

**EXHIBIT D****Chapter 23****LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"****Article 2, "Administration," Division 3, "Permits"****Sec. 23.2-29 –Use Permits.**

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a) *Purpose and intent.* This section sets forth findings for review and approval or denial of administrative use permits and conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a use permit decision.

Administrative use are those uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be reviewed by administrative use permit.

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.

b) *Approval authority.* The development review official, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17

The planning and zoning board or historic resources preservation board, as applicable, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a conditional use permit after review and recommendation by the development review official and review and comment by the site plan review team. The board's decision on a conditional use permit may be appealed to the city commission by the applicant or affected party, pursuant to section 23.2-17.

c) *General procedures.* An application for an administrative or conditional use permit shall be made in writing upon an application form approved by the department for community sustainability, and shall be accompanied by applicable fees. If applicable, notice shall be by publication, mail and posting pursuant to the provisions in section 23.2-15.

The development review official, in collaboration with the site plan review team, shall review the administrative use permit application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, including whether the application complies with each of the findings for granting an

administrative use permit stated below, and approve, approve with conditions, or deny the application as submitted.

The development review official, in collaboration with the site plan review team, shall review the conditional use permit application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied. Once the report is complete, the applicant will be notified and furnished a copy of the report, and the application shall be scheduled for hearing before the planning and zoning board or historic resources preservation board, as applicable.

d) *Development regulations and site plan review standards.* All administrative and conditional uses shall be subject to the development regulations applicable to the district in which they are located, except when specific provisions of Article 4 establish different standards or when higher standards are set by these LDRs. All conditional uses shall be subject to the site design qualitative development standards set forth for site plan review in this article.

e) *Conditions.* The decision-making authority may impose such conditions in a development order for an administrative or conditional use that are necessary to accomplish the purposes of the comprehensive plan and the code of ordinances to prevent or minimize adverse impacts upon the public, the environment and neighborhoods, and to ensure compatibility, including but not limited to function, size, bulk and location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, site circulation, and hours of operation. The placement of conditions on the approval of a development order shall be the minimum conditions necessary in order for the proposed use to meet all necessary findings, as set forth in this section.

f) *Adherence to required conditions and safeguards.* Conditions and requirements stated as part of the approval of an administrative or conditional use shall be a continuing obligation of the property owner unless and until the administrative or conditional use shall expire. All plans, specifications and statements submitted with the application for an administrative or conditional use approval shall become, with any changes ordered by the decision-making authority, a part of the conditions of any approval. The development review official shall make periodic investigations of developments authorized as administrative or conditional uses to determine compliance with all requirements.

The development review official may deny permission to continue an administrative or conditional use approval upon his determination that the conditions prescribed in the issuance of the original approval, including the requirement that the use be discontinued after a specified time period, are no longer met and that:

1. Violations of conditions continue to exist more than thirty (30) days after an order to correct has been issued; or
2. Violations of conditions have recurred after an order to correct has been issued and the violations have been corrected.

g) *Amendment to use approval.* An administrative use permit may be administratively amended if the use area is expanded by no more than ten (10) percent of the previously-

approved use area or a new accessory use is proposed. Approval of new principal uses shall require a new use permit. Amendments to administrative use permits shall be subject to staff review, SPRT review as applicable, approval by the development review official, and applicable fees.

A conditional use permit may be administratively amended if the use area is expanded by no more than twenty-five (25) percent of the previously-approved use area or a new accessory use is proposed which does not, by itself, require a conditional use approval. Approval of new principal uses shall require a new use permit. Amendments to conditional use permits shall be subject to staff review including SPRT review, approval by the development review official, and applicable fees.

h) *Expiration of use approval.* Any approval of an administrative or conditional use granted by the development review official, planning and zoning board, the historic resources preservation board, or the city commission shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders.

i) *General findings relating to adherence with code of ordinances and comprehensive plan – administrative use permits.* Prior to approving any administrative use permit, the development review official shall find based on competent and substantial evidence that:

1. The proposed use or development conforms to the applicable provisions of the comprehensive plan.
2. The proposed use or development conforms to the applicable provisions of the code of ordinances.
3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any other applicable provisions of the City Code, or can demonstrate previous approval of the existing nonconformity.
4. The proposed use or development will not generate traffic to a level higher than that of a use permitted by right for the site.
5. The required landscape buffering has been provided for project sites that are adjacent to properties that are zoned for residential use.
6. All activities of the use occur on site, or as permitted by separate permit as provided by code, such as but not limited to right of way permit or sidewalk café permit.
7. The proposed use makes adequate provisions for adverse impacts on protected land uses as defined in section 23.1-12.

j) *General findings relating to harmony with LDRs and protection of public interest – conditional use permits.* Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.
2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.
3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use

permitted by right or some other administrative or conditional use permitted on the site.

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

k) *Specific findings for all conditional uses.* Prior to approving any conditional use, the decision-making authority shall find that:

1. The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

3. The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-340, Exterior lighting.

l) *Findings for nonresidential conditional uses in residential districts.* Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decision-making authority shall find based on competent substantial evidence that:

1. The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.

204 2.The size of the conditional use and the nature and intensity of the operations  
205 involved will not be hazardous nor inconvenient to the predominantly residential  
206 character of the area in which it is to be located, nor to the long range  
207 development of the district for the residential purposes intended.  
208 3. The location of the conditional use will not result in a small existing or planned  
209 residential area being isolated from other residential development by being  
210 completely or largely surrounded by arterial streets and nonresidential land uses.  
211 4. The design of buildings for commercial and office conditional uses in  
212 residential districts shall be in a manner similar to residential structures in the  
213 same general area or neighborhood. Such a finding shall be based on a  
214 consideration of the building mass, height, materials, window arrangement, yards  
215 and any other pertinent considerations.  
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217 m) *Additional requirements.* Prior to approving any administrative or conditional use  
218 permit, the decision-making authority shall ensure that the following requirements have  
219 been met:  
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- 221 1. Any and all outstanding code enforcement fees and fines related to the project  
222 site have been paid to the city, unless this use approval is required to address  
223 code citations on the project site.
- 224 2. Any previously imposed conditions of approval for the use at the site have been  
225 met, if applicable, unless a request for amendment of conditions is part of the  
226 current use permit application.

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## EXHIBIT E

### Chapter 23

#### LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

##### *Article 2, "Administration," Division 3, "Permits"*

#### **Sec. 23.2-30 – Site Plan Review.**

- a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of the code of ordinances. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31.

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

- b) *Determination if site plan review required.*

1. Construction of all new structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
2. Modification of existing structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
3. Occupancy of an existing structure, where a change of use and occupancy requires additional parking.
4. Modifications to parking, landscaping, open space, and impervious area for properties outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
5. Reconfiguration or modification of on-site circulation for properties outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.

- c) *Determination of type of site plan review procedure application.* Applications shall be submitted to the department for community sustainability. The development review official shall review development applications to determine if they require site plan review or approval as minor or major developments. If the application constitutes a major development, notice of the review by the appropriate board shall be given by publication, posting and courtesy mailing in accordance with the notice provision of this article.

1. Major review: If an application requires a major review per the criteria listed in this section, the application shall be forwarded to the site plan review team for review and determination as to whether the application complies with applicable regulations. Once the development review officer has made a determination of compliance, the application will be scheduled for action by the planning and zoning board or the historic resources preservation board, as applicable. The board shall consider and act on site plan review applications for major

developments. For all applications, the board may approve the application as submitted; approve the application with any reasonable conditions, limitations, or requirements; deny the application for specific reason(s); or postpone consideration of any application pending submittal of additional information which may be required to make a determination.

The board shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the board shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based. The decision of the board shall be final unless appealed to the city commission, as provided in section 23.2-17.

Major development shall include one or more of the following:

- a. All development including new structure(s) or use area having more than seven thousand five hundred (7,500) square feet of floor area.
- b. An increase of more than twenty-five (25) percent of existing or approved parking spaces, or more than ten (10) parking spaces.
- c. Amendments to existing development or site plans, previously approved as a minor development, where the combined total of all site development (existing and proposed) meets or exceeds the thresholds for review as a major development.
- d. Amendments to existing development or site plans, previously approved as a major development, that change a phasing plan or developer control that would substantially impact the approval.
- e. Amendments to existing development or site plans, previously approved as a major development, that significantly change the approved building design as determined by the development review official, increase the building height of a structure by one or more stories, ~~or~~ modify the approved site plan by more than ten percent (10%) for density or intensity (FAR), or modify the approved site plan by twenty-five percent (25%) or more for impervious surface, parking area, or landscape area.

2. Minor review: The development review official shall consider and act on site plan review applications for minor developments following review by the city's site plan review team. The development review official may either approve; approve with any reasonable conditions, limitations or requirements; deny; or postpone consideration of any application pending submittal of additional information which may be required to make a determination. The development review official shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.

Minor development shall include all development that is not determined to be major development, which may include but is not limited to the following:

- a. Addition or modification of pool location or size;
- b. Addition or modification of landscape areas or impervious areas greater than ten (10) percent but less than twenty-five (25%) of the existing areas;
- c. Addition or modification of less than ten percent (10%) of existing and/or previously approved density, intensity, or height, which does not add

- 331 additional stories to a structure or require changes to incentive approvals  
332 granted by a board or city commission;
- 333 d. Addition of parking spaces and drives and driveways;
  - 334 e. Modifications in stairs or elevations of decks, porches, and terraces that  
335 occupy twenty five (25) percent or more of the property's linear frontage;
  - 336 f. Addition or modification of fencing that affects site circulation or ingress/egress;
  - 337 g. An increase of up to twenty-five (25) percent of existing or approved parking  
338 spaces, or no more than ten (10) parking spaces; or reconfiguration of drive  
339 aisles, driveways, and on-site circulation;
  - 340 h. All development including new structure(s) or use area less than seven  
341 thousand five hundred (7,500) square feet in total, which are not determined  
342 to be major development by the development review official because it does  
343 not have the potential to negatively impact the surrounding neighborhood.
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345 3. Modification review: Planning, zoning, and historic preservation staff shall consider  
346 and act on site plan modification applications concurrently with the associated  
347 building permit review. Staff may either approve; approve with any reasonable  
348 conditions, limitations or requirements; deny; or postpone consideration of any  
349 application pending submittal of additional information which may be required to  
350 make a determination. Staff shall issue a written decision which shall be attached  
351 to the application for site plan modification. Each consideration substantiating the  
352 action of staff shall be included in the decision. The decision shall also include a  
353 citation to the legal authority on which a denial is based.

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355 Site plan modifications shall include all development that is not determined to be major  
356 or minor development, which may include but is not limited to the following:

- 357 a. Addition of awnings, canopies or ornamental structures;
  - 358 b. Modification of up to ten (10) percent of existing landscape areas or  
359 impervious areas;
  - 360 c. Addition or modification of stairs, decks, porches, and terraces that occupy  
361 less than twenty five (25) percent of the property's linear frontage;
  - 362 d. Addition or modification of fencing that does not affect site circulation or  
363 ingress/egress.
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365 e) Expiration of site plan approval. Any site plan approval shall be subject to the time limits  
366 set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the  
367 expiration of development orders.

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369 f) Compliance with LDRs required. In all cases requiring site plan review, no structure, or  
370 part thereof, shall be erected or used, or land or water used, or any change of use  
371 consummated, nor shall any building permit be issued, unless a site plan has been  
372 reviewed and approved, and in no instance shall the decision-making body modify the  
373 written standards of these LDRs in approving a site plan; except as provided for in this  
374 section.

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376 g) Violations. Failure to complete and continually maintain all approved elements of an  
377 approved site plan including landscape, appearance and other site development  
378 features, shall be a violation of these LDRs subject to enforcement and penalty  
379 procedure of the City Code of Ordinances.

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## EXHIBIT G

### Chapter 23

#### LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

##### *Article 2, "Administration," Division 3, "Permits"*

##### **Sec. 23.2-32 – Site Plans and Specifications.**

a) *Preliminary review plans and specifications required.* Applicants shall schedule a pre-application meeting with planning, zoning, and historic preservation staff for preliminary review to determine if a particular project shall require site plan review. If it is determined that site plan review is required, then review in accordance with design criteria of section 23.2-31 shall also be required. The applicant shall submit complete plans and specifications in accordance with this section before the site plan review process may begin.

b) *Application requirements.* Plans shall depict exterior elevations, designate construction materials, façade and roof treatments and the colors of each. Walls, lighting and other permanent structures and fixtures shall be designated. Landscaping materials shall be specified by name, together with information specifying height and spacing at time of planting. In addition to the above requirements, the applicant shall submit color renderings of the site plan and building elevations, complete with actual samples of the color treatments to be applied. Applicant shall submit photographs depicting the subject site as well as adjacent and surrounding properties, sufficient to enable the planning and zoning board, ~~or~~ the historic resources preservation board, or the development review official, as applicable, to determine that the proposed development ~~structure~~ would be appropriate to surrounding buildings and open areas, and in conformity with the existing as well as evolving atmosphere of the area.

If, in the opinion of the development review official, the plans submitted do not furnish sufficient information to show the scope of the proposed development, the application shall be deemed incomplete and shall be placed on hold pending the submittal of sufficient information.

Unless otherwise determined by the development review official, both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the state to prepare such plans and specifications and no permit for the project shall be issued until such plans (and specifications when required) have been approved.

c) *Major development site plan requirements.* The major development site plan shall be drawn to a scale of not more than fifty (50) feet to the inch. One (1) copy of the site plan as well as an electronic copy shall be submitted by the applicant for the use of the appropriate city departments and boards. The plan, for the purpose of this section, shall include, but not necessarily be limited to, the following plans, designs, specifications and information:

1. The exact property lines of the property for which site plan approval is requested, including existing street and right-of-way lines and survey and legal description of site prepared by a Florida-registered land surveyor, with impression seal;
2. Adjacent properties on the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street parking, loading and service areas, if any, for or on such properties, and any screening or buffers on such properties and the nature and type thereof;
3. Location of present and proposed structures on the site;
4. Location and dimensions of all required yards;
5. Location of facilities for ingress and egress to the site, including existing and proposed curb cuts, if any, and proposed directions of traffic flow on the site and into and from public rights-of-way;
6. Location and dimensions of off-street parking, loading and service areas;
7. A drainage plan for the entire site;
8. Location and dimensions of areas for service to the property and for refuse disposal and recyclable material collection and storage;
9. Location of all utilities and easements;
10. Landscape plans;
11. Location and dimensions of all signs and exterior lighting facilities to be placed on the site, including photometric plans;
12. Samples of all paint colors and photographs of the subject site as well as adjacent and surrounding properties;
13. Any other information necessary to review the proposed development, as determined by the development review official or designee.

d) *Minor development site plan requirements.* Minor development site plans shall meet all the requirements and specifications of a major site plan except where such information is determined not to be required by the development review official.

e) *Site plan modification requirements.* Site plan modification applications shall be submitted as part of a permit application and shall include, but not necessarily be limited to, the following:

1. A survey that accurately reflects the current property and all existing easements;
2. Annotated copy of the survey that clearly shows the proposed alterations, including dimensions and setbacks;
3. All other information as required for the concurrent permit as determined by the development review official or designee.

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