

Article 14. Site Development Plans and Subdivision Regulations

14.00.00 Site Development Plans and Subdivision Regulations

14.00.01 Generally

The intent of this article shall be to:

1. To protect and provide for the public health, safety, welfare, character and economic stability of the City
2. Assure that the subdivision of land and subsequent development shall conform to the provisions of the Comprehensive Plan
3. Require that land shall not be subdivided unless there is reasonable assurance that both the City and the developer of the subdivision will adequately provide the necessary public facilities, services, and improvements for which each is responsible when there is a need for such facilities
4. To provide for adequate light, air, and privacy
5. To prevent overcrowding and undue congestion of population
6. To minimize conflicts and uses of land and buildings
7. To preserve the value of lands and buildings through a means of orderly and beneficial development
8. To provide for adequate systems of transportation, potable water, central sewage, solid waste management, and parks and recreation areas
9. To provide for educational and cultural activities
10. To provide for procedures and basic standards for the development of land
11. To provide for adequate vehicular traffic movement
12. To provide opportunities for pedestrian and bicycle traffic movement
13. To provide for adequate drainage and reduction in the chances of flooding
14. To allow for the wise management and preservation of natural resources
15. To provide a diversity of housing types for persons in all stages of life

14.00.02 Purpose and Intent

This article sets forth the procedures for receiving, reviewing, and rendering decisions on applications for development projects or activities, including local development orders for Development Permits, and Subdivisions. It is the City's intent that the procedures set forth in Article 15 shall be followed in order to seek approval for any development.

14.00.03 Relationship to Comprehensive Plan

The Site Development Plans and Subdivision regulations in this article implement the following goals under the Future Land Use Element of the City of Lake Helen's Comprehensive Plan:

1. To preserve the existing quality of life afforded by the City to its residents and visitors;

2. To preserve the City's small town charm;
3. To build upon the City's historical heritage;
4. To preserve the City's residential and rural character;
5. To promote economic vitality and provide local jobs while protecting residential neighborhoods;
6. To minimize the need to develop new infrastructure to support growth, as well as minimize the adverse impacts of growth on existing infrastructure;
7. To encourage a mix and location of land uses designed to increase accessibility of Lake Helen's residents to services, recreation, jobs and housing;
8. To develop opportunities that reduce the use of fuel and encourage alternative forms of transportation;
9. To develop a network of paths, walkways, equestrian trails, public art and cultural facilities to encourage a sense of place and the overall health and well-being of the community.

14.01.00 Local Development Orders and Site Development Permits Required

1. A local development order shall be issued to indicate approval of any site plan, subdivision plat.
2. A local development order shall be required prior to the issuance of any development permit to authorize construction, reconstruction, site improvements, installation of improvements, establishment of a temporary or accessory use or structure, or other modifications to the land or water on a site, except that a local development order shall not be required prior to issuance of a permit for installation or construction of a telecommunications tower and any improvements to an existing single family residential lot.
3. Any person who commences any work on land, or a building, structure, or sign, or an electrical, gas, mechanical, or plumbing system before obtaining the necessary permits, shall be subject to a penalty as described in Section 11.08.00.
4. A local development order shall not be required when:
 - a. A Single-Family Home on an existing residential lot.
 - b. There is no increase in the amount of impervious surface within the development;
 - c. The number of dwelling units does not change by five percent (5%) or more;
 - d. There is no change in the floor area ratio;
 - e. There is no modification in the original design concept, such as a change in housing types, building scale, or compatibility factors;
 - f. There is no change in the land use or zoning categories on the approved site plan;
 - g. There is no increase in traffic volume, flow, or points of ingress or egress;
 - h. There is no reduction of required setbacks;
 - i. There is no reduction in the number of parking spaces;
 - j. There is no change in parking lot design; or
 - k. There is no reduction in landscaping or buffering.

- I. Commercial, Industrial or Multi-Family may add an accessory structure up to 5,000 square feet without a local development order.

14.01.01 Exemptions

The situations described in (A) and (B) below are exempt from the provisions of this LDC.

- A. The provisions of this LDC and any amendments thereto shall not affect the validity of any valid and effective local development order or permit that was issued prior to the effective date of this LDC under the following situations:
 1. The development activity authorized by the local development order was commenced prior to the effective date of this LDC, and such activity continues without interruption (except because of war or natural disaster) until the development is complete;
 2. The development activity authorized by the local development order will be commenced after the effective date of this LDC but within six (6) months; or
 3. The development activity authorized by the local development order is proceeding in accordance with the time limits contained in the local development order.
- B. The provisions of this LDC and any amendments thereto shall not affect work required for public facilities and services within the public right-of-way, as further described below:
 1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electricity, cable, telephone, or telecommunications services;
 2. Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes; and
 3. Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or the like.

14.01.02 Fees Required

A fee shall be required for all applications for final local development orders and development permits. Fees are set forth in the schedule of fees. No action shall be taken on an application until all applicable fees are paid.

The City is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant, according to the schedule of fees.

14.02.00 Requirements for All Board Applications

Each application is due no later than the first day of the month prior to the scheduled public hearing dated for which the application will be considered and at a minimum include the following information:

1. At least one (1) pre-application meeting with the City Administrator or his/her designee prior to submittal of an application.
2. A completed application form available from the City.
3. The name, address, telephone number, email address, and signature of the property owner.
4. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.

5. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application.
6. Payment of applicable fees.
7. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.
8. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
9. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

14.03.00 Concept Plans

All proposed developments must undergo a Concept Plan review.

The PLDRC shall issue no binding order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the-proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

14.03.01 Concept Plan Submittal Requirements

A Concept plan shall be required prior to the issuance of any local development order.

All applications for concept plans shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 14.02.00
 - a. A completed application form available from the City.
 - b. The name, address, telephone number, email address, and signature of the property owner.
 - c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
 - d. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.
 - e. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
 - f. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

2. The location of the proposed development, surrounding streets and thoroughfares, existing zoning on the site and abutting lands, Future Land Use designation on the property and abutting lands, and existing development shall be noted;
3. All land parcels and tracts;
4. Existing flood plain delineations;
5. Proposed land uses, open space, recreation and major streets or thoroughfares internal to the development;
6. Proposed utility service concept for sanitary sewers, storm drainage, potable water and reclaimed water.
7. Proposed phasing, if applicable.
8. Type of development proposed along with building sizes and placement, square footage by type of development.
9. List of potential issues or unique features, if any, that the development may present, or that the developer may want to discuss with the PLDRC.

14.04.00 Site Development Plan Submittal Requirements

All applications for site development plans shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 14.02.00.
 - a. A completed application form available from the City.
 - b. The name, address, telephone number, email address, and signature of the property owner.
 - c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
 - d. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.
 - e. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
 - f. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.
2. The names, address, telephone number, facsimile number, and email address of the person preparing the plan.
3. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
4. The legal description of the property, consistent with the required survey.
5. A vicinity map showing the location of the property.

6. The location of streams, bodies of water, natural features, roads, rights-of-way, street intersections, and paved areas within the boundaries of the property.
7. The location of streams, bodies of water, dunes and dune systems, and other natural features within 250 feet of the boundaries of the property.
8. The location of the mean high water line, if such line is within the boundaries of the property.
9. A topographic survey, soils report, grading plan, and an erosion control plan.
10. A general floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification.
11. A statement indicating the distances to schools and public safety facilities intended to serve the proposed development.
12. The name, plat book, and page number of any recorded subdivision comprising all or part of the site.
13. The location and use of any existing and proposed principal or accessory buildings and structures, showing proposed setbacks, building heights, and other dimensional requirements of the zoning district in which the property is located.
14. Elevations of all proposed structures.
15. The access points, driveway design, on-site parking, including required parking lot landscaping, internal circulation, sidewalks, and bicycle facilities.
16. The location of existing and proposed utilities, utility services, and easements.
17. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering. (See Section 8.07.07)
18. For a Planned Development (PD) site plan, a detailed, written list and explanation of how the proposed Planned Development (PD) differs from any provision of this LDC applicable to the underlying zoning district.
19. For site plans and Planned Development (PD) site plans where development is proposed in phases, the plans shall include phase lines and the following supporting information:
 - a. Timeline for the development; and
 - b. Benchmarks for monitoring the progress of construction of each phase regarding land clearing, soil stabilization and erosion control, installation of infrastructure, and installation of landscaping.
20. A summary block containing:
 - a. Land use category from the Future Land Use Map in the comprehensive plan;
 - b. Zoning district;
 - c. Total acreage;
 - d. Total square footage for non-residential uses;
 - e. Total density and number of units, proposed and permissible, for residential uses;
 - f. Impervious surface ratio calculation, proposed and permissible;
 - g. Floor area ratio calculation, proposed and permissible;

- h. Total number of parking spaces, required and provided; and
 - i. Number of trees required to be protected, number of trees remaining on the site, and number of trees to be planted.
21. Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies.
- a. Concurrency analysis reports shall contain the information set forth in Article 12.
 - b. Requirements for traffic analysis reports are set forth in Section 14.06.01.
 - c. Requirements for parking requirements are set forth in Article 11.
 - d. Requirements for stormwater management plans are set forth in Section 7.01.00.
 - e. Requirements for environmental impact studies are set forth by regional, State, and federal agencies with jurisdiction and in Article 7 of this LDC.

14.05.00 Requirements for Subdivision Plats (Preliminary and Final)

14.05.01 Preliminary Subdivision Plan

A preliminary subdivision plat shall be required when new streets, water lines, and sewer lines are required; when three or more residential lots are created; and where one nonresidential lot is created or proposed for development. Where new streets, water lines, and sewer lines are not required, the preliminary and final plat may be combined into a single submittal. A preliminary plat provides for a complete review of technical data and preliminary engineering drawings prior to completion of the final plat for recording.

In addition to the information required in Section 14.04.00, all applications for preliminary subdivision plat approval shall contain the following information:

1. The name, address, telephone number, facsimile number, and email address of the person preparing the plat.
2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
3. The proposed name of the subdivision.
4. Development specifications for the tract: area, proposed number and layout of lots and blocks, location, names, and widths of proposed roadways, consistent with this LDC and the Future 2035 Multimodal Transportation System Map of the Comprehensive Plan.
5. All contiguous properties shall be identified by subdivision title, plat book and page, or, if un-platted, the land shall be so designated, and otherwise identified.
6. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses. Proposed street names shall be included.
7. Locations of utilities, utility service, connections to existing utility facilities, and easements necessary to provide access to the utility facilities for maintenance or other activity.

8. Location of the nearest available public water supply and wastewater disposal system.
9. A topographic survey, soils report, grading plan, and an erosion control plan.
10. Existing surface water bodies, wetlands, streams, and canals, including the location of the mean high water line for each feature.
11. A preliminary surface drainage plan showing direction of flow and methods of stormwater retention.
12. A floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification, and establishing a base flood elevation for all proposed lots within the subdivision.
13. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering.
14. An improvements plan shall be submitted with a preliminary plat application. The improvements plan shall include the following information:
15. A stormwater management plan showing the complete drainage system in compliance with the requirements set forth in Section 7.01.00.
16. Soils map, soil infiltration test locations, results of test borings, and subsurface conditions, providing at least one (1) test per drainage retention or detention area.
17. Paving and drainage plans and profiles showing existing and proposed elevations and grades of all paved and open areas, including the size, location, and type of facilities.
18. Water distribution and wastewater collection plans and proposed profiles.
19. Proposed locations for electric, telephone, cable lines, and any supporting facilities.
20. Typical roadway and drainage sections and a summary of quantities to include a driveway apron and culvert schedule with typical sections.
21. Profile sheet showing special situations such as intersections or waterways.
22. Plans showing existing and proposed improvements to waterways, lakes, streams, channels, ditches, bridges, culverts, seawalls, bulkheads, and retaining walls.
23. A street lighting plan, showing approval of the appropriate utility authority.
24. Landscaping plan, demonstrating compliance with Section 8.07.07.
25. Construction details for all proposed improvements described on the improvements plan, demonstrating compliance with the requirements set forth in the Public Works Manual.
26. Written specifications demonstrating compliance with all applicable design standards for site improvements.
27. Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies.
 - a. Concurrency analysis reports shall contain the information set forth in Article 12.
 - b. Requirements for traffic analysis reports are set forth in Section 14.06.01.
 - c. Requirements for parking requirements are set forth in Article 11.

- d. Requirements for stormwater management plans are set forth in Section 7.01.00.
- e. Requirements for environmental impact studies are set forth by regional, State, and federal agencies with jurisdiction and in Article 7 of this LDC.

14.05.02 Final Subdivision Plan

The final plat shall meet the following requirements:

1. The final plat shall conform to the approved preliminary plat in all respects, except that minor variations in dimensions and alignment resulting from more precise final computations may be accepted.
2. The final plat shall be drawn at the same scale, using the same sheet size, as for the associated preliminary plat and improvements plan.
3. The subdivision shall be given a name by which it shall be legally known. The name shall not be the same as any other recorded subdivision name, except where the subdivision is an additional unit or section of an existing subdivision. a. Lots and blocks shall be numbered or lettered consecutively.
4. Excluded parcels shall be clearly indicated and labeled.
5. Acknowledgements, dedications, notifications, notes, and declarations shall be on the first sheet, and extended to following sheets if necessary.
6. All areas reserved for use by residents of the subdivision shall be so indicated. All areas reserved for public use, such as parks, rights-of-way, easements, drainage areas, and other public areas, shall be dedicated by the owner of the land at the time the final plat is recorded. All streets shall be named. Dimensions, purpose, and reservation of easements shall be indicated.
7. The mortgagee's consent and approval of dedications shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee(s) shall be witnessed.
8. Restrictive covenants pertaining to use of improvements, land, and water shall be submitted with the final plat for recording.
9. The final plat shall be prepared by a professional surveyor, licensed in the State, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, and that the survey data complies with all requirements of Chapter 177, F.S., this LDC, and that permanent reference monuments have been set in compliance with the Florida Statutes. The certification shall bear the signature, registration number, and official seal of the surveyor.
10. Signature blocks shall be provided for all appropriate officials, together with the name and title of the officials.
11. A certificate of ownership shall be dated not more than sixty (60) days prior to the recording date of the final plat. The certificate shall be an attorney's opinion of title or a title company certificate.
12. The final plat shall include a legal description of the lands subdivided.

13. When two (2) or more sheets are necessary to accurately portray subdivided lands, an index sheet shall be provided showing the entire subdivision as well as the sheet layout. Sheets shall be numbered.

Upon approval by the City Commission, a print on mylar shall be provided to the City Clerk for signature. The applicant shall record the final plat with the clerk of the circuit court and provide a copy of the recorded final plat to the City Clerk.

14.05.03 Vacating of Plats

The owners of any land subdivided into lots may petition the City Commission under the provisions of Chapter 177, Florida Statutes, to remove (vacate and abandon) the existing plat, or portion of a plat, from the official records of City.

The applicant for vacating a plat, or a part of a plat, shall:

1. Pre-Application Conference with the City Administrator or his/her designee
2. File a petition as prescribed under the provisions of Chapter 177, Florida Statutes
3. Submit proof of publication of notice of intent
4. Submit certificate of title
5. Submit statement of taxes and resolution;
6. Pay the appropriate filing fee as established by the City Commission.

Following review by the City Attorney and appropriate departments, the petition shall be reviewed by the Planning and Land Development Regulation Commission and a recommendation made to the City Commission for final review.

The City Commission may, on its own motion, order the vacation and abandonment of all or any part of the subdivision within its jurisdiction. Such action may include the vacation of streets or other parcels, provided that:

1. The subdivision plat was lawfully recorded more than five (5) years before date of such action by the City Council; and
2. No more than ten percent (10%) of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title. Before acting on a proposal for vacation and abandonment of subdivided land, the City Council shall conduct a public hearing, with due public notice in accordance with F.S. Ch. 177.
3. No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided, however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

14.05.04 Replats and Re-Subdivisions

Any change in a previously approved plat shall be labeled a replat, and a replat must conform with this part. An application for a replat shall be processed and reviewed in the same manner as the application for the Final Plat.

14.05.05 Substantially Similar Plats

If a platted area is proposed to be platted again and if the proposed plat is substantially similar in design, layout, and concept to the original plat, as determined by the City Administrator or his/her designee and; if all lots, roads, and easements are in conformance, without variance, to this LDC or other appropriate standards, only a final plat complying with the requirements of these regulations needs to be filed.

14.05.06 Corrective Plats

In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this article and F.S. Ch. 177, is detected by subsequent examination or revealed by a retracement of the lines during the original survey of the lands shown on such recorded plat, the land surveyor who was responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. However, the affidavit must state that he or she has made a resurvey of the subject property in the recorded subdivision within the last ten (10) days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that, in his or her opinion, should be substituted for the erroneous data shown on such plat or added to the data on such plat. Said affidavit shall be filed and recorded in accordance with F.S. Ch.177.

14.06.00 Requirements for Supplemental Analysis Reports and Plans

14.06.01 Requirements for Traffic Analysis Reports

1. Traffic analysis reports shall be prepared by a licensed traffic engineer.
2. As part of the pre-application conference, the City and the applicant shall determine the area of impact, including streets, street segments, and intersections, for the traffic analysis, based on accepted traffic planning principles and practices.
3. The analysis shall consider both on-site and off-site traffic impacts, including:
4. The existing average daily traffic on adjacent streets and streets impacted by the proposed development. Where traffic counts conducted within the previous six (6) months are not available, the applicant shall conduct traffic counts.
5. The total trips generated by the project and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates shall be used as the basis for trip generation calculations. An alternative source of data may be used, where specifically approved by the City in advance.
6. Level of service calculations at each project access point for both the a.m. and p.m. peak hours, both existing and with the proposed development.
7. Level of service calculations at impacted intersections for both the a.m. and p.m. peak hours, both existing and with the proposed development.
8. Analysis of the need for turning lanes or additional lanes on impacted roadways.
9. Analysis of the need for intersection improvements.
10. Analysis of the need for traffic signals or other traffic control devices.
11. Other transportation factors based upon generally accepted traffic engineering practices.

12. The report shall include a statement of the assumptions used in conducting the analysis, including the following:
13. Type and intensity or density of development.
14. Projected population of a residential development.
15. Proposed timing and phases of development.
16. Proposed design of streets, access points, driveways, alleys, sidewalks, and other components of the transportation system.

14.07.00 Procedures for Review and Decision Making

Article 15 outlines: procedures for review and decision making including action by the Planning and Land Development Regulation Commission (PLDRC), Action by the City Commission, Requests for Continuation of a Public Hearing, Withdrawal of Pending Applications as well as the process for Quasi-Judicial Hearings.

14.07.01 Notice Requirements

Notice Requirements are outlined in Article 15.02.00.

14.07.02 Determination of Completeness & Sufficiency

All applications are subject to a determination of completeness.

A determination of completeness is a determination that all required documents and plans has been submitted in sufficient number, and whether all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

1. The City Administrator or his/her designee shall issue a determination of completeness to the applicant, within five (10) working days of receipt of an application. When the application is not complete, the determination shall specifically identify the missing documents and/or plans.
2. The applicant shall have thirty (30) days from the date of determination to correct the deficiencies. The application shall not be processed until deficiencies are corrected and the application is determined to be complete. If the applicant fails to correct the deficiencies within the thirty (30) day period, the application shall be deemed withdrawn.
3. A determination of completeness is an administrative decision subject to appeal as set forth in Article 15.

14.07.03 Material Changes to an Application

A determination by the City Administrator or his/her designee that the Applicant has made material changes to an application, not proposed by and/or approved by the Planning Advisory Board, will require a new Determination of Completeness and Determination of Sufficiency including the assignment of a new number for review and action in accordance with the procedures set forth below.

14.08.00 Pre-Application Conference

A pre-application conference is a meeting between an applicant and the City Administrator or his/her designee for the purposes of:

1. Exchanging information on the potential development of a site;

2. Providing information on permissible uses of the site proposed for development;
3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;
4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
5. Determining the need and requirements for supporting plans, documents, and studies;
6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
8. It is the City's intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.
9. The pre-application conference may include representatives of City departments responsible for reviewing applications and independent reviewers hired by the City, and may include representatives of regional, State, or federal agencies with authority over specific aspects of the proposed development.

Following the Pre-Application Conference, the City Administrator or his/her designee will determine if the application shall be reviewed by the Development Review Committee (DRC).

14.09.00 Development Review Committee

As determined by the City Administrator or his/her designee, the application shall be reviewed by the Development Review Committee (DRC).

The Development Review Committee will make a recommendation before a staff report is generated and submitted for review to the Planning and Land Development Regulation Commission (PLDRC) and City Commission. Official DRC members are the appointed representatives from the Planning Department, Public Works Department, Building Department, Fire Services and the City Engineer (list can vary depending on project and at the discretion of the City Administrator or his/her designee).

1. Upon a determination that an application is official or sufficient, the City Administrator or his/her designee shall call a meeting of the Development Review Committee for examination.
2. Development Review Committee. The Development Committee (DRC) shall consist of official and advisory members. All official and sufficient applications and amended plans shall be sent to both official and advisory members for review. Before the drafting of a staff report and transmittal of a site development plan, subdivision and/or plat to the PLDRC and City Commission, official DRC members shall have given a final recommendation of Approval, Approval with Conditions, or Denial. Although not giving a binding recommendation, the comments of advisory members shall be included in the Staff Report.
3. Timely review. The DRC shall forward a site development plan, subdivision and/or plat to the next scheduled PLDRC meeting within 60 days of an official DRC Review. In the event of

large or complicated projects, the City Administrator or his/her designee may waive and/or extend length of the review time period necessary to get the project forward to public review before the PLDRC and City Commission as requested by a DRC member or the applicant.

14.10.00 Preliminary Review of Development Plans

Projects which exceeds ten (10) acres in size, shall submit the proposed development for preliminary review as outlined.

The developer shall within six (6) months after completion of Concept Review(as outlined in 14.03), submit a Preliminary Development Plan to the PLDRC for preliminary review. If more than six (6) months elapse, the developer must resubmit the plan for Concept Review (as outlined in 14.03).

14.11.00 Final Review of Development Plans

The developer shall, within six (6) months after completion of Concept Review (as outlined in 14.03) or issuance of a Preliminary Development Order (whichever is applicable), submit a Development Plan for final review by the PLDRC for recommendation to the City Commission. If more than six (6) months elapse, the developer must resubmit the plan for Concept Review (as outlined in 14.03).

14.12.00 Project Phasing

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

14.12.01 Phasing Plan Submittal Requirements

In addition to the general plan submittal requirements, a Phasing Plan shall provide the following information for the entire development:

- a. A Concept Plan for the entire Phasing Plan area.
- b. A Development Plan for the first phase or phases for which approval is sought.
- c. A development phasing schedule including the sequence and requirements for each phase as follows; buildout year for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and Common Open Space areas and facilities.
- d. Total acreage and gross intensity (non-residential) and gross density (residential) of each phase.
- e. Number, height and type of residential units.
- f. Floor area, height and types of office, commercial, industrial and industrial area.
- g. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- h. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.

- i. A vicinity map of the area within one (1) mile surrounding the site showing:
 - a. Land use designations and boundaries.
 - b. Traffic circulation systems.
 - c. Major public facilities.
 - d. Municipal boundary lines.
- j. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the City Administrator or his/her designee.

14.13.00 Construction and Improvements

14.13.01 Compliance with Local Development Orders and Development Permits

1. All construction of buildings, structures, and systems shall comply with the construction or installation permit and the procedures and requirements of the Florida Building Code.
2. Construction of facilities and improvements described in a local development order shall be performed in strict compliance with the approved local development order and any development permits (other than permits issued pursuant to the Florida Building Code).
3. Any deviation from the local development order and subsequent development permits shall require additional review of the change to the plans by the City and shall receive approval prior to commencement of work. (Section 14.14 regarding amendments to approved local development orders.)
4. Upon completion of improvements, the applicant shall provide record drawings sealed by an engineer, licensed in the State, certifying that the actual construction conforms to the approved site plan(s), subdivision plats, or improvements plans.
5. All improvements required by this LDC shall be designed, installed, and paid for by the developer. Such improvements may include, but are not limited to, transportation facilities, potable water facilities, sewer facilities, stormwater and drainage facilities, and recreation facilities. Improvements shall be guaranteed as set forth in Section 14.13.
6. All improvements as approved through either a Local Development Order or an official building permit shall be inspected by the City. The applicant shall notify the City of commencement and completion of the following, for purposes of scheduling and conducting inspections:
 - a. Clearing and grubbing;
 - b. All utilities prior to backfilling;
 - c. All concrete structures when steel is in place, prior to pouring;
 - d. Stabilized sub-grade;
 - e. Curb and concrete work;
 - f. Roadway or parking lot base;
 - g. Wearing surface during application; and
 - h. The water and hydrant system.

7. In cases of construction of facilities dedicated to the public, the owner shall be responsible for maintenance for a period of two (2) years following completion of the construction and approval of the construction by the City. Upon completion of the maintenance period, the owner shall advise the City in writing requesting final inspection for perpetual maintenance by the City. Final acceptance shall not be given until all necessary repairs have been completed and an engineer, licensed in the State, provides a final certificate of completion to the City.
8. Acceptance of a final plat shall be deemed acceptance by the City of the public improvements and public areas dedicated to the City. The final plat shall not be accepted by the City Commission until all required performance and maintenance guarantees as set forth herein have been posted by the Developer. The acceptance of dedications for public purpose shall be permanently affixed to the face of the final plat (See Section 14.05.02)
9. Upon completion of construction of the improvements, the applicant shall provide the following:
 10. A letter stipulating that the construction of the improvements has been completed and requesting final inspection and approval;
 11. The testing reports and certificates of compliance from material suppliers;
 12. As-built construction plans; and
 13. Certification from a professional engineer, licensed in the State, that the improvements have been constructed in conformity with the approved construction plans and specifications.
14. Upon receipt and review of the items listed above, and after satisfactory final inspection, a certificate of completion shall be issued by the City Administrator or his/her designee.
15. Grading, fill, or tree removal permits may not be issued prior to the issuance of a Local Development Order or building permit, whichever occurs first.

14.13.02 Performance Agreements, Guarantees, and Sureties

A performance agreement shall meet the following requirements:

1. The term shall not exceed two (2) years from the date of issuance of the local development order.
2. The agreement shall include:
 - A. The projected total cost for each improvement determined either by an estimate prepared and provided by the applicant or a copy of an executed construction contract provided by the applicant.
 - B. Specification of improvements to be made and dedicated together with a timetable for completing such improvements.
 - C. Stipulation that, upon failure of the applicant to make required improvements according to the timetable, the City shall utilize the security provided under the agreement to complete the improvements.
 - D. Provision of the amount and type of security provided to insure performance as set forth herein.
 - E. The security specified in the performance agreement shall be approved as sufficient by the City Administrator or his/her designee. The amount of security shall be one

hundred twenty-five percent (125%) of the estimated or contracted improvements costs.

- F. Security requirements may be met by:
- (a) Bank check;
 - (b) Certified check;
 - (c) Irrevocable letter of credit; or
 - (d) Surety bond executed by an approved surety company, licensed to do business in the State of Florida and otherwise acceptable to the City.

14.13.03 Installation and Maintenance Guarantees for Landscaping, Irrigation, and Replacement Trees

A maintenance guarantee shall be provided to ensure that required landscaping, and irrigation system, or protected trees are perpetually maintained in accordance with the provisions of this LDC. For all development projects, the applicant shall provide legal documents, approved by the City, which insure such protection after building construction has occurred on the site. Such documents may include, but are not limited to, conservation easements, dedication of common open space, tree protection easements, deed restrictions, and homeowner association documents.

14.13.04 Maintenance Guarantees for Stormwater Facilities

The property owner or other entity approved by the City shall be responsible for maintenance of all stormwater facilities installed on private property. Maintenance shall be perpetual or for a time period specified in the local development order. At any time during the maintenance period, or after in cases where adverse impacts to public stormwater facilities are believed to be occurring due to the action of a private property owner, the City reserves the right to enter, following advance notice, upon that property for purposes of visual inspection. Property owners shall be notified in writing of the results of any such inspection and its results.

14.13.05 Installation and Maintenance Guarantees for Water and Sanitary Sewer Facilities, Streets, Sidewalks and other Infrastructure Elements

A maintenance guarantee shall be provided to ensure that all required stormwater facilities, water and sanitary sewer facilities, streets, sidewalks and other infrastructure elements shall be maintained by the developer according to the following requirements:

The maintenance period shall be a minimum of two (2) years;

The maintenance period shall begin with the acceptance by the city of the construction of the improvements.

The security shall be in the amount of fifty percent (50%) of the cost of improvements.

14.13.06 Facilities Not Dedicated to the City

Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the city, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

No final development approval or certificate of occupancy shall be issued for a development for which a condominium association or homeowners association is required until all required documents establishing such association have been approved by the City Administrator and his/her designee and proof of recording documents has been provided to the City Administrator or his/her designee.

14.14.00 Amendments to Local Development Orders

When a local development order has been issued and an applicant wishes to modify a site plan or subdivision plat to which the local development order applies, the procedures of this section shall apply. (Amendments to development permits shall be governed by the applicable building or technical codes, or City permit procedures.)

14.14.01 Minor Amendments

Minor amendments include the following:

1. Changes in the types and locations of landscaping materials, provided that:
 - a. Such changes do not reduce total amount of landscaping material;
 - b. Any required buffer area complies with the standards of this LDC; and
 - c. The proposed landscaping materials comply with the specifications of this LDC.
2. A minor adjustment in the location of dumpsters, sidewalks, bicycle facilities, sheds, or other accessory buildings, provided that:
 - a. The adjustment does not deviate from the approved location more than one (1) foot in any direction;
 - b. Such adjustment does not encroach into any required buffer or stormwater management area;
 - c. Such adjustment does not increase the approved impervious surface ratio for the project; and
 - d. The location continues to comply with all standards of this LDC, including, but not limited to, setbacks, landscaping, and buffer requirements.
3. A minor adjustment in the location and design of parking lots and access drives, provided that:
 - a. Such adjustment does not encroach into any required buffer or other landscaped area;
 - b. Such adjustment does not increase the approved impervious surface ratio for the project;
 - c. Such adjustment does not reduce the number of parking spaces; and
 - d. Such adjustment continues to comply with all standards of this LDC and the Public Works Manual.

14.14.02 Procedures for Minor Amendments

The applicant shall submit one (1) copy of the approved site plan, or subdivision plat indicating the proposed minor amendments.

The City Administrator or his/her designee shall determine that the amendment is consistent with:

1. The requirements of Section 14.14.01; and
2. The standards and criteria of the LDC.

When an application is proposed to be approved or approved with conditions, a notice of intent shall be provided as set forth in Section 11.02.01(C) and (F).

The City Administrator or his/her designee shall approve or deny the application for a minor amendment and issue a written order to modify the local development order.

Upon review by the City Administrator or his/her her designee, a minor amendment to the exterior elevations for development within the Gateway Overlay or Historic District Overlay may be subject to consideration by the Historic Preservation Board with a recommendation to the City Commission.

14.14.03 Major Amendments

Any proposed change to an approved local development order that is not a minor amendment as described in Section 14.14.02 shall be considered a major amendment. Major amendments are processed in the same manner as the original application.

14.15.00 Expiration of Local Development Orders and Development Permits

A request may be applied for by the applicant to extend the expiration date of a Development Order. An application and the application fee established by the City Commission shall be submitted prior to the expiration date of the original Development Order. The extension may be granted by the City Administrator or his/her designee at his/her discretion if the following conditions are applicable:

1. the developer has provided documentation showing that they have been diligently working towards the construction of substantial infrastructure improvements;
2. the granting of the extension shall not be injurious to neighboring properties or to the City;
3. the developer shows just cause for the extension;
4. the property(s) involved in the subdivision plan/plat does not have any outstanding fines, fees, liens, or taxes;
5. no additional extensions have been approved. Only one (1) extension shall be granted per project.