

**ARTICLE III
STANDARDS AND PROCEDURES FOR USE AND
DEVELOPMENT APPROVAL**

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**ARTICLE III
STANDARDS AND PROCEDURES FOR USE AND
DEVELOPMENT APPROVAL**

SECTION 1.0 GENERAL

A. Purpose and Intent.

1. Intent.

To establish procedures and standards for planning and zoning applications. In order to ensure that all development within the City is consistent with the *Comprehensive Plan*, it is necessary to provide processes and procedures that will clearly guide, direct, and inform all users how to submit an application and accompanying documents for review while also providing expectations for both applicant and staff during the review period. This Article establishes the specific processes and procedures for both administrative and public hearing applications.

2. Lawfulness.

Any deviation from the provisions of this Article, unless specifically stated herein or allowed by other provisions of the *LDRs*, the Administrative Official, or as granted in a development order, is prohibited and unlawful.

3. Best Practices.

All reviews and determinations of the provisions within this Article by the Administrative Official shall be to implement the purpose and intent of this Article together with sound and generally accepted land use planning practices and principles.

B. Planning and Zoning Applications.

The sections of this Article address application processes of the Planning Division of the Development Services Department and all associated City functions and activities as determined by the Administrative Official. These processes are generally classified as administrative, quasi-judicial, and legislative and are reviewed by various City departments for consistency with adopted codes. Both quasi-judicial and legislative processes are subject to public hearing procedures. The Administrative Official or a hearing officer appointed in accordance with the provisions of the *City Code* may, on occasion, engage in quasi-judicial decision-making processes.

1. Applicability.

The provisions in this Article shall apply to all applications unless otherwise specified. Quasi-judicial and administrative approval of applications may result in the issuance of development orders. A development order runs with the land along with land use entitlements granted by the development order and may be transferred to new owners unless otherwise stipulated in accordance with law.

2. Application Types and Authoritative Body.

The final decision on an application shall be made by the deciding body as indicated in [Article I](#), Section 9.0.

C. Prior Approvals.

1. Prior Approval effect.

All development orders or permits, and all other decisions by the Administrative Official, Planning and Zoning Commission, or City Commission or other decision-making and advisory boards issued under prior *LDRs*, if still in effect, shall remain in full force and effect unless the amendatory ordinance specifically states to the contrary. The uses, site design, intensity, density, and tabular data shown on a development plan that was approved in accordance with a prior version of the *LDRs*, shall not be subject to the requirements of these *LDRs* for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan.

2. Modification of Prior Approvals.

The area of modification to a development order or permit, which was approved under prior versions of the *LDRs*, shall comply with the current review processes and *LDRs*.

a. Determination of Modified Area.

The proposed modification shall comply with these *LDRs* to the greatest extent possible in the affected area, which also includes the determination of whether the prior approval has non-conformities or any vested rights.

b. Modification to Non-Conformity.

Proposed modifications shall not increase a non-conformity, pursuant to [Schedule L](#). The Applicant shall identify the extent of the proposed modification on the applicable plan submitted in the application. All non-conformities outside of the affected area that are clearly shown within the most recent development order shall be vested until otherwise modified or removed. The application and plan shall:

- 1) List all ordinances amending the *LDRs* to establish a record of any prior vesting claim.
- 2) Delineate on the plan the boundary of the affected area and indicate all proposed modifications; if necessary, the Administrative Official shall render a decision on the validity of the affected area.
- 3) Identify all non-conformities with prior approved development orders, which include: lot, structure, use, and site elements of the subject property or affected area of the subject property to establish a record of non-conformities in the tabular data of the plan, and notate on the plan these non-conformities.
- 4) Be submitted subject to [Section 4.0.C](#) of this Article.
- 5) Show all proposed modifications within the prior approved engineering and site plan.

3. Invalid Approvals.

Invalid development orders include those which have been revoked, voided, abandoned, or have expired. If a development order for a parcel of land is invalid, any future development order for that parcel shall be subject to all applicable provisions of the *LDRs*.

4. Applications in Process.

A development order application that is found sufficient for review purposes shall be required to meet the provisions of the *LDRs* in effect on the date the application is submitted.

SECTION 2.0 ADMINISTRATION

Any development or use approval shall be under the applicable authoritative body as identified in [Article I](#), Section 9.0.

SECTION 3.0 STANDARDS AND PROCEDURES FOR ALL USE APPROVALS

A. Standards.

In considering and acting upon an application for any use brought before the Administrative Official, Planning and Zoning Commission, or City Commission, the applicable authoritative body shall make findings as to whether the application, with the applicant having the burden of proof, meets the following standards:

1. The proposed use must be consistent with the goals, objectives and policies of the *Comprehensive Plan* and the *LDRs*.
2. Public facilities and services including, but not limited to, roadways, park facilities, schools, police and fire protection, drainage systems, refuse and disposal systems, water and sewer facilities must be adequate to serve the proposed use. One- and two- family dwellings shall be exempt from concurrency review, pursuant to [Article V](#).
3. The proposed development must not adversely affect known archeological, historical, or cultural resources.
4. The design of the proposed development must minimize adverse effects including, but not limited to, visual, noise and traffic impacts, of the proposed use on the surrounding properties.
5. The proposed use must be compatible with the nature, density and intensity of the development surrounding the premises and with the community character of the immediate vicinity of the parcel proposed for development.
6. The use shall be applied to the location and topography of the premises proposed for development in an appropriate manner that will not adversely affect the public interest.

B. Procedures and Types of Approvals.

Development of a use shall be approved either as-of-right, or through an Administrative, Conditional, or Exceptional Use process according to [Schedule B](#), Permitted Uses; provided, however, that all development shall comply with controlling Federal and State law to include, but not be limited to, the Americans with Disabilities Act.

All applications for use approvals shall be submitted and reviewed pursuant to [Article I](#), Section 7.0, unless otherwise indicated. Procedures additional to those of [Article I](#), Section 7.0 for Use approvals are listed below.

1. As-of-Right Use Development.

Uses permitted as of right are those uses that are permitted in the zoning district and developed in conformity with the *LDRs* without the need for a variance.

As-of-right use are typically only subject to building or development permit processes. Those processes must be approved by the applicable authority. No public hearing or notice is required.

a. Application.

An As-of-right Use only requires a site and engineering plan review, in accordance with [Section 4.0](#) of this Article, if located on a vacant property or as a modification to an existing development. The applicant shall include a description of the proposed development as part of the application process.

b. Public Hearing.

The Administrative Official shall have the authority to refer any permitted-by-right use development plan application to the Planning and Zoning Commission upon a finding of fact that the application does not comply with the City's *LDRs*, thereby making the Planning and Zoning Commission the approving authority.

2. Administrative Use Approval.

Uses that are subject only to approval by the Administrative Official are generally compatible with the other land uses permitted in a land use district, but which require individual review of their location, design and configuration and the potential imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Administrative uses are approved, approved with conditions, or denied by the Administrative Official after a review by the PRS. The following provisions are in addition to the requirements of [Article I](#), Section 7.0.

a. Public Notice.

The applicant shall be responsible for publishing a notice of approval in a newspaper of local circulation in the County that will serve as a time limitation for any appeal of the approval. The public notice may be published when the Administrative Official has provided the applicant with a development order. A legal advertisement template will be provided by the Administrative Official upon request of the applicant.

b. Public Hearing.

A public hearing may be requested on an application for an administrative use by the Administrative Official, Applicant, an adjacent property Owner, or affected person who is determined to have standing in the matter. The hearing shall be conducted by the Planning and Zoning Commission in accordance with the provisions of [Article I](#), Section 7.0.C.6.

c. Modifications to Prior DO.

The Administrative Official may modify any prior development order approved by the Planning and Zoning Commission or City Commission up to a maximum change of 15 percent of any element within Schedules C, D, E, F, H, J, K and U, provided that the modification is found to comply with the *LDRs* or enhance the ability of non-conforming elements to meet the general standards of [Article I](#), Section 1.0.C.

- 1) The approved development site plan must be submitted showing the proposed modifications to the site.
- 2) Modifications to prior approved plans shall be submitted subject to [Article I](#), Section 7.0.
- 3) Modifications shall be processed through engineering plan review process pursuant to [Section 4.0.C](#) of this Article.

3. Conditional Use Approval.

Conditional uses are those uses that would not be generally compatible with, or appropriate in, the zoning district that the real property on which the use is proposed to be located could impair the integrity and character of the specific area or adjoining areas unless restrictions or conditions on location, size, extent, character or time of performance are imposed in addition to those specifically imposed by the *LDRs*.

Conditional uses are approved, approved with conditions, or denied by the Planning and Zoning Commission at a public hearing. The following provisions are in addition to the requirements of [Article I](#), Section 7.0.

a. Planning and Zoning Commission Hearing.

The Planning and Zoning Commission shall hold a public hearing upon the application in accordance with the procedures in [Article I](#), Section 7.0.C.6. and enter its order granting or denying such application for conditional use approval in accordance with the requirements of [Section 166.033](#), *Florida Statutes*, and other controlling law.

b. Urban Infill.

Any applicant desiring to utilize the provisions of urban infill, pursuant to [Schedule E](#), Section 15.0, shall be processed as a Planning and Zoning Commission approval. The urban infill program process shall approve the deviations from the *LDR* necessary for the site design or layout of the proposed use to be considered as conforming and to provide a determination of the requested use pursuant to [Schedule B](#) or subdivision pursuant to [Schedule N](#). If the minimum use approval process, pursuant to Schedule B, requires City Commission approval the Planning Commission will only provide a recommendation on the urban infill application. Urban infill applications may only be utilized on properties less than three acres in size of upland area. Properties greater than three acres that request multiple deviations shall be processed as a Planned Development.

4. Exceptional Use Approval.

Exceptional uses are those uses that are generally incompatible with or may have significant impacts in the zoning district that it is proposed to be located or could impair the integrity and character of the specific area or adjoining areas unless restrictions or conditions on location, size, extent, character, and time of performance are imposed in addition to those specifically provided by the *LDRs* as determined by the Administrative Official. Exceptional uses are approved, approved with conditions, or denied by the City Commission at a public hearing after a recommendation by the Planning and Zoning Commission at a public hearing.

The following provisions are in addition to the requirements of [Article I](#), Section 7.0.

a. Planning and Zoning Commission Hearing.

The Planning and Zoning Commission will render a recommendation on the project for transmittal to the City Commission.

b. City Commission Hearing.

The City Commission shall hold a hearing for the project at the next available and regularly scheduled public hearing meeting date. The City Commission will review and enter its order granting or denying such application for an exceptional use approval in accordance with the requirements of Section 166.033, *Florida Statutes*, and other controlling law. The City Commission may prescribe appropriate conditions and safeguards in the development order which shall become a part of the terms under which a site development permit and certificate of completion shall be issued.

c. Two Readings Required.

The following applications require two City Commission meetings, one meeting for each reading of the ordinance.

- 1) Annexations.
- 2) *Comprehensive Plan* Amendment.
- 3) Statutory Development Agreements.
- 4) Rezonings (straight or PD).

SECTION 4.0 DEVELOPMENT PLAN PROCESS (DP)

A. General.

The development plan process contains both the site plan and engineering plan approval processes. Both processes are Administrative Official level approvals. A full development plan application, requiring the submittal of both a site and engineering plan, is typically only necessary for as-of-right uses on vacant lots that do not require any other process to meet standard code requirements. Site plan only applications may be submitted for developments needing limited entitlements for obtaining State or Federal funding. Engineering plans are required for all projects. A Site or Engineering plan shall be required as follows:

1. Site Plan Applicability.

Site plans are required to be submitted with the following application types and may be approved as part of the applicable application:

- a. As-of-Right Use (vacant lot).
- b. Administrative Use.
- c. Conditional Use.
- d. Exceptional Use.
- e. Planned Development Rezone.
- f. Variance.
- g. Urban Infill.

2. Engineering Plan Applicability.

Engineering plans are required to be submitted after a site plan has been approved through any application process. The site plan must be submitted as part of the engineering plan application process, regardless of if it was previously approved through a separate process. Engineering plan applications may also be submitted for minor modifications to the site layout of an existing developed property, in accordance with [Section 1.0.C](#) of this Article. If determined necessary by the Administrative Official, an engineering plan may be required to be included with the site plan for any application to verify the site can meet floodplain or wetland mitigation requirements. In these cases, the engineering plan serves as an exhibit only and must still be submitted through a separate development plan application to be approved.

B. Site Plan Review Procedures and Requirements.

1. Procedures.

Applications for a development site plan shall be submitted, reviewed, and have a determination made pursuant to [Article I](#), Section 7.0. Site shall be submitted in conjunction with any use approval or planned development application.

- a. Approved site plans from a development plan or use approval process shall be approved prior to submittal of any engineering plan or site development permit application.
- b. An engineering plan shall be submitted subject to [Section 4.0.C](#).
- c. A site development permit application must be submitted within six months of the approval date of the development plan application for engineering plan approval.

2. Requirements.

All site plans and required supplementary material shall cover the entire parcel proposed for development unless such site plan and required supplementary material is based on a master plan approved and filed with the Administrative Official. All site plans shall contain at least the following data and information or as deemed necessary by the Administrative Official:

a. Site Plan Sheet Format.

Site plans shall be submitted as follows:

- 1) Site plans shall be prepared and certified by an architect, engineer or landscape architect licensed in Florida and drawn at a scale of 1" to 100' or larger.
- 2) The digital sheet size for site plans shall be 24" by 36".
- 3) All submittals shall be accompanied by a reduction of the site plan of 11" by 17". Multiple sheets may be used provided that each sheet is numbered, and the total number of sheets is indicated on each sheet cross-reference between sheets, by match lines, is required.

- 4) Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes.

b. General Information.

1) Sheet Identification.

The identification "Site Plan" shall be provided on each sheet.

2) Legend.

The legend shall include the following:

- a) Name of Development.
- b) Proposed Street Address.
- c) Acreage.
- d) Scale.
- e) North Arrow.
- f) Existing Zoning and Other Special Districts.
- g) Preparation/Revision Date.
- h) Tax Parcel No. (Seminole County Property Appraiser).

3) Name, Address and Phone Number.

A name, address, and phone number shall be provided for the following:

- a) Owner.
- b) Owner's Authorized Agent.
- c) Engineer.
- d) Surveyor.
- e) Others involved in application.

4) Vicinity Map.

A vicinity map showing relationship of site to surrounding streets and public facilities at a scale of 1":2000' or larger, with major cross street names shown.

5) Legal Description.

A legal description for all subject parcels in question.

c. Existing Conditions.

All of the following information shall be shown on the site plan unless otherwise permitted by the Administrative Official.

1) Streets.

Existing streets on the site shall be depicted, including:

- a) Name.
- b) Location.
- c) Right-of-Way Width.
- d) Driveway Approaches.
- e) Medians and Median Cuts.
- f) Curbing.

2) Easements.

Indicate location, dimensions, purpose, and maintenance responsibility.

3) Utilities.

Provider, type, location, and size of all utilities shall be provided.

4) On-Site Improvements and Uses.

- a) Each building and structure footprint shall be individually shown and identified or numbered. Existing use, square footage and number of dwelling units shall be provided.
- b) Vehicular use areas that show landscape islands, painted features and sidewalks shall be depicted.
- c) Other impervious surfaces shall be depicted.

5) Adjacent Improvements, Uses and Zoning.

Identify and show, a minimum of 50 feet from the property boundaries, all adjacent:

- a) Buildings or structures.
- b) Curb cuts, accessways, streets, other vehicular use areas.
- c) Drain-fields and wells.
- d) Other impervious surfaces.
- e) Zoning districts.
- f) Easements.
- g) Sidewalks.
- h) Utility and drainage facilities.

6) Topography.

At 1-foot contours (elevations based on mean sea level datum preferred) and extending 50' beyond the property boundaries. All elevations shall be based on mean sea level datum and referenced to the United States Geodetic Survey or its equivalent. Note on the plans the benchmark used, its designation, location, description, and elevation as described in the Seminole County Vertical Control Points and Elevations Manual.

7) Soil Type(s).

All soil types shall be noted as identified in the Soil Survey, Seminole County, Florida, U.S.D.A. Soil Conservation Service or other competent expert evaluation. When soil suitability limitations are indicated for the proposed development, the City Engineer may require a preliminary soil analysis by a qualified soils engineer.

8) Drainage.

As identified on [Map I-1](#), Water Resources of the *Comprehensive Plan*. Depict and explain existing surface drainage characteristics of site including relationship to adjacent land areas and sub-basin.

9) 100-year Floodplain.

If applicable, indicate 100-year flood elevation, minimum required habitable floor elevation and limits of 100-year floodplain for all land areas located within Zones "A" and "AE" for the parcel in question as identified on [Map I-2](#), Water Resources of the *Comprehensive Plan*, and the Flood Insurance Rate Map by the Federal Emergency Management Agency.

10) Surface Water.

Approximate normal high-water elevation or boundaries of existing surface water bodies, streams, and canals, both on and within 50 feet of property boundaries.

11) Wetlands.

As identified by the Future Land Use Map of the *Comprehensive Plan* as Resource Protection (RP), St. Johns River Water Management District Wetlands Mapping or other competent evaluation.

12) Wellfield Protection Zones.

Indicate whether or not the parcel is located within a wellfield protection zone as identified by the Wellfield Protection Zone Maps on file in the Department of Engineering and Planning.

13) Floodways and Drainageways.

Floodways and drainageways shall be show as identified on Map I-1, Water Resources of the *Comprehensive Plan*.

14) Aquifer Recharge Area.

Aquifer recharge areas shall be identified consistent with Map I-1, Water Resources of the *Comprehensive Plan*.

15) Upland Wildlife Habitat.

Upland wildlife habitat areas shall be identified consistent with Map I-9, Vegetative Communities of the *Comprehensive Plan*.

16) Trees.

Indicate the location, size and type of existing trees as required by the *LDRs*.

17) Signs.

Indicate the location, size, and type of all signs.

d. Proposed Development.

All of the following proposed information shall be shown on the plan unless otherwise permitted by the Administrative Official.

1) Buildings and Structures.

Proposed buildings and structures shall be individually identified by number, symbol, or other appropriate system, including the following information:

- a) Location of all buildings or structures.
- b) Proposed use for each building or portion thereof.
- c) Dimensions and height, including distance between buildings.
- d) Gross floor area for nonresidential uses – in square feet by building, use and total.
- e) Floor plan for non-residential buildings.
- f) Number of dwelling units – by building, by type of dwelling unit and total.
- g) Density – by type of residential land area (one family, two-family, mobile home, or multiple-family) and for total residential land area.
- h) Net density – same as g., above, except exclude land area that is unsuitable for development.
- i) Preliminary architectural elevations.
- j) Location of each single-family residence. Individually identify each house lot and indicate the location, square footage, and dimensions of each house on the lot.
- k) For residential subdivisions and multifamily developments, indicate the location, dimensions, and materials of entrance features, including entrance signage, water features and associated landscaping.
- l) Proposed preliminary address list including street names and address scheme in accordance with the established addressing system.
- m) Size, and type of signs.

2) Required Yards, Setbacks, Buffers, Open Space and Distances.

Indicate location and dimensions of all required yards, setbacks and buffers; also the location and percentage of the site devoted to open space.

3) Outdoor Storage and Display Areas.

Indicate the dimensions, type, screening type and materials of all outdoor storage and display areas.

4) On-Site and Off-Site Vehicular and Pedestrian Circulation System, and Parking Areas.

Indicate the location, dimensions and typical construction specifications of:

- a) Driveways, approaches, and curb cuts.
- b) Vehicular access points, accessways and common vehicular access points.
- c) Off-street parking spaces, loading, unloading and service area space. Requirements – also note number of spaces required and provided by use.
- d) Other vehicular use areas.
- e) Sidewalks and other pedestrian use areas showing circulation in-between structures and connectivity of all structures to adjacent rights-of-way.
- f) Typical cross-sections – by type of improvement.
- g) Traffic control devices.

5) Landscaping Plan.

Landscape plans shall be designed to:

- a) Include the location and specifications of plantings for parking lot landscaping, buffers, open spaces, recreation areas and other required landscaped areas.
- b) Include a schedule of common and botanical plant names and total quantities by container size and species, seed mixes with application rates and relevant germination specifications.
- c) Identify water conservation techniques which include use of drought tolerant plants as well as efficient relationship of plant types to irrigation water demands;

6) Irrigation Plan.

The irrigation plan shall consist of:

- a) Location and specifications for irrigation equipment.
- b) Source of water for irrigation system.
- c) Take back calculations for reclaimed water system.

7) Existing Tree Protection.

Identify existing trees to be protected and explain or illustrate methods to preserve such trees both during and after construction.

8) Outdoor Lighting.

Include the locations, intensity and nature of all proposed lighting.

9) Public and Semi-Public Lands and Facilities.

Identify the location, extent, maintenance responsibility and ownership of:

- a) Street Rights-of-way.
- b) Easements for ingress/egress, utilities, drainage, or a related stormwater management function, pedestrian ways, sidewalks, bike paths and other similar or related functions.
- c) Designated lands for parks, open space and recreational facilities, stormwater management, schools, and other public facilities.

10) Potable Water Supply and Wastewater Disposal System.

Indicate required capacity, available capacity, provider, general location and size of lines and proposed ownership of and maintenance responsibility for improvements.

11) Fire Protection.

Indicate all existing or proposed hydrant locations in relationship to building(s) and other fire protection systems that will serve the site.

12) Reclaimed Water System.

Unless exempt from the reclaimed water requirements, indicate the amount of reclaimed water to be utilized and method of application on the site including the location and size of lines and connections.

13) Solid Waste Disposal and Service Equipment.

Indicate the location of dumpsters and other service equipment locations, dimensions of pads and maneuvering areas for collection and service vehicles- and methods and materials to be utilized to prevent such dumpsters and equipment from being viewed from public rights-of-way and adjacent property.

14) Proposed Topographic Elevations and Preliminary Drainage Plan.

Indicate proposed topographic elevations at 1-foot contours (datum based on mean sea level preferred), direction of flow, proposed methods of stormwater retention/detention, including location and size of swales, drainage improvements, proposed outfalls, drainage easements and preliminary engineering calculations.

15) Concurrency Management.

An analysis of the traffic circulation and related impacts to prove that the proposed plan would meet all roadway concurrency requirements if the project were approved based on requirements in [Schedule Q](#), Concurrency Management.

16) Elevation Drawings.

Renderings of the north, south, east, and west side of each building depicting the general architectural style, height, exterior materials, colors and finishes shall be submitted as a part of the Site Plan Review package. Include a typical wall section of every façade of each building. Along with the cardinal directions of each façade, also provide the labels of front, side, and rear.

C. Engineering Plan Review Procedures and Requirements.

1. Procedures.

Applications for as-of-right development shall submit engineering plans in conjunction with site plans. Applicants for Administrative, Conditional, and Exceptional Uses, or a planned development rezone shall initiate engineering plan review procedures set forth in this section after receiving an approved development order, unless otherwise directed. The procedure for reviewing an engineering plan shall be as follows:

a. Formal Application.

The applicant shall submit an application pursuant to [Article I](#), Section 7.0 along with all required documents. Engineering plans stating, "Not For Construction," "For Review Only," or any such similar wording shall not be accepted. Site plans or any plans approved through a prior application that have been modified or are inconsistent with the prior approved plan will not be accepted, unless otherwise directed by the Administrative Official.

b. Administrative Official's Action.

In addition to the provisions of [Article I](#), Section 7.0 the Administrative Official shall do the following:

- 1) Enter a determination:

- a) Approving such engineering plan subject to such conditions, modifications and specific time limits prescribed by the Planning and Zoning Commission respecting the proposed site plan;
 - b) Disapproving such engineering plan; or
 - c) Approving such engineering plan subject to such conditions, modifications and specific time limits prescribed by the Planning and Zoning Commission respecting the approved site plan.
- 2) If the engineering plan is approved, the Administrative Official shall indicate such approval by executing the engineering plan and indicating the date of such approval. The approved engineering plan and required supplementary materials shall then be filed with the Administrative Official and shall constitute the engineering plan for the parcel.
 - 3) If the engineering plan is disapproved or approved subject to modification, the Administrative Official shall provide the applicant a copy of their determination respecting the same.

c. Re-application.

If the Administrative Official disapproves an engineering plan the applicant may appeal the decision within 30 days from the decision or submit a new application and supplementary materials in accordance with [Article I](#), Section 4.0.C.

2. Requirements

All engineering plans and required supplementary material shall cover the entire parcel covered by a site plan that is either proposed or approved in accordance with [Section 4.0.B](#). A copy of the approved site plan, or proposed site plan if no prior approved site plan exists, shall be incorporated into the engineering plan. All engineering plans shall contain at least the following data and information:

a. General Relationship of Engineering Plan Requirements to Site Plan Requirements.

In general, engineering plans shall include, but not be limited to, all required information items set forth in [Section 4.0.B.2](#), provided, however, that all such information, data, analysis and supplementary materials shall be provided in final engineering and construction form for purposes of engineering plans rather than in preliminary or conceptual form as provided for site plans. Additional and more detailed engineering plan required information is set forth in [Sections 4.0.C.2.b](#) and [c](#).

b. Engineering Plan Sheet Data, Size and Scale.

Engineering Plans shall be drawn at a scale of one inch to 50' or larger, unless otherwise permitted by Administrative Official. The digital sheet size for Engineering Plans shall be 24" by 36". Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. Necessary notes and symbol legends shall be included. Abbreviations should be avoided, but, if used, they shall be defined in the notes.

- 1) The identification "engineering plan", the date, scale, revision date (if any), development name, and other such information shall be shown in a convenient grouping in the lower right-hand corner of every sheet, preferably in a conventional title block.
- 2) Each copy of an engineering plan required to be submitted to the Administrative Official shall bear the electronic or digital signature and seal of the Florida licensed professional engineer representing the applicant.

c. Engineering Plan Required Information.

1) Final Soils Report.

Indicate in the final soils report the results of borings for building locations and method of foundation construction/footer design in relationship to soil conditions as recommended by a Florida licensed geotechnical engineer.

2) Final Drainage Plan.

Indicate in the final drainage plan the topographic elevations at one-foot contours (mean sea level datum required) for site and at least 50' beyond the site, final calculations for stormwater retention and construction drawings of all related improvements.

3) Fire Protection.

Indicate all hydrant locations and types of internal fire protection systems that will serve each building(s).

4) Civil Engineering Construction Drawings.

Provide civil engineering construction drawings of all infrastructure, utilities and site improvements including technical specifications and geometry.

5) Elevation Drawings.

Signed and sealed architectural drawings consisting of all structures, front, sides and rear elevations, and overhead view of roof shall be submitted as part of the engineering plan requirements. Shall include construction material specifications, color charts, structure dimensions, service area and mechanical equipment locations, outdoor storage area locations, screening devices, master light plan and any other information as determine necessary by the City to ensure consistency with the intent of the *LDRs*.

6) Landscape Plan and Tree Protection.

Indicate material specifications, planting/removal/relocation instructions and irrigation system location and specifications.

7) Lighting Design Plan.

A lighting plan depicting the foot-candle dispersion on the site and detail of the proposed fixtures shall be submitted and include at least the following:

- a) A site plan, drawing to scale, showing all buildings, landscaping, parking areas, all proposed exterior lighting fixtures;
- b) Specifications (details) for all proposed lighting fixtures including photometric data; designation is Illuminating Engineering Society of North America (IESNA) 'cutoff' fixtures, and other descriptive information on the fixtures;
- c) Proposed mounting height of all exterior lighting fixtures;
- d) Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting standards of the *LDRs*. Off-site lighting shall be considered in the analyses;
- e) Drawing of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the luminance levels of the walls and the aiming points for any remote light fixtures.

d. Ownership and Maintenance.

A detailed statement of method of assuring the perpetual ownership and maintenance of permanent open space, recreational facilities or other common purposes shall, if appropriate, include covenants, agreements or other specific documents approved by the Administrative Official.

D. Effect of Site and Engineering Plan Approval.

Approval or approval with modifications/conditions of both a site plan and an engineering plan for the parcel in question shall serve as the basis for the issuance of site development permits and certificates of completion.

SECTION 5.0 MAINTENANCE OF IMPROVEMENTS

All improvements, requirements and conditions approved pursuant to [Sections 3.0](#) and [4.0](#) shall be maintained in good condition and in the manner prescribed by such approval for as long as the use of the premises in question is in existence. Failure to maintain such improvements shall be subject to code enforcement proceedings.

SECTION 6.0 SITE DEVELOPMENT PERMIT (SDP)

The site development permit is the finalization of any engineering plan or subdivision improvement plan that grants the construction, modification, and alteration of any non-vertical site improvements to commence. This process is comprised of three phases, construction pre-review, installation and maintenance, and site closeout/certificate of completion. All applications for a SDP shall be submitted in accordance with [Article I](#), section 7.0.C.

A. General Installation and Maintenance Requirements.

All improvements required by the *LDRs* shall be built to the standards and specifications of the *LDRs* and in accordance with any additional requirements and policies of the Administrative Official. All required improvements shall be installed by, and at the expense of the developer/builder, except as specifically provided by these requirements.

1. Applicability.

These requirements apply to all development that have obtained either subdivision plan, site plan, planned development and master plan approval. In addition, these requirements apply to any improvement that is to be maintained and/or dedicated to a public entity.

2. Purpose of Installation and Maintenance Requirements.

The requirements of this Section are intended to provide standards and procedures for the installation and maintenance of improvements required by the *LDRs*. These requirements are intended to ensure that all improvements will be installed in a timely and efficient manner which protects the public health, safety and welfare, and that, where improvements will be retained in private ownership, they will be maintained permanently in accordance with the requirements of the *LDRs*.

3. Relationship to the Comprehensive Plan.

These Installation and Maintenance requirements implement the *Comprehensive Plan* regarding the goals, objectives and policies contained in the Capital Improvements Element. In general, these requirements shall ensure that community facilities and services are available to support development in a manner that is concurrent with the impact of such development.

4. Professional Engineer Required.

A Florida registered professional engineer shall be employed to design and certify the installation of all required improvements to be dedicated to a public entity. Said professional engineer shall prepare all plans for such improvements. All plans for such improvements shall be approved by the Administrative Official prior to construction.

B. Improvements Dedicated to the City.

All improvements to be dedicated to the City or any other public entity shall be as follows.

1. Procedures.

The owner may request the Administrative Official to either allow the use of a performance bond or install all required infrastructure. The options below are at the discretion of the Administrative Official, based on the type, nature and scope of the particular development with a determination to be provided through either a development order or document of equal dignity:

a. Performance Guarantee/Bond.

The performance guarantee shall be filed with the Administrative Official in accordance with this Section for the installation of required improvements. The owner or legally authorized representative shall be responsible for ensuring that the improvements have been guaranteed. A performance guarantee shall be provided in a manner and form acceptable to the Administrative Official. In addition, such performance guarantee shall comply with requirements of the law and shall be approved as satisfactory by the City Attorney as to form and manner of execution.

1) Acceptable Types of Guarantees.

All financial entities shall have offices located in Florida reasonably proximate to the City at which the City may engage in business relative to the performance guarantee, as determined by the City Attorney in collaboration with the City's Finance Director. The performance guarantee shall consist of either:

- a) a performance bond,
- b) an equivalent cash deposit with the City,
- c) a certificate of deposit or irrevocable letter of credit, or
- d) a cashier's check or a certified check.

2) Amount of Guarantee.

The minimum amount of the performance guarantee shall be 130% of the current construction costs of improvements in question. Such amount shall be subject to approval by the Administrative Official.

3) Effective Period.

The effective period of the performance guarantee shall not exceed one year from the date of approval of the certificate of completion. After the expiration date, the guaranteed amount shall be considered as a new submittal and shall be re-issued based on current construction costs.

4) Extensions and Substitutions.

The City Commission may grant extensions for a one-year effective period of the performance guarantee for good cause shown. The applicant shall apply to the Administrative Official for such extension. The Administrative Official shall review the performance guarantee and may require renegotiation of the amount of guarantee and impose other reasonable conditions upon such guarantee. The City Commission may, at any time during the effective period, accept a substitution of principal, sureties or other parties, upon a request by the developer and a recommendation by the City Attorney in collaboration with the City's Finance Director.

5) Default.

Whenever the required improvements have not been installed according to the terms of the performance guarantee and no extension or substitution has been granted, the City Manager, upon recommendation by the Administrative Official, shall declare, upon 30 days' written notice to the parties to the instrument, the performance guarantee to be in default and exercise the City's rights thereunder. Upon default, building permits or other approvals shall not be granted until the City Manager, upon a report being filed by the Administrative Official, determines that adequate progress has been made toward completion of the remaining improvements.

b. Install Required Improvements.

If required improvements are to be installed prior to recording of the final plat or dedication of such improvements to a public entity, the following procedures shall apply:

1) Subdivision Plan Review.

The preliminary subdivision plan, the improvement plan, and the final plat shall be approved in accordance with the procedures set forth in [Article II](#) of the *LDRs*.

2) Conditional Final Plat Approval.

City Commission approval of the plat shall be conditioned upon the completion of the required improvements within one year of such conditioned approval in full conformance with the approved Improvement Plans and any other conditions or stipulations subject to City Attorney and Surveyor review.

3) Retention of Plat by City Clerk.

The approved final plat shall not be recorded but shall instead be retained by the City Clerk until, upon recommendation of the Administrative Official, the City Manager notifies the City Clerk of the issuance of a certificate of completion for the improvements where upon the City Clerk shall be authorized to execute the recording of the final plat in accordance with provisions set forth in the *LDRs* and in the manner prescribed by law.

4) Compliance with All Requirements.

Installation of the required improvements shall be subject to all applicable requirements of this Section pertaining to the construction, inspection, completion and acceptance of such improvements.

5) Building Permits.

a) Residential Development.

No building permits may be issued for any building site within the proposed residential development until the required improvements have been accepted by the Administrative Official or designee, or valid performance bonds have been secured by the applicant and provided to the Planning Division. The requirement for a final plat to be recorded shall be pursuant to the review process of [Article II](#), Section 5.0.B.

b) Non-residential Development.

Non-residential developments may obtain building permits prior to the completion of installed improvements for standalone sites. Any non-residential development with associated outparcels or part of a subdivision shall first obtain a certificate of completion prior to issuance of any building permit, unless the individual parcel will install all necessary infrastructure through a phasing plan in order to standalone.

6) Acceptance of the Required Improvements.

Upon issuance of a certificate of completion for all required improvements by the Administrative Official, the City shall accept responsibility for the maintenance of the improvements, subject to the provisions of the maintenance guarantee.

2. Construction and Inspection of Improvements.

The developer shall notify the Planning Division inspector at least 72 hours prior to when the inspection is needed. The planning inspector shall:

- a. Carry out inspections and tests of all required improvements during construction and following the completion of each stage of construction,
- b. Determine if improvements are in accordance with accepted construction and testing practices,
- c. Ensure improvements are in compliance with approved plans and advise the Administrative Official whether or not the improvements being constructed appear to qualify for acceptance by the City,

- d. Be authorized to execute all actions deemed necessary to determine compliance with specifications and requirements of the *LDRs*.
- e. Determine if action for compliance with *LDRs* are beyond and additional to customarily required inspections and tests are necessary, the Administrative Official shall have the authority to require the owner to pay for the expense of any such action incurred by the City.
- f. Ensure all required improvements are installed, inspected and approved prior to acceptance by the City.

3. Inspection Fees.

The owner shall pay to the City, for engineering and inspection services provided by the City, a fee to be established in the manner prescribed in the *LDRs*. The fee shall be due upon issuance of a site development permit, provided that the Administrative Official may establish an alternative method of payment of such fee. However, in all cases such fee shall be due prior to final acceptance of improvements by the Administrative Official or their designee.

C. Acceptance of Improvements and Certificate of Completion.

1. Acceptance of Improvements.

The City shall accept installed or constructed improvements that have obtained a certificate of completion and have a valid maintenance guarantee.

2. Certificate of Completion.

a. Issuance of Certificate.

The Administrative Official shall issue a certificate of completion, and the City Manager shall be empowered to accept responsibility for maintenance and operation of the required improvements, upon determination of compliance with all the following requirements:

1) Final Inspection.

Completion of satisfactory final inspections for the improvements in question;

2) Submittal of As-Built Drawings.

Upon completion of any required critical infrastructure or improvements, the owner shall submit to the Administrative Official as-built drawings prepared and certified by the engineer of record, showing the actual installation of such improvements. As-built drawings shall be provided in reproducible form.

3) Posting of Maintenance Guarantee.

A maintenance guarantee shall be provided to the City for the repair or correction of material defects or failures of the improvements. All financial entities shall be recognized lending institutions and have offices located in Florida reasonably proximate to the City at which the City may engage in business relative to the maintenance guarantee as determined by the City Attorney in collaboration with the City's Finance Director.

a) Standard Requirements.

The guarantee shall be for a period of three years following acceptance of improvements and shall be provided in an amount equal to 20 percent of the actual construction cost of all the improvements, and shall consist of either:

- i) a maintenance bond;
- ii) an equivalent cash deposit with the City;
- iii) a construction loan agreement;
- iv) a certificate of deposit or irrevocable letter of credit; and
- v) a cashier's check or a certified check.

b) Discharge of Guarantee.

Upon default, the City Commission or other applicable public body may exercise its rights upon ten days written notice by certified mail, return receipt requested, to the parties to the instrument.

c) Reduction by Phase or Release of the Performance Guarantee.

Upon issuance of the certificate of completion for an approved phase of the required improvements, the Administrative Official shall be authorized to reduce the amount of the performance guarantee for such improvements by the amount of the original cost estimate for the improvements covered by the certificate. Where the Certificate covers all required improvements, the performance guarantee shall be fully released.

4) Bill of Sale

A bill of sale clearly showing the full cost of improvements for the entire project or phase of project that will be used to calculate the 20 percent necessary for the maintenance guarantee.

D. Improvements Retained in Private Ownership.

The following provisions shall apply wherever improvements required by the *LDRs* shall be retained in private or common ownership and will not be dedicated to the City or another public entity.

1. Construction and Inspection of Improvements.

Prior to the approval of any certificate of completion or certificate of occupancy, all required improvements shall be installed according to plans approved in the manner prescribed in the *LDRs*. The Administrative Official shall inspect all improvements during and after construction and shall conduct or approve all tests of materials to ensure compliance with all applicable requirements of the *LDRs*.

All proposed modifications of the approved plans shall require written request to and approval by the Administrative Official prior to installation.

2. Certificate of Completion.

The engineer, architect or landscape architect of record shall submit a certification that the required improvements have been installed and completed in accordance with approved plans for the premises in question.

3. Performance Guarantee for Certain Improvements.

The Administrative Official has the authority to determine that the installation of the certain improvements may be delayed without substantial detriment to the public health, safety, or welfare or where necessary to coordinate such improvements with publicly financed capital improvements or improvements of adjacent premises.

a. The Administrative Official may permit the owner to provide a performance guarantee bond and a recordable agreement to install such improvements at a later specified date. Such certain improvements may include but not be limited to the following:

- 1) Improvements within public rights-of-way.
- 2) Installation of sidewalks and bikeways.
- 3) Improvements to major drainageway.

b. The performance guarantee and agreement shall be provided prior to the issuance of any certificate of occupancy, and, except for the effective period, shall be subject to all the performance guarantee requirements set forth in [Section 6.0.B.2](#) of this Article. Improvements installed in this manner shall be subject to all the requirements of the *LDRs* pertaining to the construction, inspection and completion of such improvements.

4. Completion and Acceptance of Improvements.

Upon completion of any required improvements, the owner shall submit to the Administrative Official as-built drawings prepared and certified by the engineer of record, showing the actual installation of such improvements.

E. Maintenance of Common Areas, Facilities, and Improvements.

The following regulations are designed to ensure that adequate ownership, management, and maintenance responsibilities will be established for the protection and perpetual maintenance of such common areas, facilities and improvements. The common areas, facilities, and improvements will be maintained and owned in a manner other than under a single unified ownership. In addition, the owners shall continually make available the utility of common areas, facilities and improvements and prevent such facilities from becoming an unnecessary burden or nuisance to the public or surrounding property. Nothing in this section shall be construed as creating any obligation or liability upon the City to maintain such facilities or improvements or otherwise ensure their availability and condition.

1. Applicability.

All common areas, facilities, and improvements which are identified and/or designated in approved plans are to be owned or maintained under a common entity.

2. Exemptions.

The following types of areas, facilities, and improvements shall not be subject to these requirements:

a. Lands, Facilities and Improvements Dedicated to the Public.

Any lands or improvements after being dedicated or conveyed to the City or other applicable public entity, for designated or public use.

b. Private Areas, Facilities, and Improvements.

Common areas, facilities, or improvements to be owned and maintained under the same unified ownership as for the entire premises in question such as, but not limited to, parking areas or recreational amenities for multiple-family development projects or community shopping centers.

c. Condominiums and Cooperatives.

Any lands or improvements to be owned and maintained under a condominium or cooperative that is established and regulated in the manner prescribed by law.

3. Establishing Common Ownership and Management (HOA/POA).

a. Document Information.

Draft documents to establish common ownership and management responsibilities, entities, procedures and related considerations shall be approved by the City Attorney prior to the commencement of installation of facilities and improvements in question.

a. Such documents shall be accomplished in a manner that complies with applicable procedures and requirements of the *LDRs*, which may include, but not be limited to, review and approval procedures involving conditional use permits, planned development project plan approval, development plan review and subdivision plan review.

b. Such documents shall establish a means of common ownership and management of all common areas, open space, facilities and improvements.

c. Such documents shall also establish an organization or entity to own and manage the common areas, facilities, and improvements in question, setting forth membership and responsibilities, including maintenance and fiscal programs and providing procedures for conducting business and activities of the organization or entity.

d. Such documents shall be certified that they have been approved, established, incorporated, and recorded in the office of the Clerk of Circuit Court shall be provided to the Administrative Official prior to issuance of a certificate of completion.

b. Funding Mechanism Required.

The documents establishing common ownership and management shall establish a funding mechanism for the maintenance of the common areas, facilities and improvements. A method for the organization or entity to assess the property owners having beneficial use of common areas, facilities and improvements shall be set forth in such documents. The method of assessment shall provide the legal right for the organization or entity to impose liens against those properties for which payment of any assessment is not made. Collection of assessments and enforcing the payment thereof shall be the responsibility of the organization or entity and shall not be the responsibility of the City. The assessments imposed by the organization or entity shall not relieve property owners from any taxes, fees, charges or assessments imposed by the City or any other governmental agency.

c. Notice to Buyers.

The documents establishing common ownership and managements shall also be recorded in the Official Records and provide for notice to purchasers and prospective purchasers of properties that the organization or entity shall have the authority to make assessments and impose liens as provided herein.

4. Failure to Maintain Common Areas, Facilities, and Improvements.

Failure to maintain common areas, facilities or improvements in accordance with the requirements of the *LDRs* shall be a violation of the *LDRs* subject to provisions applicable to violations, remedies and penalties prescribed in Article I of the *LDRs*. In the case of such a violation, the organization or entity and all property owners, occupants and lessees having beneficial use of or legal interest in the common areas, facilities, and improvements in question shall be subject to applicable remedies and penalties. The City shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the common areas, facilities, or improvements.

F. Guarantee of Improvements.

Prior to the issuance of a site development permit, and prior to the recording of the final plat, if applicable, the installation, completion and maintenance of all required improvements shall be guaranteed in a manner acceptable to the Administrative Official and in conformity with all applicable provisions of the *LDRs*.

G. Model Homes.

For residential subdivisions the developer may request to construct model homes within a property that has received approval of the Major Subdivision Plan by the City Commission prior to completion of on-site critical infrastructure. At their discretion the Administrative Official may permit a deviation from these provisions.

1. Plans.

The applicant shall submit a model home plan showing the exact layout of the proposed models within the designated lot showing the lot number, as part of the Site Development Permit process. The Administrative Official shall approve that the location and number of model homes shown on the plan.

2. Number of Homes.

A maximum of four model homes may be permitted within any subdivision, however the total number allowed within the subdivision is subject to the total number of units approved for the subdivision as shown in table 6.0.G.- Number of permitted model homes.

Table 6.0.G – Number of Permitted Model Homes

Total # of approved units for the subdivision	Number of model homes allowed
6-25	1
26-50	2
51-100	3
100 or greater	4

3. Model Home Multi-family.

For multi-family units or structures with multiple units a maximum of one structure may be constructed for model home purposes. The one structure must be used for all proposed models.

4. Certificate of Occupancy for Models.

Any unit requested to be constructed as a model home shall not be permitted to be reclassified as a non-model or obtain a certificate of occupancy until all other units of the subdivision have been constructed and all critical infrastructure has received a certificate of completion.

SECTION 7.0 VARIANCES

A. Applicability.

A modification to the terms and development standards may be granted, subject to the applicable authority listed below, where a deviation would relieve a practical difficulty or undue hardship caused by a strict application of the regulations. A deviation may only be granted after a finding that the proposed variance is consistent with the standards enumerated below. It shall be the burden of the applicant to prove, by substantial competent evidence, compliance with said standards.

Under no circumstance shall the provisions of this Section be construed to mean that any provisions, requirements or regulations contained within the *LDRs* can be waived or reduced which may reasonably be complied with by the applicant.

B. Standards for Consideration for Variances.

Before any variance for a policy or technical deviation may be granted, the Planning and Zoning Commission or Administrative Official shall find that the variance would relieve a practical difficulty or undue hardship caused by a strict application of the regulations. All of the following standards for policy or technical deviations for the subject property must obtain an affirmative answer for the variance to be granted and a negative finding for any of the requirements shall result in a denial development order being issued.

1. Policy Standards.

Policy standards include the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. The literal interpretation of the provisions of the *LDRs* would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the *LDRs*.
- c. The special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance will not confer on the applicant any special privilege that is denied by the *LDRs* to other lands, structures, or buildings in the same district.
- e. The reasons set forth in the application justify granting the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- f. The granting of the variance will be in harmony with the general purpose and intent of the *LDRs* and the [Comprehensive Plan](#) and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

2. Technical Standards.

Technical standards include the following:

- a. All of the policy standards listed in [Section 7.0.B.1](#).
- b. The variance provides for equal or better performance than the stated requirement in the *LDRs*. The Administrative Official may require a performance guarantee in the manner set forth in the *LDRs* and/or engineering under signature and seal of a Florida licensed professional engineer to ensure such performance.

C. Authority to Grant a Variance.

The following are authorized to grant variances:

1. Administrative Official (Type 1).

a. One- and Two-Family Dwellings.

The Administrative Authority may grant a variance for one-family dwellings and two-family dwellings located in residential zoning districts (SR-1AA, SR-1A, SR-1 and SR-2) after a review by the PRS.

b. De-Minimis (15% or less).

The Administrative Official may grant a de-minimis variance of 15 percent or less of any standard or term included in Schedules C, D, E, F, G, H, I, J, K, S and U for all land uses including one-family and two-family dwellings.

c. Technical Specifications.

The Administrative Official may grant variances for Schedules M, N, O, and P for deviations of technical specification requirements such as, but not limited to, the type of materials, installation sequence, material performance, construction techniques, or specific construction feature. Any variance from a non-technical specification provision of these schedules shall be referred to the Planning and Zoning Commission.

2. Planning and Zoning Commission (Type 2).

The Planning and Zoning Commission may grant a variance for multiple-family dwellings, non-residential land uses, and all other land uses beyond what may be granted by the Administrative Official. The Administrative Official may also transmit any administrative variance to the Planning and Zoning Commission for determination if deemed necessary, advisable or at their discretion.

D. Procedures for Variance Application.

An owner or his authorized agent seeking a variance as permitted by this Section must make application in accordance with the following procedures:

1. Formal Application.

a. Application Requirements.

All applications for variances shall be submitted in accordance with [Article I](#), Section 7.0. A complete list of all required documents for submittal is found in [Article I](#), Section 8.0. Applications for deviations from regulations are subject to the following:

- 1) The request shall accompany the proposed plan in question.
- 2) The request shall identify the requirement or provision that is proposed to be modified and shall fully explain the reasons that such variance should be permitted.

b. Sequence of Submittal.

An application for variance shall be submitted as a concurrent or standalone variance, and shall comply with the following:

1) Concurrent Variance.

A concurrent variance shall be submitted with the use application, both the variance and use application shall be assessed their applicable separate fees. The variance and use application shall be scheduled for the same hearings to be considered by the Planning and Zoning Commission, approval of the variance must be obtained prior to the approval of the use application or any development plan.

2) Standalone Variance.

If an application for a use or subdivision is contingent upon approval of a variance, then the variance shall be submitted as a standalone variance application. The approval of the variance shall be obtained prior to approval of the use or subdivision by the Administrative Official, Planning and Zoning Commission, or City Commission. All variances for subdivision applications shall be processed as a standalone application.

2. Application Types.

a. Type 1 Variances.

The Administrative Official shall prepare a development order pursuant to [Article I](#), Section 7.0.C.7 for those applications that are approved or approved with conditions. The development order shall find whether the standards for variances have been satisfied and that the variance being granted is the minimum variance required in order to make possible the reasonable use of the land, structures and other improvements.

1) De-Minimis (15% or less).

A de-minimis variance application is a request of less than 15 percent deviation and shall be reviewed by the Planning Division Staff only and a recommendation shall be made to the Administrative Official of approve, approve with conditions, or deny.

2) Technical Specifications.

A technical specifications variance application shall be reviewed by the PRS and a recommendation shall be made to the Administrative Official of approve, approve with conditions, or deny.

a) Referral To Planning and Zoning Commission.

When the request for a variance does not involve improvements that are dedicated, owned or maintained by a public entity, the Administrative Official has the authority to transmit such request for a variance to the Planning and Zoning Commission, in accordance with [Article I](#), Section 7.0.C.6, for action in conjunction with the subject plan or application involved in the request for a variance.

b) Referral To City Commission.

When the request for a variance involves improvements that are to be dedicated, owned or maintained by a public entity, the Administrative Official has the authority to transmit such request for a variance to the City Commission, in accordance with [Article I](#), Section 7.0.C.7, for action in conjunction with the subject plan or application involved in the request for a variance. Action upon a request for a variance involving improvements to be dedicated to the public must be through action of the City Commission.

3) Single-family and Two-family.

A single-family and two-family use variance application shall be reviewed by the PRS who shall make a recommendation to the Administrative Official to approve, approve with conditions or deny the variance.

a) Public Notice.

The applicant shall be responsible for publishing a notice of approval in a newspaper of local circulation in the County that will serve as a time limitation for any appeal of the approval. The public notice may be published when the Administrative Official has provided the applicant with a development order. A legal advertisement template will be provided by the Administrative Official upon request of the applicant.

b) Public Hearing.

Administrative variances do not require a public hearing. The Administrative Official shall have the discretion to require that an application for an Administrative Variance be heard by the Planning and Zoning Commission at a public hearing, if determined necessary or if requested by the applicant. The public hearing shall be processed in accordance with [Article I](#), Section 7.0.C.6.

b. Type 2 Variances.

These are variance of greater than 15 percent deviation for multiple-family dwellings and non-residential land uses. The Planning and Zoning Commission shall hold a public hearing upon the application in accordance [Article I](#), Section 7.0.C.6 and enter its order granting or denying such application. In granting such variance the Planning and Zoning Commission must make specific affirmative findings respecting each of the variance standards, in accordance with Section 7.0.B above.

3. Conditions.

In granting any variance, the Planning and Zoning Commission or the Administrative Official may prescribe appropriate conditions and safeguards that shall become a part of the terms under which a site development permit and certificate of completion shall issue. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be subject to the code enforcement processes of the City.

- a. The Administrative Official may require conditions, safeguards, or requirements in conformity with the *LDRs*.
- b. The Planning and Zoning Commission may require conditions, safeguards, or requirements in excess of those otherwise required by the *LDRs*.

4. Time Limit.

The Planning and Zoning Commission or the Administrative Official shall prescribe a time limit that, in no event shall be greater than one year, within which the action for the variance is required, shall be initiated and diligently pursued to completion thereafter without cessation of 30 days or greater.

5. Prohibited Allowances.

Under no circumstances shall the Planning and Zoning Commission or the Administrative Official grant a variance to allow a use not permissible in the district involved, or any use expressly or by implication prohibited by the terms of these *LDRs* in said district.

6. Development Order Granting a Variance.

Shall be consistent with [Article I](#), Section 7.0.C.9.

7. Conforming.

Approval of a variance shall render a parcel of land, building, or the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building, or structure as indicated on the accompanying plan as submitted in the application. The parcel of land, building, or structure may not be further expanded, except in accordance with the standards of the *LDRs*.