

## ARTICLE III PROCEDURES FOR DEVELOPMENT APPROVAL

### SECTION 3.1 ADMINISTRATION

- A. Administrative Official.** The City Manager shall appoint an Administrative Official who shall be charged with the authority to administer the Land Development Regulations and to enforce the regulations and procedures contained herein. The Administrative Official, in the performance of his duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. For the purpose of performing any of the duties and functions necessary to administer and enforce the Land Development Regulations, the Administrative Official may appoint any appropriate persons as deputies who shall have and exercise the authority of the Administrative Official, except the authority to appoint deputies.
- B. Development Review Team.**
- 1. Establishment and Membership.** Development Review Team is hereby established which shall be composed of officials of City departments, divisions and agencies responsible for reviewing land development proposals. The following City officials or their designated representative may be a member of the Development Review Team:
    - a. Administrative Official
    - b. Building Official
    - c. City Engineer
    - d. City Planner
    - e. Director of Utilities
    - f. Director of Public Works
    - g. Fire Marshall

In addition, the Administrative Official may appoint additional members to serve on the Development Review Team and seek guidance from the City Attorney as needed.

- 2. Officers and Procedures.** The Chairman of the Development Review Team shall be the Administrative Official. The Development Review Team may elect a Vice-Chairman from among its members. The Administrative Official shall appoint a Secretary to the Development Review Team to keep a record of its findings, decisions and recommendations, which shall be a public record and shall be maintained in the Office of the Administrative Official. Meetings of the Development Review Team shall be held at the call of the Chairman and/or at such times as the Development Review Team shall determine.
- 3. Powers and Duties.** The Development Review Team shall have the power to review applications for annexation, subdivisions, site plans, street vacations, planned development projects, developments of regional impact and other applications referred to the Team by the Administrative Official. In reviewing such applications the Development Review Team shall recommend approval, denial or approval with conditions, amendments or modifications. The Development Review Team's recommendations shall be by consensus of the members. The Team's Secretary shall transmit recommendations by the

Development Review Team to the appropriate reviewing authority, including but not limited to, the City Commission and the Planning and Zoning Commission. The powers and duties of the Development Review Team shall include other responsibilities and authority as specifically set forth in this Ordinance.

- 4. General Considerations By The Development Review Team.** The Development Review Team has the authority to consider the following in its recommendations:
- a. Whether an application and/or a plan is consistent with applicable goals, objectives, policies, standards and proposals in the Comprehensive Plan.
  - b. Whether all public facilities and services necessary to serve the proposed use shall be available concurrent with the actual impact of the use in question.
  - c. Whether the established level of service of public facilities necessary to serve the development or phase thereof shall be adversely impacted by the proposed use or activity.
  - d. Whether the proposed development minimizes adverse impacts to surrounding properties.
  - e. Whether the proposed use, development or activity is in the best interest of the City.

### **SECTION 3.2 DEVELOPMENT APPROVAL**

Development shall be approved either as-of-right, as a minor conditional use or as a major conditional use according to Schedule B, Permitted Uses.

- A. As-of-Right Development.** Uses permitted as of right are those uses that are permitted in the zoning category and compatible with other land uses in the zoning category and developed in conformity with the City's land development regulations without the need for a variance.

As-of-right developments are approved by the Administrative Authority. No public hearing or notice is required.

- B. Minor Conditional Uses.** Minor Conditional uses are those uses which are generally compatible with the other land uses permitted in a land use district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Minor conditional uses are approved, approved with conditions or denied by the Administrative Authority after a review and a recommendation by the Development Review Team (DRT) at a public meeting.

- C. **Major Conditional Use.** Major conditional uses are uses which would not be generally compatible with, or appropriate in, the zoning district in which it is located and which could impair the integrity and character of the specific area in which it is located or adjoining areas unless restrictions or conditions on location, size, extent, character and time of performance are imposed in addition to those specifically imposed by the City's land development regulations.

Major conditional uses are approved, approved with conditions or denied by the Planning and Zoning Commission at a public hearing.

### SECTION 3.3            PREAPPLICATION CONFERENCE

- A. **Applicability.** The following shall apply to all proposed development within the City of Sanford.

1. A preapplication conference is recommended prior to the submittal of any development application.
2. Applications for conditional uses or variances for one and two family dwellings shall not require preapplication conferences.
3. A preapplication conference shall be required prior to the submittal of the following types of applications.
  - (a) Conditional Use.
  - (b) Variance.
  - (c) Planned Development Project.
  - (d) Master Plan.
  - (e) Preliminary Subdivision.
  - (f) Minor Subdivision.

- B. **Purpose:** The purpose of the preapplication conference is to acquaint the participants with the requirements of these land development regulations and the views and concerns of the City of Sanford prior to the submittal of any formal application for development approval. Depending on the scope of the proposed project, an applicant may meet with the Administrative Official or his or her designee or with the Development Review Team. Comments made at the preapplication conference are intended to provide guidance and are nonbinding on the formal review of the development plans.

- C. **Submittal Requirements.** Prior to the preapplication conference, the applicant shall provide the following information:

1. A description of the character, location and magnitude of the proposed development.
2. A survey, preliminary site plan or copy of the plat of the parcel proposed for development.
3. A written list of any deviations from the land development regulations proposed by the applicant.

4. Any questions or concerns regarding the development review process or the land development regulations.

### **SECTION 3.4 PROCEDURES FOR AS-OF-RIGHT DEVELOPMENT APPROVAL**

- A. Purpose.** Uses permitted as of right are those uses which are compatible with other land uses in a land use district provided they are developed in conformity with the City's land development regulations.
- B. Application.** An applicant for development approval for a use permitted as of right shall submit an application for development plan review, including a site plan and an engineering plan and a description of the proposed development to the Planning and Development Services Department.
- C. Action on the Application.** The application shall be reviewed by the Development Review Team which will make a recommendation to the Administrative Authority. If the Administrative Authority determines that the proposed development is in compliance with all requirements of the City land development regulations and the City comprehensive plan, he shall approve the application.
- D. De Minimus Variance Allowed.** The Administrative Authority shall have the ability to grant a de minimus variance of fifteen percent (15%) or less of any standard or term in any article listed in Article V, Section 5.01, Variances.
- E. Variance Required.** A variance application shall be submitted to the Planning and Zoning Commission by an applicant who requests a variance greater than fifteen percent (15%) to any standard or term of the Schedules enumerates in Article V, Section 5.01, Variances.
- F. Planning and Zoning Commission Review.** The Development Review Team shall have the authority to refer any as-of-right application to the Planning and Zoning Commission upon a finding of fact that the application does not comply with the City's land development regulations.

### **SECTION 3.5 STANDARDS APPLICABLE TO ALL CONDITIONAL USES.**

In considering and acting upon an application for Conditional Use the Planning and Zoning Commission or the Administrative Official shall observe the following standards and make findings as to whether the application meets the standards, except that, pursuant to Article VIII, one and two family dwellings shall be exempt from concurrency review:

- A.** The conditional use must be consistent with the goals, objectives and policies of the Comprehensive Plan and the land development regulations.
- B.** Public facilities and services including, but not limited to, roadways, park facilities, schools, police and fire protection, drainage systems, refuse and disposal systems, water and sewer must be adequate to serve the proposed use.

- C. The proposed develop must not adversely affect known archeological, historical or cultural resources.
- D. The design of the proposed development must minimize adverse effects, including, but not limited to, visual, noise and traffic impacts, of the proposed use on the surrounding properties.
- E. The conditional use must be compatible with the nature and intensity of the development surrounding the premises and with the community character of the immediate vicinity of the parcel proposed for development.
- F. The location and topography of the premises proposed for development must make the use an appropriate use which will not adversely affect the public interest.

It shall be the burden of the applicant to prove compliance with said standards prior to the issuance of a Development Order.

### **SECTION 3.6 REVIEW PROCEDURES FOR ALL CONDITIONAL USES**

- A. Application For Conditional Use.** Any owner or an owner's authorized agent who desires to construct, enlarge or alter any building or structure or to occupy any existing structure or premises for a use permitted only as a Conditional Use shall first make application to the Planning and Community Services Department for approval of such Conditional Use. The procedure for securing an order approving a Conditional Use shall be as follows:

All applications for Conditional Use shall be in the form required and provided by the Administrative Official. Such application shall be submitted to the Administrative Official together with the established fee, a site plan and all supplemental data or information staff deems necessary to permit determination of the extent and probable impact of the proposed use and the proposed use's compliance with the Land Development Regulations. The application form, site plan, supplemental data and fee are collectively called the "complete application". Incomplete applications may be returned unprocessed.

An applicant for approval of a Preliminary Subdivision Plan in conjunction with a Conditional Use shall also submit at least nine (9) copies of the preliminary subdivision plan folded to nine (9) inches by twelve (12) inches and supplementary materials required to accompany such plan as prescribed in Article VI, Section 6.6 of the Land Development Regulations to the Administrative Official, such plan and supplementary materials collectively hereinafter called the "proposed Preliminary Subdivision Plan."

- B. Conditional use permits and bulk regulations.** The Administrative Official or the Planning and Zoning Commission may approve a conditional use permit that modifies or waives the requirements of Schedules C, D, E, F, H, J, K, S and U, provided that the Official or Commission expressly finds that the modification or waiver will enhance the ability of the proposed conditional use to meet the general standards for all conditional uses set out in subsection 3.5 of this Article.

- C. Conditions.** The Administrative Official or the Planning and Zoning Commission may attach such conditions to a conditional use permit as are necessary to carry out the purposes of the plan and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to limitations on size, bulk and location; requirements for landscaping, lighting and provision of adequate ingress and egress and off-site but project-related improvements; duration of the permit; hours of operation; and mitigation of environmental impacts. The Planning and Zoning Commission or the Administrative Official may attach a condition requiring submission and approval of a final development plan before development is commenced for either a minor or major conditional use.
- D. Intergovernmental Coordination.** All development applications shall be coordinated, as appropriate insofar as practicable, with all appropriate entities of government.
- E. Development Order Granting Conditional Use.** The written order shall grant the application, in whole or in part, under such terms and conditions as are determined to be appropriate.
1. All development orders shall be in writing and shall contain the following:
    - (a) The name of the property owner and the name of the proposed development.
    - (b) The legal description of the property and, where appropriate, the street address.
    - (c) A precise description of the development activity being approved.
    - (d) Reference to the approved plans or blueprints including name of the preparer and the date of the plans.
    - (e) Any special conditions of the development approval.
    - (f) The expiration date of the development order.
  2. The written development order shall be incorporated into the minutes of the meeting at which such action occurred.
- F. Effect and Limitation of Approved Order.** An order granting a conditional use or variance, and a Site Development Permit or Certificate of Completion issued pursuant thereto, shall be deemed applicable to the parcel for which it is granted and not to the individual applicant provided that no order or Site Development Permit or Certificate of Completion issue thereto shall be deemed valid with respect to any use of the premises other than that specified in the approved application.
- G. Recording of the Development Order.** No development order approving, or approving with conditions, a variance or a conditional use shall become effective until said development order is recorded in the official records of Seminole County.
- H. Time Limit of Development Order.** A development order shall become null and void one (1) year from the effective date unless all or specified portions of the development as defined in the order are commenced. However, the approving body may impose specific time limits other than one (1) year on the approval. The development order shall also

become null and void if all construction is not completed within three (3) years from the effective date of the development order unless otherwise specified in the development order.

- G. Extension of Development Order.** A development order may be extended by the Administrative Official for a period not to exceed six (6) months if the request for the extension is made before the development order becomes null and void.
- H. Concurrency Management.** No final development order shall be granted for a proposed development until there is a finding that all public facilities and services have sufficient capacity at or above their adopted level-of-service (LOS) to accommodate the impacts of the development, including traffic impacts, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined in Schedule Q, Concurrency Management, of these land development regulations or that the proposed development is exempt from concurrency.

### **SECTION 3.7 PROCEDURES SPECIFIC TO MINOR CONDITIONAL USE DEVELOPMENT APPROVAL**

- 1. Application for a Minor Conditional Use Approval.** An application for a minor conditional use approval shall be submitted to the Planning and Development Services Department in the form provided by the Administrative Official. If approval of a plat is required for the proposed development, an application for plat approval shall be submitted in conjunction with the application for a conditional use permit.
- 2. Review by the Development Review Committee.** An application for a minor conditional use permit shall be reviewed by the DRT. The DRT shall forward its report and recommendation on the application for a minor conditional use permit to the Administrative Official within ten (10) working days of its determination of completeness.
- 3. Decision by the Director of Planning.** Within ten (10) working days after receiving the report and recommendation of the development review committee, the Administrative Official shall render a development order granting, granting with conditions or denying the application for a minor conditional use permit.
- 4. Notice of Granting a Minor Conditional Use Permit.** The Administrative Official shall give notice of any development order granting a minor conditional use by publishing a notice of the intent to issue the minor conditional approval in a newspaper of local circulation in the county by advertisement in the legal section.
- 5. Public Hearing on an Application for a Minor Conditional Use Permit.** A public hearing on an application for minor conditional use, if requested by the Administrative Official, applicant, an adjacent property owner, or an aggrieved or adversely affected person, shall be conducted by the Planning and Zoning Commission in accordance with the provisions of subsection 3.8 of this Article.

**SECTION 3.8 PROCEDURES SPECIFIC TO MAJOR CONDITIONAL USE DEVELOPMENT APPROVAL**

In considering and acting upon applications for Conditional Use (including applications for amendments to Preliminary Subdivision Plans approved as conditional uses), the following procedures shall be observed:

- A. Referral to Development Review Team.** Upon receipt of a complete application for a Conditional Use, the Administrative Authority shall schedule the application at the next available meeting of the Development Review Team. The recommendation of approval, approval with conditions or denial and findings of consistency with the Standards Applicable to All Conditional Uses of the Development Review Team shall be transmitted in writing to the Planning and Zoning Commission by the Administrative Official.
- B. Planning and Zoning Commission Action on Application.** The Planning and Zoning Commission shall hold a public hearing upon the application in accordance with the procedures in this section and enter its order granting or denying such application for conditional use. In granting any application, the Planning and Zoning Commission must make specific findings that the location, configuration, topography and nature of development surrounding the premises proposed for such use makes such use an appropriate one which will not adversely affect the public interest and may prescribe appropriate conditions and safeguards which shall become a part of the terms under which a Site Development Permit and Certificate of Completion shall issue.
- C. Date of Hearing.** Hearings shall be held by the Planning and Zoning Commission at a date and time fixed by the Administrative Official.
- D. Notice.** Notice of the hearing shall proceed in the following manner:

  - 1. Upon a determination of the meeting date, the Administrative Official shall cause a notice of such hearing to be published at least once in a newspaper of general circulation in the City of Sanford with such publication to be at least ten (10) days prior to the date of the hearing. The notice shall include:

    - (a) Location, date and time of the hearing.
    - (b) A description of the location of the parcel proposed for development sufficient to identify the site to the general public.
    - (c) A brief description of the proposal being considered.
    - (d) Identification of the body conducting the hearing.
    - (e) Type of application being considered.



2. The Administrative Official shall also mail similar notices setting forth the time, place and purpose of the hearing to:
  - (a) the applicant;
  - (b) the owner of the property described in the application, if other than the applicant; and
  - (c) the owners of every parcel of land within a distance of two hundred (200) feet from the property line of the property described in the application. In addition, the Administrative Official shall cause notices of the hearing to be posted in a conspicuous place or places on or about the land described in the application.
3. Affidavit proof of the required publication, mailing and posting of the notices shall be presented at the hearing.
4. For purposes of determining the name and address of persons entitled to notice under this Section, the owner of property shall be deemed to be the person who is so identified in the most current tax roll certified for collection and maintained in the office of the Seminole County Tax Collector. Such notice shall be mailed at least ten (10) days prior to the scheduled hearing date.

**E. Appearance and Argument.** At any hearing upon any matter subject to the provisions of this Section, the applicant seeking action and any other party desiring to be heard upon the application may appear in person, by agent or by attorney. The applicant shall be entitled to make an initial presentation respecting the application and, at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal to such presentations if the applicant so desires. The Chairman may, at the commencement of the hearing upon each application or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such presentation.

**F. Decision and Order by the Planning and Zoning Commission.** Action by the Planning and Zoning Commission upon any matter subject to the provisions of this Section shall be announced by the Chairman immediately following the vote determining such action. All actions to approve or to approve with conditions shall thereafter be embodied in a written order prepared by the Administrative Official in conjunction with the City Attorney.

**G. Consecutive Applications.** When the Planning and Zoning Commission has denied an application for a conditional use, no application for the same relief shall be accepted by the Administrative Official for consideration by the Planning and Zoning Commission for a period of one (1) year from the date of the original action, provided however, that an applicant may request waiver of the time restriction and the Planning and Zoning Commission may waive this provision for proper cause after a hearing in conformity with the provisions of this section.

## SECTION 3.9 CITIZEN AWARENESS AND PARTICIPATION PLAN (CAPP)

### A. Applicability.

1. These requirements apply in addition to any other notice provisions required elsewhere in this Code. At the discretion of the Administrative Official, applications for the following land use decisions may include a Citizens Awareness and Participation Plan (CAPP):
  - Planned Developments;
  - Variances involving a non-residential use;
  - Subdivision Plans;
  - Other land use or development applications.
2. These requirements apply in addition to any other notice provisions required elsewhere in this Code.
3. The requirement of a CAPP is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

### B. Purpose. The purpose of the requirement of a CAPP is to:

1. Further implement the public participation provisions of the City's Comprehensive Plan.
2. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and mitigate any real or perceived impacts their application may have on the community.
3. Ensure that citizens and property owners are provided with an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process.
4. Facilitate ongoing communication between the applicant, interested citizens and potentially affected property owners, City staff and elected officials throughout the application review process.

### C. Submittal Requirements. The applicant may submit a CAPP and begin implementation prior to formal application at the applicant's discretion. This shall not occur until after the required pre-application conference or consultation with the Planning Division has occurred.

At a minimum the CAPP shall include the following information:

1. Identification of the residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the proposed development.
2. Description of how notification will be provided to those interested in and potentially affected by the proposed development.
3. Description of how information will be provided to those interested and potentially affected relative to the substance of the change, amendment or proposed development for which approval is sought.
4. Description of the means by which, and with whom, an opportunity will be provided to those interested or potentially affected to discuss the proposal and express any concerns, issues, or problems well in advance of the first public hearing.
5. The applicants schedule for completion of the CAPP.
6. The means by which the applicant will keep City officials informed on the status of citizen participation efforts.

**D. Target Area for Citizen Notification.** The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the proposed development. The target area for early notification will be determined by the applicant after consultation with the Planning staff. At a minimum, the target area shall include the following:

1. Property owners within the public hearing notice area as required by other sections of this Code.
2. The officers of any homeowners association or registered neighborhood group within the public notice area required by other sections of this Code.
3. Other interested parties who have requested to be placed on an interested parties notification list maintained by the Planning Division.

**E. CAPP Report.** When a CAPP is required, the applicant shall provide a written report on the results of the citizen participation efforts prior to the notice of public hearing. This report will be attached to the City staff's public hearing report. The report shall, at a minimum, contain the following information:

1. Details of techniques used to involve interested and potentially affected parties, including:
  - Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.
  - Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications.
  - Location of residents, property owners and interested parties who received notices, newsletters, or other written materials.
  - The number and names of people that participated in the process.

2. A summary of concerns, issues and problems expressed during the process and proposed methods of resolution, including:
  - The substance of the concerns, issues and problems.
  - The manner in which the applicant has addressed or intends to address these concerns, issues and problems.
  - The concerns, issues and problems the applicant is unwilling or unable to address and why.

### **SECTION 3.10 SITE PLAN SUBMITTAL REQUIREMENTS**

All site plans and required supplementary material shall cover the entire parcel proposed for development unless such site plan and required supplementary material is based on a Master Plan approved and filed in the Office of the Administrative Official in accordance with Article VI, Section 6.11. All site plans shall contain at least the following data and information:

- A. **Site Plan Sheet Format.** Site plans shall be prepared and certified by an architect, engineer or landscape architect licensed in the State of Florida and drawn at a scale of one inch to 100 feet or larger. The maximum sheet size for site plans shall not exceed 24 inches by 36 inches and all sheets shall be folded to nine (9) inches by twelve (12) inches prior to submittal. All submittals shall be accompanied by a reduction of the site plan to eleven inches (11”) by seventeen inches (17”). Multiple sheets may be used provided that each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets is required. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes.
- B. **General Information.**
  1. The identification "Site Plan" on each sheet
  2. Legend, including:
    - a. Name of Development
    - b. Proposed Street Address
    - c. Acreage
    - d. Scale
    - e. North Arrow
    - f. Existing Zoning and Other Special Districts
    - g. Preparation/Revision Date
    - h. Tax Parcel No. (Seminole County Property Appraiser)
  3. Name, Address and Phone Number of:
    - a. Owner
    - b. Owner's Authorized Agent
    - c. Engineer
    - d. Surveyor
    - e. Others involved in application

4. **Vicinity Map.** Show relationship of site to surrounding streets and public facilities at a scale of 1":2000' or larger.
5. **Legal Description** of the parcel in question.

**C. Existing Conditions.**

1. **Existing Streets.** On, adjacent to and within 50 feet of site, including:
  - a. Name
  - b. Location
  - c. Right-of-Way Width
  - d. Driveway Approaches
  - e. Medians and Median Cuts
  - f. Curbing
2. **Existing Easements.** Indicate location, dimensions, purpose and maintenance responsibility.
3. **Existing Utilities.** Provider, type, location and size.
4. **Existing On-Site Improvements and Uses.**
  - a. Each building and structure shall be individually identified or numbered. Existing use, square footage and number of dwelling units shall be provided.
  - b. Vehicular use areas
  - c. Other impervious surfaces
5. **Adjacent Improvements, Uses and Zoning.** Identify adjacent buildings, structures, curb cuts, accessways, other vehicular use areas, drainfields, wells and other impervious surfaces extending fifty feet (50') beyond the property boundaries or as determined necessary by the Administrative Official. Also indicate adjacent zoning districts.
6. **Topography.** At one (1) foot contours (elevations based on mean sea level datum preferred) and extending 50 feet beyond the property boundaries. All elevations shall be based on mean sea level datum and referenced to the United States Geodetic Survey or its equivalent. Note on the plans the benchmark used, its designation, location, description and elevation as described in the Seminole County Vertical Control Points and Elevations Manual.
7. **Soil Type(s).** As identified in the *Soil Survey, Seminole County, Florida*, U.S.D.A. Soil Conservation Service or other competent expert evaluation. When soil suitability limitations are indicated for the proposed development, the City Engineer may require a preliminary soil analysis by a qualified soils engineer.

8. **Drainage.** Depict and, if necessary, explain existing surface drainage characteristics of site including relationship to adjacent land areas.
9. **100-year Floodplain.** As identified on Map I-1, Water Resources of the Comprehensive Plan.
10. **Surface Water.** Approximate normal high water elevation or boundaries of existing surface water bodies, streams and canals, both on and within 50 feet of site.
11. **Wetlands.** As identified by the Future Land Use Map of the Comprehensive Plan as Resource Protection (RP), St. Johns River Water Management District Wetlands Mapping or other competent evaluation.
12. **Wellfield Protection Zones.** Indicate whether or not the parcel is located within a wellfield protection zone as identified by the Wellfield Protection Zone Maps on file in the Department of Engineering and Planning.
13. **Floodways and Drainageways.** As identified on Map I-1, Water Resources of the Comprehensive Plan.
14. **Aquifer Recharge Area.** As identified on Map I-1, Water Resources of the Comprehensive Plan.
15. **Upland Wildlife Habitat.** As identified on Map I-9, Vegetative Communities of the Comprehensive Plan.
16. **Trees.** Indicate location, size and type of existing trees as required by this Ordinance.
17. **Signs.** Location, size and type.

**D. Proposed Development.**

1. **Proposed Buildings and Structures.** Individually identified by number, symbol or other appropriate system, including the following information:
  - a. Location.
  - b. Proposed Use For Each Building Or Portion Thereof.
  - c. Dimensions and Height.
  - d. Gross Floor Area For Nonresidential Uses - In square feet by building, use and total.
  - e. Floor Plan For Nonresidential Buildings.
  - f. Number of Dwelling Units - By building, by type of dwelling unit and total.
  - g. Density - By type of residential land area (one family, two-family, mobile home or multiple-family) and for total residential land area.
  - h. Net Density - Same as g., above, except exclude land area that is unsuitable for development.

- i. Preliminary Architectural Elevations.
  - j. Location of each single family residence. Individually identify each house lot and indicate the location, square footage and dimensions of each house on the lot.
  - k. For residential subdivisions and multifamily developments, indicate the location, dimensions and materials of entrance features, including entrance signage, water features and associated landscaping.
  - l. Proposed preliminary address list including street names and address scheme in accordance with the established addressing system.
2. **Required Yards, Setbacks, Buffers, Open Space and Distances.** Indicate location and dimensions of all required yards, setbacks and buffers and location and percentage of site devoted to open space. Also indicate distance between buildings.
  3. **Outdoor Storage and Display Areas.** Include dimensions, type, screening type and materials,
  4. **Proposed On-Site and Off-Site Vehicular Circulation System, Parking Areas and Pedestrian Circulation.** Include location, dimensions and typical construction specifications of:
    - a. Driveways, Approaches and Curb cuts.
    - b. Vehicular access points, Accessways and Common Vehicular Access Points.
    - c. Off-street Parking Spaces, Loading, Unloading and Service Area Space. Requirements - Also note number of spaces required and provided by use.
    - d. Other Vehicular Use Areas.
    - e. Sidewalks and Other Pedestrian Use Areas.
    - f. Typical Cross-Sections - By type of improvement.
    - g. Traffic Control Devices.
  5. **Landscaping Plan.** Include the location and specifications for plantings for parking lot landscaping, buffers, open spaces, recreation areas and other required landscaped areas and required landscape which shall include a schedule of common and botanical plant names and total quantities by container size and species, seed mixes with application rates and relevant germination specifications. In addition, identify water conservation techniques which include use of drought tolerant plants as well as efficient relationship of plant types to irrigation water demands;
  6. **Irrigation Plan.** The irrigation plan shall consist of:
    - a. Location and specifications for irrigation equipment;
    - b. Source of water for irrigation system.
    - c. Take back calculations for reclaimed water system.
  7. **Existing Tree Protection.** Identify existing trees to be protected and explain or illustrate method to preserve such trees both during and after construction.

8. **Street Graphics and Outdoor Lighting.** Include the locations and sizes of all signs and the intensity and nature of all proposed lighting.
9. **Public and Semi-Public Lands and Facilities.** Identify the location, extent, maintenance responsibility and ownership of:
  - a. Street Rights-of-way.
  - b. Easements for ingress/egress, utilities, drainage or a related stormwater management function, pedestrian ways, sidewalks, bike paths and other similar or related functions.
  - c. Designated Lands for parks, open space and recreational facilities, stormwater management, schools and other public facilities.
10. **Potable Water Supply and Wastewater Disposal System.** Indicate required capacity, available capacity, provider, general location and size of lines and proposed ownership of and maintenance responsibility for improvements.
11. **Fire Protection.** Identify nearest existing or proposed hydrant location in relationship to building(s) and other fire protection systems.
12. **Reclaimed Water System.** Unless exempt from the reclaimed water requirements, include a statement regarding the use of the City of Sanford's reclaimed water system including the amount of reclaimed water to be utilized and method of application on the site.
13. **Solid Waste Disposal and Service Equipment.** Identify the location of dumpsters and other service equipment locations, including dimensions of pads and maneuvering areas for collection and service vehicles. Also indicate methods and materials to be utilized to prevent such dumpsters and equipment from being viewed from public rights-of-way and adjacent property.
14. **Proposed Topographic Elevations and Preliminary Drainage Plan.** Indicate proposed topographic elevations at one (1) foot contours (datum based on mean sea level preferred), direction of flow, proposed methods of stormwater retention/detention, including location and size of swales, drainage improvements, proposed outfalls, drainage easements and preliminary engineering calculations.
15. **Concurrency Management.** An analysis of the traffic circulation and related impacts to prove that the proposed plan would meet all roadway concurrency requirements if the project were approved based on requirements in Schedule Q, Concurrency Management.
16. **Elevation Drawings.** Conceptual elevation drawings of the north, south, east and west side of each building shall be submitted as a part of the Site Plan Review package. Drawings shall depict the general architectural style of the buildings, the height of the buildings and shall, at a minimum, list the types of exterior building materials, colors and finishes proposed for use. In addition, the applicant shall submit a typical wall section of the front façade of each building.



E. **Exceptions.** Any applicant may request that required information described in Paragraphs C and D of this section be omitted from the site plan application, provided however, that such request shall be subject to the following requirements:

1. The request shall be in written form and shall be submitted with the proposed site plan.
2. The request shall identify the information, item or data that is proposed to be omitted from the site plan application and shall fully explain the reasons that such information, item or data does not apply to such application.
3. The Administrative Official has the authority to accept or reject such request pursuant to procedures set forth in Section 5.3(A).

### **SECTION 3.11 ENGINEERING PLAN REVIEW PROCEDURES**

Applications for as-of-right development, shall submit engineering plans in conjunction with site plans. Conditional use applicants shall initiate Engineering Plan Review Procedures set forth in this section after receiving an approved development order. The procedure for review of an Engineering Plan shall be as follows:

- A. **Application For Approval.** The applicant for approval of an Engineering Plan shall submit at least nine (9) copies, folded to nine inches (9”) by twelve inches (12”), of the engineering plan, the supplementary materials required to accompany such plan and the fee established in a manner prescribed in Article X to the Administrative Official. Such plan, supplementary materials and fee are collectively hereinafter called the "proposed Engineering Plan". The Engineering Plan and supplementary materials shall be in the form prescribed in Section 3.12 below. No application shall be deemed accepted unless it is complete. The Administrative Official shall advise the applicant of whether the proposed Engineering Plan is accepted or not accepted. If the proposed Engineering Plan is not accepted, the Administrative Official shall inform the applicant in writing of the reasons that the engineering plan is incomplete. Failure by the Administrative Official to specify one or more reasons shall not preclude such reasons being specified in denying any reapplication for such engineering plan. Plans stating "Not For Construction," "For Review Only," or any such similar wording shall not be accepted.
- B. **Referral To Development Review Team.** Upon acceptance of the proposed Engineering Plan, the Administrative Official shall distribute copies of the proposed Engineering Plan to the Development Review Team. After reviewing the proposed Engineering Plan, Development Review Team shall transmit their collective recommendation in writing respecting approval, disapproval or necessary modification thereof to the Administrative Official.
- C. **Administrative Official's Action.** Upon receipt of the recommendation of the Development Review Team, the Administrative Official, in accordance with such recommendation shall enter an order:

1. Approving such proposed Engineering Plan subject to such conditions, modifications and specific time limits prescribed by the Planning and Zoning Commission respecting the proposed Site Plan;
2. Disapproving such proposed Engineering Plan, or;
3. Approving such Engineering Plan subject to such modifications and conditions as the recommendation of the Development Review Team may have prescribed and subject to such conditions, modifications and specific time limits prescribed by the Planning and Zoning Commission respecting the proposed Site Plan.

If the proposed Engineering Plan is approved, the Administrative Official shall indicate such approval by signing his name on at least one copy of the Engineering Plan indicating the date of such approval. The approved and signed Engineering Plan and required supplementary materials shall then be filed in the Office of the Administrative Official and shall constitute the Engineering Plan for the parcel.

If the proposed Engineering Plan is disapproved or approved subject to modification, the Administrative Official shall provide to the applicant a copy of his Order respecting the same.

- D. Reapplication.** If the Administrative Official enters his order disapproving a proposed Engineering Plan or approving the plan subject to modification, the applicant may at any time within sixty (60) days following the date of such order file an amended Engineering Plan and supplementary material whereupon the same shall be received, reviewed and acted upon in the same manner as herein above provided for original applications for approval of an Engineering Plan, provided that no additional fee for such application shall be required.

### **SECTION 3.12 ENGINEERING PLAN REQUIREMENTS**

All Engineering Plans and required supplementary material shall cover the entire parcel covered by a Site Plan that is either proposed or approved in accordance with Section 3.10. A copy of the approved site plan shall be incorporated into the Engineering Plan. All Engineering Plans shall contain at least the following data and information:

- A. General Relationship of Engineering Plan Requirements to Site Plan Requirements.** In general, Engineering Plans shall include, but not be limited to, all required information items set forth in Section 3.11 provided, however, that all such information, data, analysis and supplementary materials shall be provided in final engineering and construction form for purposes of Engineering Plans rather than in preliminary or conceptual form as provided for Site Plans. Additional and more detailed engineering plan required information is set forth in subsections 3.12 B. and C.
- B. Engineering Plan Sheet Data, Size and Scale.** Engineering Plans shall be drawn at a scale of one inch to 50 feet or larger. The maximum sheet size for Engineering Plans is 24 inches by 36 inches. All site plans shall be folded to nine inches (9”) by twelve inches (12”). Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required.

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

1. The identification "Engineering Plan", the date, scale, revision date (if any), development name, and other such information shall be shown in a convenient grouping in the lower right hand corner of every sheet, preferably in a conventional title block.
2. Each copy of an Engineering Plan required to be submitted to the Administrative Official shall bear the original signature and seal of the engineer licensed as a professional engineer by the State of Florida and authorized by the applicant who shall also certify that the drawing was prepared at his instruction and that the information shown is correct.

**C. Engineering Plan Required Information.**

1. **Final Soils Report.** Indicate results of borings for building locations and method of foundation construction/footer design in relationship to soil conditions as recommended by a geotechnical engineer.
2. **Final Drainage Plan.** Include topographic elevations at one foot contours (mean sea level datum required) for site and at least fifty feet (50') beyond the site, final calculations for stormwater retention and construction drawings of all related improvements.
3. **Fire Protection.** Indicate hydrant location and type of internal fire protection systems to serve buildings.
4. **Civil Engineering Construction Drawings.** Provide civil engineering construction drawings of all infrastructure, utilities and site improvements including technical specifications and geometry.
5. **Landscape Plan and Tree Protection.** Identify material specifications, planting/removal/relocation instructions and irrigation system location and specifications.
6. **Ownership and Maintenance.** A detailed statement of method of assuring the perpetual ownership and maintenance of permanent open space, recreational facilities or other common purposes shall, if appropriate, include covenants, agreements or other specific documents approved by the Administrative Official.

**SECTION 3.13 EFFECT OF SITE PLAN AND ENGINEERING PLAN APPROVAL**

Approval or approval with modifications/conditions of both a Site Plan and an Engineering Plan for the parcel in question shall serve as the basis for the issuance of Site Development Permits and Certificates of Completion.

### **SECTION 3.14 MAINTENANCE OF IMPROVEMENTS**

All improvements, requirements and conditions approved pursuant to Sections 3.10 and 3.12 shall be maintained in good condition and in the manner prescribed by such approval for as long as the use of the premises in question is in existence.

### **SECTION 3.15 VIOLATIONS, REMEDIES AND PENALTIES**

Notwithstanding any provision of the Land Development Regulations or the Sanford City Code to the contrary, a person owning or occupying any building, that is used, erected, constructed, reconstructed, altered or moved or maintained in violation of the Land Development Regulations shall be subject to any and all penalties permitted by State law and the City may seek any and all legal remedies available to it under controlling law.

### **SECTION 3.16 ZONING IN PROGRESS**

During the period of time that the city commission is considering either a text amendment to the Comprehensive Plan, an amendment to the Land Development Code/Land Development Regulations or a change of zoning district, no development permit or development order of any kind will be issued if issuance would result in the nonconforming or unlawful use of the subject property should the Comprehensive Plan amendment, Land Development Code/Land Development Regulations text amendment or zoning district change be finally enacted by the city commission. The period of time in which the aforementioned freeze of development permitting shall be in effect shall be known as the period of zoning in progress.

The zoning in progress period of time shall begin on the earlier of the following:

- (1) The date the city commission instructs the city manager to cause the publication of a notice of a public hearing before the city commission to consider a resolution declaring zoning in progress; or
- (2) The date the planning and zoning commission has held its initial public hearing on the text amendment or zoning district change.
- (3) The period of time in which zoning in progress is in effect shall not to exceed six months after notice of a public hearing before the city commission for a text amendment to the Comprehensive Plan, an amendment to the Land Development Code/Land Development Regulations or a change of zoning district has been published; provided, however, that, the city commission may extend the zoning in progress by up to six additional months if deemed necessary for the public health, safety and welfare; and, further, provided, however, that, if final action by the city commission is not taken on the proposed change within the timeframe prescribed in this section, the development permit or development order shall be issued if it is consistent with existing permitted land uses, land development regulations and zoning district requirements.

### **Sec. 3.17. - Vested rights.**

- A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Applicant** means any person, partnership, corporation, or other legal entity having an ownership interest in a parcel of real property in the city, or his/her/its designated lawful attorney-in-fact, who applies for a determination pursuant to this section.

**Date of notice of a change in a land development regulation** means the date on which a notice of a public hearing on a proposed change in a land development regulation was first published in a newspaper of general circulation.

**Development order** means any order granting, with or without conditions, a permit for development including: any building permit, zoning permit, rezoning, subdivision approval, site plan approval, special exception, conditional use, variance, or any other official action of the city.

**Investment-backed expectation** means the expenditure of substantial sums of money by the applicant which cannot be recovered by the applicant, or an irreversible and substantial change of position that imposes on the applicant an obligation to expend sums of money in the future.

**Land development regulation** means a regulation in the City Code that controls the development of property including, but not limited to, regulations for: zoning, land development, utilities, building, life safety, fire and others that affect the use, density or intensity of land use.

**Newspaper of general circulation** means a newspaper primarily printed in the English language readily available for purchase by inhabitants of the city. A newspaper of general circulation must be entered or qualified as second-class matter at a post office within Seminole County; shall have been in existence for one year or more; and shall be published periodically at least once a week or more often.

B. *Special permit.*

1. Upon application and after review as provided herein, the city commission may authorize as a special permit an exception to the otherwise applicable provisions of the currently effective city Comprehensive Plan or the city Land Development Regulations. The special permit shall be a development order for a specific type, level, nature, density, intensity, or other form of development of a specifically described parcel of real property. The special permit may be granted upon a finding by the city commission that the applicant has demonstrated, pursuant to the standards set forth in this section, that the applicant has a preexisting vested right to commence, maintain and complete a specific level, type, nature, density, intensity or other form of development. The special permit may be granted with or without conditions as may be appropriate considering the evidence adduced and reviewed before the city commission.
2. The special permit is not transferable, in whole or in part, to any other parcel of real property or to any other person, corporation, or other legal entity.

C. *Considerations for determination of permit; demonstration of vested rights.*

1. In determining whether a right to commence, maintain, and complete construction of a specific level, type, nature, density, intensity or other form of development has been vested, the following factors shall be considered:
  - a. Whether there has been an act or omission to act by the city;

- b. Whether a city official acted or omitted to act and the personnel rank, official position and authority of that official;
- c. Whether the city official acted or omitted to act within the course and scope of his/her personnel rank, authority and official position;
- d. The nature of the act committed and date thereof, or the nature of the omission to act and approximate date thereof;
- e. Whether the applicant made a substantial change in position, or has an investment-backed expectation, based upon the city's act or omission to act;
- f. The nature of the applicant's change in position or investment-backed expectation, including expenditure of money or obligation to expend funds, amounts thereof, dates of expenditures; or incurrence of the obligation to incur expenditures, acts committed which represent a change in position, and dates thereof;
- g. The good faith of the applicant in substantially changing his/her position, or the incurring of extensive obligations and expenses based upon the city's actions or omissions to act;
- h. Any legally permitted acts of the applicant and the specific dates thereof associated with physical improvements on the land or for the design of specific buildings and improvements to be constructed on the site;
- i. The extent to which the applicant has secured building permits for, and commenced in whole or in part, but not completed, the construction of physical improvements on the land, utility infrastructure or other public improvements or buildings germane to a phased development that was contemplated to extend over a period of months or years;
- j. Whether the applicant prior to or on the date of notice of a change in a land development regulation has made contractual commitments to complete structures and deliver titles thereto or occupancy thereof, and the dates of and amounts of money involved in those commitments;
- k. Whether prior to, or on, the date of notice of change in a land development regulation for the currently effective Comprehensive Plan, Land Development Regulations, or applicable section of either document, the applicant incurred financial obligations to a lending institution, which, despite a thorough review of alternative solutions, the applicant will be unable to meet, or it would be inequitable and unjust to require the applicant to meet, unless he is permitted to proceed with the previously permitted specific level, type, nature, density, intensity, or other form of development;
- l. Whether enforcement of the terms of the currently effective comprehensive plan or land development code regulation will expose the applicant to substantial monetary liability to third persons, or will leave the applicant completely unable, after thorough review of alternative solutions, to earn a reasonable return on his/her investment in the property;
- m. Whether the right of the applicant to commence, maintain, and complete the proposed development, or a specific level, type, nature, density, intensity, or other form of development has been vested only with respect to an identifiable and discreet portion of the applicant's property; and

- n. Any other information relevant to understanding the applicant's claim to vested rights to develop his/her/its real property in a particular manner that may be pertinent under state or federal law.
2. The right of the applicant to commence, maintain, or complete construction of a development or to a specific level, type, nature, density, intensity, or other form of development on his/her/its parcel of real property, or a portion thereof, is vested if the applicant can demonstrate that:
- a. The applicant owned the parcel of real property proposed to be developed on the date of notice of a change in a land development regulation, and that the specific level, type, nature, density, intensity, or other form of development proposed for the parcel of real property was lawful and legally permitted at that time;
  - b. The applicant has continuously owned the parcel of real property since the date of notice of a change in a land development regulation until the date of the public hearing before the city commission on the special permit application;
  - c. The most current legislated city Comprehensive Plan or Land Development Regulations, or portion thereof, cited by the applicant as being counter to the applicant's vested right to commence, maintain, and complete construction of a specific level, type, nature, density, intensity, or other form of development, has a material and adverse effect upon the applicant's vested right to develop the subject parcel or continue the use of real property as contemplated;
  - d. By application of the considerations set out in this section, the applicant in good faith upon some act or omission of the city has made such a substantial change in position it has an investment-backed expectation that would make it inequitable and unjust to destroy the right of the applicant to commence, maintain, and complete a specific level, type, nature, density, intensity, or other form of development upon all or a portion of the applicant's parcel of real property; and
  - e. The requirement that the applicant's property be developed in accordance with the currently effective city Comprehensive Plan or Land Development Regulations, will deprive the applicant of a reasonable rate of return on his/her investment or effectuate a substantial change in position, given the substantial change in position of the applicant or the creation of an investment-backed expectation prior to or on the date on which the most current city Comprehensive Plan or Land Development Regulations, was subject to a notice of a change. In determining the reasonableness of the projected rate of return, the following categories of expenditures shall not be included in the calculation of the applicant's investment:
    - (1) Expenditures for professional services that are unrelated to the design or construction of the contemplated improvements proposed;
    - (2) Expenditures for taxes, except for any increases in tax expenditures which result from issuance of a development order which would now be contrary to the currently existing city comprehensive plan or land development code; and
    - (3) Expenditures which the applicant would have been obligated to incur as ordinary and necessary business expenses including, but not limited to employees' salaries, equipment rental, chattel mortgage payments.
  - f. The fact that the property has been or is in a particular zoning or comprehensive plan district or classification under the currently effective city comprehensive plan or land

development code, or any prior city comprehensive plan or zoning ordinance of the city, shall not, in and of itself, establish that an applicant's right to commence, maintain, and complete construction of a specific level, type, nature, density, intensity, or other form of development has been vested.

*D. Application process.*

1. Any person, partnership, corporation, or other legal entity having an ownership interest in a parcel of real property may file an application for a special permit within six months of the effective date of the amendatory ordinance that rezones, changes the land use of the property, or otherwise materially and adversely affects the applicant's parcel of land (or portion thereof) so as to prohibit the specific level, type, nature, density, intensity, or other form of development, in whole or in part, or vested rights shall be deemed to have been waived.
2. The application shall be filed with the city clerk who shall, upon receipt of the same, stamp the application with the date and time. The application shall contain:
  - a. A concise and complete recital of the facts, including dates of expenditures or obligation to expend funds, dollar amounts, the nature of expenditures or obligation to expend funds, and other factors which are claimed to support the claim to a vested right to commence, maintain, and complete a specific level, type, nature, density, intensity, or other form of development;
  - b. A legal description of the parcel of real property and a survey, if available, thereof upon which the applicant claims to have vested development rights;
  - c. The applicant's name, address, and telephone number, email address and fax number;
  - d. The name, address, and telephone number, email address and fax number of any attorney or agent who is or will be representing the applicant;
  - e. A title opinion by an attorney authorized to practice in the state of Florida or a complete abstract of title or other evidence acceptable to the city demonstrating that the applicant has continuously held title to the real property described in the application from the date of the notice of a change in amendatory ordinance in question until the date of application for the special permit;
  - f. A complete description of the extent and quality of ownership of the real property during that period;
  - g. An affidavit under penalty of perjury executed by the applicant before a notary public attesting to the truth, accuracy, and veracity of the application based on the applicant's personal knowledge and all attachments thereto; and
  - h. Such other information relevant to the standards and matters germane to this section as the director of planning and development services may specify.
3. An application fee as shall be established by a resolution of the city commission from time to time.
4. Within 14 days of submission, the city manager will determine whether the petition is technically complete and will accept it or request corrections. A technically incomplete application shall be returned to the applicant with written notification of the deficient items. The applicant shall be



granted 14 additional calendar days to complete this application. If a response is not submitted to the city manager within the time specified, the application shall be deemed abandoned.

5. Within 30 calendar days of determining that an application is technically complete, the city manager shall schedule a public hearing before the city commission to review the application and the city commission makes a final determination as to whether or not vested rights have been clearly and convincingly demonstrated.
6. Within seven calendar days after making a final determination of vested rights status, the city commission shall provide the applicant with written notification of the determination of vested rights status. If the city commission determines that vested rights exist the applicant shall have the right to rely upon such written determination and the determination shall be final.
7. Any determination by the city commission with respect to vested rights and the issuance of a special permit under this section shall expire and be of no further force or effect, unless construction is actually commenced on the parcel of real property within one year of the date that the order granting the special permit is filed with the city clerk. For good cause shown by the applicant, the city commission may, in its legislative discretion, extend the foregoing one-year period by a time period of up to an additional year.
8. Any person, partnership, corporation or other legal entity claiming a vested right to commence, maintain, and complete any specific level, type, nature, density, intensity, or other form of development of a specific parcel of real property who does not file an application for determination under this section within six months of the effective date of the amendatory ordinance that rezones, changes the land use of the property, or otherwise materially and adversely affects the applicant's real property or portion thereof so as to prohibit the specific level, type, nature, density, intensity, or other form of development, in whole or in part, shall be deemed to have waived and abandoned the right to seek such a determination.
9. In addition to published notice in a newspaper of general circulation, actual notice of any hearing before the city commission for recognition of vested rights status shall be mailed to the applicant and all persons who are required to be so noticed with regard to applications for a major conditional use.

#### E. Application fee.

The city commission establish the required application fee by resolution. The fee shall cover the cost of processing the special permit application, advertising and the preparation and mailing of notices as well as related administrative costs of the city.