

**Sec. 134-476. Intent and purpose of SSP district.**

- a) The intent and purpose of the SSP district is to implement the Site Specific Plan future land use designation of the City's comprehensive plan, establishing a process that will ensure a proposed development is compatible with adjacent land uses, protect environmentally sensitive areas, and is coordinated with available public services and facilities
- b) In the event of any conflict with any other provision of this Code, the provisions of this Division shall prevail unless specifically provided otherwise.

**Sec. 134-477. Uses permitted.**

- a) *Uses Permitted.* Any use permitted in any zoning district within the City shall be considered a potential use in the SSP district unless such use is specifically enumerated as a prohibited use within the SSP district.
- b) *Development Agreement.* The specific permitted uses for property zoned SSP shall be set forth in a development agreement approved as provided herein, which shall be recorded in the official public records of Orange County, Florida.

**Sec. 134-478. Prohibited Uses**

- a) Any use prohibited in the C-1, C-2, or C-3 district shall be prohibited in the SSP district.
- b) Car washes

**Sec. 134-479. Approval procedure.**

- a) The applicant shall submit to the City Clerk an application and payment of all application fees for consideration of comprehensive plan amendments (future land use map amendment and site specific policy detailing, at a minimum, the proposed use and density and/or intensity) and rezoning (the site specific plan) approval. The application shall include sufficient copies, as required by the city, of the following.
  - 1) Complete application form documenting the applicant's name and contact information, full legal description of the property, acreage, owner's name and contact information, and agent authorization if applicant is not the owner of the property
  - 2) The proposed comprehensive plan amendments per Section 134-480
  - 3) The Site Specific Plan per Section 134-481
  - 4) A statement of need and justification for the change

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- 5) An analysis of how the proposed use is consistent with and/or furthers the goals, objectives and policies of the city's comprehensive plan
  - 6) An analysis of potential land use compatibility issues and the proposed mitigation. Land use compatibility is of premier importance to this district. Compatible means, a development, building and/or land use that is designed to be able to exist or occur without conflict with its surroundings in terms of its uses, scale, height, massing and location on its site. Land use compatibility should be addressed based on the following; suggested mitigation measures are listed, often times, more than one mitigation strategy is necessary.
    - a. Visual impact/Building Scale and Site Design: the three-dimensional bulk of a structures onsite including height, width, and depth compared to adjacent uses. This not only includes the appearance of any structures, but also the effect of outdoor storage, as well as the long term maintenance of buildings, landscaping, etc. onsite. Mitigation Measures include, but are not limited to the following.
      - 1) Provide gradual transition between smaller and larger residential lots through the arrangement and scale of lots and/or by providing appropriately scaled buffers.
      - 2) Minimize the mass of buildings that directly face smaller, pre-existing buildings by: 1) reducing the visual impact with larger setbacks; 2) incorporating design and elevation features that complement adjacent lower-density/intensity development; 3) stepping buildings down to a scale (building bulk, footprint size, and height) complementing adjacent development; and/or 4) breaking up massing of buildings.
      - 3) Design structures in a manner that provides a visual or height transition and complements the scale and form of adjacent development. This can be done through reducing building height, providing step-backs, varying massing, increasing setbacks, and other techniques.
      - 4) Alternating/undulating facades, especially for buildings longer than a standard block.
      - 5) Adjust yards, landscaping, and building setbacks to reflect patterns in adjacent, lower-intensity residential areas.
      - 6) Use drainageways and swales, mature trees, wetlands to improve compatibility in building scale.
      - 7) Locate, design, and manage stormwater management features (including retention and detention basins, swales, surface drainageways, constructed

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wetlands, and greenways) to provide visual amenities or entryways, or to provide opportunities for passive recreation.

- 8) Use landscape, pedestrian ways, bioswales, and parking design to divide large parking lots into smaller blocks.
  - 9) Use landscaped buffers and screening to reduce the visual impact of parking facilities on adjacent residential areas.
  - 10) Place parking lots between taller commercial buildings and single family homes.
- b. Operational Impact – Operational by-products like noise, odors, dust, vibration, light, heat, electrical interference etc. that will negatively impact adjacent uses.
- 1) Contain operations within building walls to the maximum degree possible.
  - 2) Use vertical screening to block visual effects of high-impact components such as mechanical equipment and service areas.
  - 3) Locate dumpsters away from adjacent residential areas.
  - 4) Direct light generated by higher intensity uses, including direct illumination of parking and service areas, signs, and structures, away from adjacent residential areas and public streets.
  - 5) Reduce noise through additional wall insulation, plantings, fences and walls, and strategic placement of doors and windows.
  - 6) Hours of operation—Low intensity uses such a residential generally have much more restricted activities than higher intensity uses such as industrial.
- c. Traffic/Vehicle Use—The type and amount of vehicles that will use the site and the resulting congestion that will be produced off site as well as potential noise from vehicles that will operate onsite.
- 1) Coordinate with the City/County/State to construct improvements necessary to mitigate the project’s impact on the subject street or intersection.
  - 2) Utilize site designs, building groupings, and site features that accommodate and encourage the use of transportation alternatives, including pedestrian, bicycle, and public transportation. Examples of techniques include wide, transit stops, and multi-use paths and trails to building entrances; and visible and convenient bicycle parking facilities.
  - 3) Increase the connectivity of the street network to reduce reliance on single routes for access.
  - 4) Locate service areas away from adjacent residential areas.

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- d. An analysis of the availability of facilities and services including Potable Water, Wastewater, Stormwater Management, Solid Waste Disposal, Police and Fire Protection, and Transportation.
  - e. An analysis of the suitability of the proposed development given the soils, topography, wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and historic resources on site.
  - f. An analysis of how the proposed development promotes water and energy conservation.
  - g. The proposed Development Agreement per Section 134-483.
  - h. Any supporting data the applicant deems necessary to support the request.
- b) *Distribution for Review* After determining the application is complete, the City Clerk shall distribute the application to pertinent city staff for review. An incomplete application will not be forwarded to staff, resulting in the delay of processing.
  - c) *Staff/Applicant Meeting/Initial Review Comments*. The City Clerk will coordinate with the applicant and staff to schedule a meeting to discuss staffs' review comments, as well as guide further refinement of the application if necessary.
  - d) *Community Meeting*. Prior to the final staff report preparation, the applicant shall schedule and attend a community meeting to provide an informal setting to present the project and gain input from area residents/businesses. A report summarizing the community meeting proceedings and any modifications to the proposal based on the input shall be submitted to the City Clerk for staff distribution.
  - e) *Staff Report*. Following the applicant's report on the community meeting, a joint staff report addressing the comprehensive plan amendment and site specific plan will be prepared for the Planning and Zoning Board by staff, which will be sent to the applicant. The applicant may request an additional staff/applicant meeting to discuss the report or request the City Clerk schedule a public hearing before the Planning and Zoning Board.
  - f) *Planning and Zoning Board Hearing*. The Planning and Zoning Board hearing date shall not be scheduled within 21 days of the City Clerk receiving the request from the applicant to proceed to public hearing unless the minimum time is waived by the City Clerk.
  - g) *City Council Hearings*. The public hearing before the City Council shall be held at least ten days after the Planning and Zoning Board hearing, unless the time is waived by the City Clerk. The city shall process the comprehensive plan amendment in accordance with Chapter 163, Florida Statutes. Final approval of the zoning shall not occur until after the effective date of the comprehensive plan amendments.

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## **Section 134-480 Preparation of the Comprehensive Plan Amendments**

- a) The necessary amendments to the comprehensive plan (Future Land Use Map amendment and new policy identifying, at a minimum, the permitted uses and densities/intensities) shall conform to the requirements as specified within F.S. ch. 163, pt. II. and follow the process outlined below.
  - (1) The comprehensive plan text or map amendments shall be submitted to the Planning and Zoning Board for study and recommendation. The Planning and Zoning Board shall study such proposals to determine:
    - a. The need and justification for the change;
    - b. The effect of the change, if any, on the particular property and the surrounding properties;
    - c. The compatibility of the proposed land uses with surrounding properties; and
    - d. The relationship of the proposed amendment to the goals, objectives and policies and text of the city's comprehensive plan, with appropriate consideration as to whether the proposed change will further, or at least not be contrary to the comprehensive plan.
  - (2) No recommendation for transmittal or adoption of any amendment to the comprehensive plan shall be made by the Planning and Zoning Board until and unless a public hearing has been held. In addition to the public notice requirements of F.S. ch. 163, pt. II, written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property requested for map amendment at least 15 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.
  - (3) The Planning and Zoning Board, following their public hearing, may recommend approval, approval with conditions, denial or submit such request with no recommendation to the City Council in the case of a tie vote.
  - (4) Upon the filing of the recommendations report by the Planning and Zoning Board, the City Council shall hold the first of two public hearings to consider approval of the request in a timely fashion in accordance with Florida law. The second public hearing on the ordinance to consider approval will occur based on the timeline in Florida law, and with notice and hearings conducted in the manner prescribed by law. If the amendment qualifies as a small-scale amendment, review/recommendation by the Planning and Zoning Board and two public hearings by City Council shall occur after giving at least 15 days' notice of time and place of such hearings consistent with State law as well as posted upon the property by the applicant in full view of the general

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public on each street side of said land, and mailed to all owners of record of property within 1,500 feet of the property.

- b) The proposed policy amendment shall restrict the range of permitted uses and development intensity/density. The City Council may also restrict or impose requirements such as, but not limited to, limitations on building size and height, minimum setbacks, other site design or building design or use features, and/or vehicle access configuration.

**Sec. 134-481 The Specific Site Plan (SSP).**

- a) The Specific Site plan shall address the use of all or a portion of the subject property. If the developer or applicant proposes to create a subdivision, a preliminary subdivision plan shall be processed concurrently with the site plan in accordance with Chapter 126 and shall be subject to approval by the City Council.
- b) The site plan, drawn to scale not to exceed one inch equals 200 feet, unless otherwise permitted, and consisting of properly identified exhibits and support materials, shall clearly indicate the following.
  - (1) The project name, legal description, total acreage and location map.
  - (2) Existing topography at one-foot contours based on the county datum (or as approved by the city engineer) and other natural features including, but not limited to, lakes, watercourses, wetland, and conservation areas.
  - (3) On-site soil types (based on the soil conservation service classification system), flood hazard areas and generalized vegetation.
  - (4) Existing uses, easements, and demolition plan
  - (5) Proposed land uses and development intensity/density, with each phase of the total development identified if phasing is proposed
    - a. Proposed Residential. Maximum gross density, total number of units, type of unit(s), minimum lot size, minimum air conditioned living floor area per unit, building height (in stories and feet), impervious surface maximum per lot, minimum building and accessory use setbacks, open space acreage delineated in tracts, and recreation area delineated in tracts. Recreation and open space/excluding landscape buffers shall constitute 25% of the total acreage of the property (excluding water bodies and wetland). At least two recreation activities shall be provided per recreation tract.
    - b. Proposed Nonresidential. Specific types of uses; gross building floor area;, building floor area ratio; building height (in stories and feet); minimum setbacks from all sides;, maximum impervious surface per lot/tract; delineated areas where outdoor

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activities will take place, and a listing of the type of outdoor activities are proposed; and open space acreage delineated in tracts.

- (6) The phasing of development and the manner in which each phase of development can exist as an independent stable unit with all necessary public services and facilities.
  - (7) Identification of adjacent streets, and street intersections or rights-of-way within 500 feet of proposed access points, any major street setbacks, and planned right-of-way lines.
  - (8) Proposed method of providing the following services:
    - a. Water service (including fire flows), plus gallons-per-day requirement.
    - b. Sewage disposal, plus gallons per day generated.
  - (9) Proposed method of land use compatibility.
  - (10) Stormwater management system, including direction of surface drainage flow.
  - (11) Refuse storage areas locations.
  - (12) Proposed easements.
  - (13) Transportation facilities including roads, and pedestrian and bike path facilities proposed in the development, including the proposed right-of-way, sidewalk and bike path widths.
  - (14) Projected vehicle traffic generation based on established standards. A traffic study shall be provided if determined to be necessary by the city engineer.
  - (15) Parking spaces detailing location and size.
  - (16) Exterior lighting.
  - (17) Existing tree survey and removal/replacement plan per Chapter 130.
  - (18) Landscape, tree planting and screening plan, species, quantity, and sizes provided.
  - (19) Design elevations or renderings of structures.
  - (20) Sign plan, including scaled plans of proposed signs.
  - (21) School age population (if applicable).
  - (22) Requested waivers from the subdivision regulations or other development standards shall be indicated on the site plan or submitted in writing detailing the particular provisions of the Code requested to be waived and basis for the request.
- c) The SSP shall serve as the basis for the required new comprehensive policy, SSP zoning district ordinance, and the required Development Agreement.

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**Sec. 134-481 Site and Building Standards**

- a) Impervious Surface Maximum
- b) Maximum Height
- c) Where other site standards have not been specifically delineated in the Site Specific Plan, the Code requirements shall apply, e.g., parking and landscaping

**Sec. 134-483 Development Agreement:** The Development Agreement is required to be submitted at the time of application. The document shall detail covenants, conditions, restrictions, and agreements that govern the use, maintenance and continued protection of minimum standards established by the rezoning/comprehensive plan policy, as well as maintenance and protection of the building structures, infrastructure, recreation areas, and landscaping.

**Sec. 134-484. Amendments to the Site Specific Plan.**

- a) Amendments to the approved Site Specific Plan shall be classified as either substantial or nonsubstantial amendments.
- b) A substantial amendment is an amendment that would result in any of the following:
  - (1) A change that would include a land use not previously permitted under the approved Site Specific Plan zoning.
  - (2) A change that would alter the location of a building within 300 feet of a property boundary, except when it is a reduction in the mass or height
  - (3) A change that would require an amendment to the city's conditions of approval.
  - (4) A change that would increase the land use intensity.
  - (5) An amendment to the phasing that would propose a land use in advance of the development it was designed to support.
- c) The determination of a substantial or non-substantial amendment shall be made jointly by the city engineer and city planner. If an agreement is not reached, the determination shall be made by the City Council.
- d) Where the developer proposes to reduce the number of units or floor area in one phase of the project, a corresponding increase in the number of units or floor area in another phase may be administratively approved, if all other conditions of approval are not adversely affected, and no other change is proposed that would be considered a substantial amendment.
- e) Substantial amendments must be approved by applicable public hearings, which could include amendment to the comprehensive plan.



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**Sec. 134-485. Control of development following approval.**

- a) Upon the approval of the Site Specific Plan, the use of land and the construction or modification of any buildings or structures on the property shall be in accordance with the approved Site Specific Plan, rather than with the other provisions of this chapter. However, all other city codes, ordinances, policies and resolutions shall apply to the project.
- b) The city engineer and city planner shall be responsible for certifying that all aspects of the development, including conditions of approval have been satisfactorily completed prior to the issuance of a certificate of completion.
- c) After certification, no changes may be made to the approved development plan except that:
  - (1) Any structural extension, alteration or modification of existing building structures that are consistent with the approved site plan may be authorized by the city engineer or other city designee.
  - (2) A building or structure that is 75 percent or more destroyed may be reconstructed only in compliance with the development plan unless an amendment to the site plan is approved under the provisions of this division.

**Sec. 134-486. Other requirements.**

- a) Off-site improvements may be required in conjunction with the Site Specific Plan approval in order to offset the impacts on public facilities and services created by the proposed development.
- b) All projects shall provide an adequate level of public facilities and services to accommodate the project as proposed in the development plan.
- c) At the time of development, the development shall comply with all regulations and ordinances in force at the time of engineering plan approval.
- d) Projects that have not been developed and which the City Council considers to be inconsistent with the provisions of this division may be required to update the site plan or may be subject to administrative rezoning if the project is not vested under the applicable law.

**Sec. 134-487 Enforcement and penalties.**

In the event of a noncompliance with this article, the City Council shall have the authority to suspend construction activity and revoke any building permit issued under this article, and to take all actions necessary to halt construction until such time as the provisions herein are complied with. In the event legal action is necessary, and professional fees and costs are incurred by the city enforcing compliance, these expenses shall be borne by the developer or parties violating the terms of this article. These penalties are in addition to any other penalties provided by law.