager as provided in the By-Laws of the Board.

40.04.01.00 POWERS AND DUTIES OF DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of Community Development shall assist the Planning and Zoning Board in carrying out its duties as the local land planning agency and land development regulation commission for the city, as provided in this code.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

40.05.00.00 ZONING BOARD OF ADJUSTMENT AND APPEALS ESTABLISHED

There is hereby established a Zoning Board of Adjustment and Appeals of the City of Lakeland. The Board shall be known as the "Zoning Board of Adjustment and Appeals" and may also be referred to as the "Board of Adjustment."

40.05.01.00 ORGANIZATION, RULES AND PROCEDURES

40.05.01.01 Appointment And Terms Of Board Of Adjustment Members

Amend.10 The Board of Adjustment shall consist of seven regular members and two alternate members appointed by the City Commission to serve for terms of three years. Members of the Board of Adjustment shall be appointed as provided for in resolutions of the city and the By-Laws of the Board. Alternate members shall serve in the absence of regular members.

40.05.01.02 Board Of Adjustment Officers

The Board of Adjustment shall annually elect a Chairman and such other officers as it may determine, as provided for in resolutions of the city and the By-Laws of the Board.

40.05.01.03 Board Of Adjustment Meetings And Records

All meetings of the Board of Adjustment shall be public. Meetings shall be held at the call of the Chairman at such times as the Board may determine. The Chairman, or in his absence, the acting Chairman, shall administer oaths and compel the attendance of witnesses. All records of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations or other official actions. All such records shall be immediately filed in the office of the Board.

40.05.01.04 Board Of Adjustment Rules And Procedures; Voting

The Board of Adjustment shall follow such rules and procedures and methods of accomplishing its duties as provided for herein and in resolutions of the city and in the By-Laws of the Board; provided that the concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to grant any variance from terms of this code as provided herein.

40.05.02.00 BOARD OF ADJUSTMENT POWERS AND DUTIES

The Board of Adjustment shall have the power to hear and decide appeals for interpretations or variances where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this code, except those provisions relating to subdivision regulation. In reversing, affirming, wholly or partly, or modifying such an order, requirement, decision or determination, the Board shall have all the powers of the official from whom the appeal is taken.

40.05.02.01 Board Of Adjustment Powers And Duties With Respect To Appeals For Variances

The Board shall have the power to hear and decide appeals for variances from the terms of this code in specific cases where the following conditions exist:

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

- a. The Board shall have the power to grant a variance if and only if it concludes that a literal enforcement of the terms of the code would result in unnecessary hardship and that the granting of the variance would not be contrary to the public interest; would observe the spirit and intent of this code; and would do substantial justice. The Board may reach these conclusions only if it finds, based on substantial facts, that:
 - (1) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (2) The hardship relates to the applicant's land, rather than personal circumstances;
 - (3) The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
 - (4) The hardship is not the result of the applicant's own actions or those of his agent.
- b. The Board shall not be empowered to hear and decide requests for variances from the terms of this code regulating the subdivision and platting of land.
- c. The Board shall not be empowered to hear and decide requests for variances from the terms of this code regulating signage, except those specifically relating to height or setback of signs.
- d. The Board shall not be empowered to hear and decide requests for variances to permit a use in a district in which such use is prohibited by the zoning provisions of this code, or to change the use of any property as provided herein.

40.05.03.00 EXPIRATION OF VARIANCES

When any variance has been authorized or granted under the provisions of this Article, such variance authorized or issued shall become invalid unless the work authorized by it shall have commenced within twelve months after such variance has been granted or authorized by the Board.

40.06.00.00 APPLICATION PROCEDURES

Applications for building and occupancy permits and certificates of compliance, final plat approval, appeals, and conditional use approval shall be submitted in accordance with the procedures outlined in this section and elsewhere in this code.

40.06.01.00 WHO MAY SUBMIT AN APPLICATION

Applications for amendments to this code which involve a change in zoning or permitted use of private real property may be submitted only by persons having the legal authority to use the property as requested by the application, except applications for appeal. Applications may be made by owners or lessees of property, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this code, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees). Applications submitted by anyone other than the owner of record must be accompanied by a letter of authorization from the owner.

Applications for amendments to this code not involving a change in the zoning or permitted use of private real property may be submitted by any resident of the city, any person owning property in the city, or any agency of the city.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

40.06.02.00 APPLICATIONS REQUIRED TO BE COMPLETE

Applications filed pursuant to this Article must be complete before the reviewing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for a determination of compliance with the provisions of this code and other applicable municipal regulations.

40.06.03.00 APPLICATION FEES

Applications filed pursuant to this Article shall be accompanied by payment of the required application fee, if any, as shall be determined by the city. Such application fee shall be payable to the City of Lakeland.

40.06.04.00 APPLICATION FOR LAND DEVELOPMENT CODE AMENDMENTS

An application for amendment to this code shall be submitted to the Community Development Department on an application form provided by the Community Development Department.

40.06.04.01 Submittal Date

Amend.4,9 An application for amendment to this code shall be submitted by 5:00 P.M. on the 1st day of the month preceding the month in which the application is to be heard by the Planning and Zoning Board. Applications for minor modifications to existing Planned Unit Developments shall be submitted by 5:00 P.M. on the 20th day of the month preceding the month in which the application is to be heard by the Planning and Zoning Board.

40.06.04.02 Application To Be Accompanied By Proof Of Ownership

An application for amendment to this code shall be accompanied by proof of ownership, such as photocopy of deed or tax receipt.

40.06.04.03 Application To Be Accompanied By Location Map And Required Plans

An application for a change in the zoning or permitted use of private real property shall be accompanied by a location map showing the subject property and by copies of any required plan as required by this code. The number of copies of the required plan to be submitted and the information to be shown shall be as required by this code and as otherwise determined by the city.

40.06.04.04 Application To Be Accompanied By Concurrency Determination Information

Amend.10 An application for a change in the zoning or permitted use of private real property shall be accompanied by all information, studies and reports required by the "City of Lakeland Concurrency Management System Ordinance" sufficient to determine the impact of the proposed change on those public services for which a minimum level of service standard has been adopted in the City of Lakeland Comprehensive Plan. The form of the documentation, the number of copies to be submitted, and any required review fees to be paid shall be as determined by the city. Such fees shall be payable to the City of Lakeland.

40.06.05.00 APPLICATION FOR CONDITIONAL USE APPROVAL

An application for approval of a conditional use of private real property shall be submitted to the Community Development Department on an application form provided by the Community Development Department.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

- 40.06.05.01 Submittal Date

Amend.4,9 An application for conditional use approval shall be submitted by 5:00 P.M. on the 1st day of the month preceding the month in which the application is to be heard by the Planning and Zoning Board.
- 40.06.05.02 Application To Be Accompanied By Proof Of Ownership

An application for conditional use approval shall be accompanied by proof of ownership, such as photocopy of deed or tax receipt.
- 40.06.05.03 Application To Be Accompanied By Location Map And Required Plans

An application for conditional use approval shall be accompanied by a location map showing the subject property and by copies of any required plan as provided in this code. The number of copies of the required plan to be submitted and the information to be shown shall be as required by this code and as otherwise determined by the city.
- 40.06.06.00 APPLICATION FOR FINAL PLAT APPROVAL

An application for final plat approval shall be submitted to the Director of Community Development in accordance with Section 37.04.01.02.
- 40.06.07.00 APPLICATION FOR APPEAL TO THE PLANNING AND ZONING BOARD

An application for appeal to the Planning and Zoning Board from a decision of the Director of Community Development, for interpretation of the subdivision regulations, or for a variance from the subdivision regulations shall be submitted to the Director of Community Development according to administrative procedures as determined by the Planning and Zoning Board.
- 40.06.08.00 APPLICATION FOR APPEAL TO THE CITY COMMISSION

An application for appeal to the City Commission from a decision of the Planning and Zoning Board shall be filed in writing with the City Manager within 30 days of the Board's action for denial.
- 40.06.09.00 APPLICATION FOR APPEAL TO THE BOARD OF ADJUSTMENT

An application for appeal to the Board of Adjustment shall be filed with the Zoning Administrator, who shall forthwith transmit to the Board all papers constituting the record upon which the action or decision being appealed was taken.
- 40.06.09.01 Who May Submit An Application For Appeal To The Board Of Adjustment

An application for appeal to the Board of Adjustment may be submitted by any person aggrieved or by any officer or bureau of the city affected by any decision of the Zoning Administrator in the enforcement of the provisions of this code, except those relating to subdivision regulation.
- 40.06.09.02 Time Limit On Submitting An Application For Appeal To The Board Of Adjustment

An application for appeal to the Board of Adjustment shall be submitted within a reasonable time of the action or decision being appealed, as prescribed by the Board by general rule.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

40.06.10.00 APPLICATIONS FOR BUILDING PERMITS, OCCUPANCY PERMITS AND CERTIFICATES OF COMPLIANCE

Applications for building permits, occupancy permits and certificates of compliance shall be filed with the Building Inspection Division.

40.06.10.01 Applications To Be Accompanied By Required Plans

Applications for permits shall be accompanied by copies of a plot plan, site plan, landscape plan or other plan as required by this code. The number of copies of the required plan to be submitted and the specific information to be shown thereon shall be as required by this code and otherwise determined by the city.

40.06.10.02 Plot Plan

A plot plan shall be submitted with applications for building permits, occupancy permits and certificates of compliance for single-family and two-family structures. The plot plan shall be drawn to scale and shall provide the following information:

- a. The actual dimensions, radius, and angles of the lot to be built upon;
- b. The exact size and location on the lot of the principal building and accessory buildings and structures to be erected; and
- c. Such other information as may be necessary to determine compliance with all applicable provisions of this code and other applicable municipal ordinances.

40.06.10.03 Site Plans

Amend.10
Amend.10

a. Conceptual Site Plan

Unless the requirement is waived by the Director of Community Development or his designee, a conceptual site plan shall be submitted prior to making an application for planned unit development zoning, conditional uses, building permits, occupancy permits and certificates of compliance. Each department having responsibility for enforcement of these regulations shall review the site plan and provide comments in accordance with the department's areas of responsibility as to conformance of the concept site plan with these regulations. The written comments shall be provided to the applicant to assist in preparing an application for a PUD or conditional use, or in the production of an engineered site plan, as applicable.

Amend.10

b. Engineered Site Plan

An engineered site plan shall be submitted with applications for building permits, occupancy permits and certificates of compliance for all structures other than single-family and two-family structures. The site plan shall demonstrate full compliance with all applicable provisions of this code and other municipal ordinances. The engineered site plan shall be reviewed by the city departments having responsibility for enforcement of these regulations in accordance with each department's areas of responsibility. Engineered site plans approved by the city shall be valid for 18 months.

40.06.10.04 Landscape Plan

As provided in Section 33.06.01.00, a landscape plan shall be submitted with applications for building permits or occupancy permits for the construction or alteration of any building requiring off-street parking, or upon the expansion or paving (but not repaving) of existing

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

off-street parking and loading areas; except, additional landscaping and landscape plans shall not be required for premises with conforming landscaping.

40.06.10.05 One Copy Of Approved Plan Returned To Applicant By Building Inspection Division

One copy of the approved plan shall be returned to the applicant by the Building Inspection Division.

40.06.10.06 Misstatement Or Inaccuracy On Application Is A Violation

Any misstatement or inaccuracy on the application for a permit shall constitute sufficient grounds for revocation of the permit.

40.07.00.00 PUBLIC HEARING PROCEDURES FOR CHANGE IN ZONING ATLAS OR TEXT

40.07.01.00 PUBLIC HEARING BY PLANNING AND ZONING BOARD ON APPLICATION SUBMITTED BY OWNER OR AGENT FOR CHANGE IN ZONING ATLAS OR TEXT

The Planning and Zoning Board shall consider an application for change in the zoning atlas or text at a public hearing, to be held at the regular meeting of the Board following receipt of an application submitted in accordance with Section 40.06.00.00 or at a subsequent meeting.

40.07.01.01 Advertisement Of Public Hearing On Application For Change In Zoning Atlas Or Text

Upon receipt of an application for change in zoning submitted in accordance with Section 40.06.00.00, the Director of Community Development shall advertise the public hearing at which the application is to be heard by the Planning and Zoning Board. The Director of Community Development may advertise the application for public hearing to be held at the next regular meeting of the Planning and Zoning Board or may request and receive authorization from the Board to advertise the application for public hearing to be held at a subsequent meeting.

40.07.01.02 Decision Of Planning And Zoning Board On Application For Change In Zoning Atlas Or Text

The Board shall take action on the application at a regular meeting after the public hearing, and shall either recommend approval of the application to the City Commission or deny the application. The Board may, upon request and if it deems appropriate, make its final determination on the application at its meeting on the day of the public hearing.

40.07.01.03 Recommendation Of Approval By Planning And Zoning Board On Application For Change In Zoning Atlas Or Text

A recommendation by the Planning and Zoning Board for approval of the application shall be transmitted by the Director of Community Development to the City Attorney, to be drafted as an ordinance and placed on the agenda of a regular meeting of the City Commission for a first reading.

40.07.01.04 Planning And Zoning Board Denial On Application For Change In Zoning Atlas Or Text

Denial by the Planning and Zoning Board of an application for change in the zoning atlas or text shall be deemed final action by the city unless appealed by the owner to the City

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

Commission. Such appeal shall be filed in writing with the City Manager within 30 days of the Board's action for denial.

40.07.02.00 PUBLIC HEARING BY CITY COMMISSION ON APPLICATION SUBMITTED BY OWNER OR AGENT FOR CHANGE IN ZONING ATLAS OR TEXT

A proposed ordinance for change in zoning atlas or text shall be considered by the City Commission at two separate meetings, the second of which shall be a public hearing.

40.07.02.01 Advertisement Of Public Hearing On Application For Change In Zoning Atlas Or Text

Approximately ten (10) days prior to the public hearing on a proposed ordinance for change in the zoning atlas or text, a notice of such public hearing shall be published in a newspaper of general circulation in the city. The advertisement shall contain the following information:

- a. The date, time and place of hearing;
- b. The title of the proposed ordinance;
- c. The place where the proposed ordinance may be inspected by the general public; and
- d. A statement that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

40.07.02.02 First Reading Of Proposed Ordinance For Change In Zoning Atlas Or Text

The first reading of the proposed ordinance shall be considered by the City Commission upon a recommendation for approval by the Planning and Zoning Board.

40.07.02.03 Second Reading Of Proposed Ordinance At Public Hearing On Application For Change In Zoning Atlas Or Text

The City Commission shall hold a public hearing for the second reading of the proposed ordinance approximately fourteen (14) days after the date of the first reading.

40.07.03.00 CITY COMMISSION HEARING ON CHANGE IN THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES OR CHANGE IN THE ACTUAL ZONING MAP DESIGNATION, INITIATED BY THE CITY FOR A PARCEL OR PARCELS OF LAND INVOLVING LESS THAN TEN (10) CONTIGUIOUS ACRES

Amend.3

A proposed ordinance for a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or which changes the actual zoning map designation, initiated by the City Commission, the Planning and Zoning Board, or the Director of Community Development, for a parcel or parcels of land involving less than ten (10) contiguous acres, shall be considered by the City Commission at two separate meetings, the second of which shall be a public hearing.

40.07.03.01 Notice Of Public Hearing On Change In Permitted, Conditional, Or Prohibited Uses Or Change In Zoning Map Designation Initiated By The City For A Parcel Or Parcels Of Land Involving Less Than Ten (10) Contiguous Acres

Amend.3

Notice of the public hearing by the City Commission shall be given in accordance with Sections 40.07.03.02 and 40.07.03.03.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

40.07.03.02 Newspaper Advertisement Of Public Hearing On Change In Permitted, Conditional, or
Amend. 3 Prohibited Uses Or Change In Zoning Map Designation Initiated By The City For A Parcel
Or Parcels Of Land Involving Less Than Ten (10) Contiguous Acres

At least ten (10) days prior to the public hearing, notice of such public hearing shall be published in a newspaper of general circulation in the city. The notice shall contain the following information:

- a. The date, time and place of hearing;
- b. The title of the proposed ordinance;
- c. The place where the proposed ordinance may be inspected by the general public; and
- d. A statement that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

40.07.03.03 Notice To Individual Property Owners Of Public Hearing On Change In The Actual
Amend. 3 Zoning Map Designation Initiated By The City For A Parcel Or Parcels Of Land Involving
Less Than Ten (10) Contiguous Acres

At least thirty (30) days prior to the public hearing, notice shall be given by mail to each real property owner the zoning or permitted use of whose land will be changed by enactment of the proposed ordinance and whose address is known by reference to the latest ad valorem tax records. A copy of the notice shall be kept in a separate book which shall be open for inspection by the general public during regular hours of the office of the City Clerk. The notice shall contain the following information:

- a. The date, time and place of one or more public hearings on the proposed ordinance;
- b. The title of the proposed ordinance;
- c. The substance of the proposed ordinance as it affects the property owner receiving the notice; and
- d. The place where the proposed ordinance may be inspected by the property owner and the general public.

40.07.04.00 CITY COMMISSION HEARING ON CHANGE IN THE ACTUAL LIST OF PERMITTED,
Amend. 3 CONDITIONAL, OR PROHIBITED USES OR CHANGE IN THE ACTUAL ZONING MAP
DESIGNATION, INITIATED BY THE CITY FOR A PARCEL OR PARCELS OF LAND
INVOLVING TEN (10) CONTIGUOUS ACRES OR MORE

A proposed ordinance for change in the actual list of permitted, conditional or prohibited uses within a zoning category, or which changes the actual zoning map designation, initiated by the City Commission, the Planning and Zoning Board, or the Director of Community Development, for a parcel or parcels of land involving ten (10) contiguous acres or more, shall be considered by the City Commission at two separate meetings, both of which shall be advertised public hearings. The second public hearing shall be held at least ten days after the first hearing. At least one public hearing shall be held after 5:00 P.M. on a weekday unless the City Commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day.

40.07.04.01 Notice Of Public Hearings On Change In The Actual List Of Permitted, Conditional, Or
Amend.3 Prohibited Uses, Or Change In The Actual Zoning Map Designation Initiated By The
City For A Parcel Or Parcels Of Land Involving Ten (10) Contiguous Acres Or More

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

Notice of public hearings by the City Commission shall be given in accordance with either of the following two methods:

- a. Approximately seven (7) days prior to the first public hearing, and five (5) days prior to the second public hearing, notice of each public hearing shall be published in a standard size or tabloid size newspaper of general paid circulation in the city, in accordance with Section 40.07.04.02; or
- b. Approximately seven (7) days prior to the first public hearing, notice of both public hearings shall be given by mail to each real property owner the zoning or permitted use of whose land will be changed by enactment of the proposed ordinance and whose address is known by reference to the latest ad valorem tax records, in accordance with Section 40.07.04.03.

40.07.04.02 Newspaper Advertisement Of Public Hearings On Change In Permitted, Conditional, or
Amend.3 Prohibited Uses, Or Change in Zoning Map Designation Initiated By The City For A Parcel Or Parcels Of Land Involving Ten (10) Contiguous Acres Or More

A newspaper advertisement published pursuant to Section 40.07.04.01 shall meet the following specifications:

- a. The advertisement shall appear in a section of the newspaper other than that portion where legal notices and classified advertisements appear;
- b. The advertisement shall be not less than one-quarter page in size;
- c. The heading shall consist of the words: "NOTICE OF ZONING CHANGE" and shall be in a type no smaller than 18 point;
- d. The advertisement shall state that "The City of Lakeland proposes to change the zoning or permitted use of the land within the area shown in the map in this advertisement"; and
- e. The advertisement shall state that "A public hearing on the proposed change will be held on ...(date and time)...at...(meeting place)."

40.07.04.03 Notice To Individual Notice To Property Owners Of Public Hearings On Change In
Amend.3 Permitted, Conditional, Or Prohibited Uses, Or A Change In The Zoning Map Designation Initiated By The City For A Parcel Or Parcels Of Land Involving Ten (10) Contiguous Acres Or More

Individual notices mailed to owners of real property pursuant to Section 40.07.04.01 shall contain the following information:

- a. The date, time and place of both public hearings on the proposed ordinance;
- b. The title of the proposed ordinance; and
- c. The substance of the proposed ordinance as it affects the property owner receiving the notice.

40.07.04.04 Notice Of Second Public Hearing To Be Announced At First Public Hearing
Amend. 3
Notice of the date, time and place of the second public hearing shall be announced at the first public hearing.

40.07.05.00 DECISION OF CITY COMMISSION ON LAND DEVELOPMENT CODE AMENDMENT
After the second reading of a proposed ordinance for a code amendment, the City Commission shall take action to either approve or disapprove the ordinance.

**ARTICLE 40
ADMINISTRATION AND ENFORCEMENT**

40.08.00.00 PUBLIC HEARING PROCEDURES FOR CONDITIONAL USE APPLICATIONS

40.08.01.00 PUBLIC HEARING BY PLANNING AND ZONING BOARD ON APPLICATION FOR CONDITIONAL USE APPROVAL

The Planning and Zoning Board shall consider an application for conditional use approval at a public hearing, to be held at the regular meeting of the Board following receipt of an application submitted in accordance with Section 40.06.05.00 or at a subsequent meeting.

40.08.01.01 Advertisement Of Public Hearing On Application For Conditional Use Approval

Upon receipt of an application for conditional use approval submitted in accordance with Section 40.06.05.00, the Director of Community Development shall advertise the public hearing at which the application is to be heard by the Planning and Zoning Board.

40.08.01.02 Decision Of Planning And Zoning Board On Application For Conditional Use Approval

The Board shall take action on the application at or after the public hearing and shall either recommend approval of the application to the City Commission or deny the application.

40.08.01.03 Recommendation Of Approval By Planning And Zoning Board On Application For Conditional Use Approval

A recommendation by the Planning and Zoning Board for approval of the application shall be transmitted by the Director of Community Development to the City Attorney, to be drafted as an ordinance and placed on the agenda of a regular meeting of the City Commission for a first reading.

40.08.01.04 Planning And Zoning Board Denial On Application For Conditional Use Approval

Denial by the Planning and Zoning Board of a conditional use application shall be deemed final action by the city unless appealed to the City Commission by the applicant in accordance with application procedures set forth in Section 40.06.08.00.

40.08.02.00 PUBLIC HEARING BY CITY COMMISSION ON APPLICATION FOR CONDITIONAL USE APPROVAL

A proposed ordinance for conditional use approval shall be considered by the City Commission at two separate meetings, the second of which shall be a public hearing.

40.08.02.01 Advertisement Of Public Hearing On Application For Conditional Use

Approximately five (5) days prior to the public hearing on a proposed ordinance for conditional use approval, a notice of such public hearing shall be published in a newspaper of general circulation in the city. The advertisement shall contain the following information:

- a. The date, time and place of hearing;
- b. The title of the proposed ordinance;
- c. The place where the proposed ordinance may be inspected by the general public; and
- d. A statement that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

40.08.02.02 First Reading Of Proposed Ordinance For Conditional Use

ARTICLE 40
ADMINISTRATION AND ENFORCEMENT

The first reading of the proposed ordinance shall be considered by the City Commission upon a recommendation for approval by the Planning and Zoning Board.

40.08.02.03 Second Reading Of Proposed Ordinance For Conditional Use Approval At Public Hearing

The City Commission shall hold a public hearing for the second reading of the proposed ordinance approximately fourteen (14) days after the date of the first reading.

40.08.02.04 Decision Of City Commission On Application For Conditional Use

After the second reading of the proposed ordinance the City Commission shall take action to either approve or disapprove the ordinance.