

# TEXT AMENDMENT LDR 24-01

## AMENDING TEXT IN SECTION 13.11 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF LAKE CITY

LDR 24-01, AN APPLICATION BY DAVE YOUNG TO AMEND THE TEXT SECTION 13.11 OF THE LAND DEVELOPMENT REGULATIONS BY DELETING LAGUAGE IN SECTION 13.11.3 STATING, NO PUBLIC NOTICE AND HEARING IS REQUIRED, FOR A SITE DEVELOPMENT PLAN.

WORDS **BOLDED AND UNDERLINED** HAVE BEEN ADDED  
WORDS ~~**BOLDED AND STRUCK THROUGH**~~ HAVE BEEN DELETED

Twelve (12) sets of data required for site and development plan approval shall be submitted to the Land Development Regulation Administrator not less than fifteen (15) days prior to the public meeting of the Planning and Zoning Board at which the application for site and development plan approval is to be considered together with the payment of such reasonable fees as the City Council may determine through action in setting fees as set out in Article 1 of these land development regulations.

- 13.11.3 Action on Site and Development Plan. The Land Development Regulation Administrator shall forward the application for site and development plan approval along with any comments or criticisms to the Planning and Zoning Board for consideration. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, ~~no public notice and hearing is required~~. All matters relating to Planning and Zoning Board consideration of site and development plans shall be a public record and approval, approval with conditions, or denial shall require formal action of the Planning and Zoning Board. A petition for a zoning amendment and an application for site and development plan approval shall not be handled concurrently. Rather, an application for site and development plan approval shall be heard only after the applicant has secured the appropriate zoning on the subject parcel. Appeals from decisions of the Planning and Zoning Board shall be heard as set out in Article 12 of these land development regulations.

In reaching a decision as to whether or not the site and development plan as submitted should be approved with a directive to the Land Development Regulation Administrator to issue building permits, the Planning and Zoning Board shall be guided in its decision to approve, approve with conditions, or to deny by the following standards; the Planning and Zoning Board shall show in its record that each was considered where applicable and it shall make findings in regard to those of the following standards which it finds to be applicable:

1. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the City Council.
2. Density and/or the intended use of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect on those properties and relationship to the Comprehensive Plan.
3. Ingress and egress to the development and proposed structures on the development, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.
4. Location and relationship of offstreet parking and offstreet loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscape.
5. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
6. Manner of stormwater management on the property, with particular reference to the effect of provisions for stormwater management on adjacent and nearby properties and the consequences of such stormwater management on overall public stormwater management capacities.

7. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities.
  8. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
  9. Recreation facilities and open spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities.
  10. General amenities and convenience, with particular reference to assuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be in conflict with other development in the area as to cause substantial depreciation of property values.
  11. Such other standards as may be imposed by these land development regulations on the particular use or activity involved.
- 13.11.4 Issuance of Building Permits. Upon the approval of the site and development plan application by the Planning and Zoning Board or its approval with conditions, building permits for the proposed development shall be issued by the Land Development Regulation Administrator. The development shall be built substantially in accordance with the approved site and development plan. If after such approval, should the owner/applicant or his or her successors desire to make any changes in the site and development plan, such changes shall be submitted to the Land Development Regulation Administrator. If the Land Development Regulation Administrator deems there to be a substantial change or deviation from that which is shown on the approved site and development plan, the owner/applicant or his or her successors shall be required to submit the amended site and development plan for approval as set forth in Section 13.11 of these land development regulations. Failure to submit such amended site and development plan for determination by the Land Development Regulation Administrator that a substantial change or deviation is occurring or has occurred, prior to such changes, shall constitute a violation of these land development regulations and shall be punishable as provided in Article 15 of these land development regulations.

#### SECTION 13.12 CONSISTENCY WITH THE COMPREHENSIVE PLAN

These land development regulations are required by law to be in conformance with the Comprehensive Plan. All development in conformance with these land development regulations shall therefore be in conformance with the Comprehensive Plan.

- 13.12.1 Generally. No development may be approved unless the development is found to be in conformance with the Comprehensive Plan and that the provision of certain public facilities will be available at prescribed levels of service concurrent with the impacts of the development on those facilities.
- 13.12.2 Determining Conformance with the Comprehensive Plan. If a development proposal is found to meet all the requirements of these land development regulations, it shall be presumed to be in conformance with the Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected party may, however, question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards, or the City Council depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and support that determination with written findings.