

ORDINANCE 20-XX

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS ("LDRS"); AMENDING SUBPART B OF THE CITY OF ALACHUA CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 1.4.5 RELATING TO EXEMPTIONS TO THE APPLICABILITY AND JURISDICTION OF THE LDRS; AMENDING SECTION 2.1.1(B) AND TABLE 2.1-1 RELATING TO THE DEVELOPMENT REVIEW STRUCTURE; AMENDING SECTION 2.1.2(A) RELATING TO THE POWERS AND DUTIES OF THE CITY COMMISSION; AMENDING SECTION 2.2.3(B) RELATING TO THE REQUIREMENT TO HOLD PRE-APPLICATION CONFERENCES; AMENDING SECTION 2.2.7(A) RELATING TO THE PREPARATION OF STAFF REPORTS; AMENDING SECTION 2.2.8(C) AND TABLE 2.2-1 RELATING TO PUBLIC HEARINGS; AMENDING SECTION 2.2.9(E) AND TABLE 2.2-2 RELATING TO REQUIRED NOTICES AND TIMING OF SUCH NOTICES FOR PUBLIC HEARINGS; AMENDING SECTION 2.2.12 RELATING TO THE WITHDRAWAL OF APPLICATIONS; AMENDING SECTION 2.2.17 RELATING TO THE SIMULTANEOUS REVIEW OF APPLICATIONS; AMENDING SECTION 2.4.9 RELATING TO MINOR SITE PLANS AND SITE PLANS; AMENDING SECTION 2.4.9 TO CREATE A NEW DEVELOPMENT PERMIT FOR THE REVIEW OF INFRASTRUCTURE ENTITLED INFRASTRUCTURE PLANS, CREATING STANDARDS OF REVIEW, PROCEDURES FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL, PERMIT EXTENSIONS, AMENDMENTS, APPEALS, AND THE PERIOD OF VALIDITY FOR INFRASTRUCTURE PLANS; AMENDING SECTION 2.4.10 RELATING TO SUBDIVISIONS; AMENDING SECTION 4.3.1(A)(3) RELATING TO THE USE-SPECIFIC STANDARDS FOR MULTIPLE-FAMILY DWELLINGS, SINGLE-FAMILY ATTACHED DWELLINGS, TOWNHOMES, AND TWO- TO FOUR-FAMILY DWELLINGS; AMENDING SECTION 4.4.2(C) RELATING TO THE APPROVAL OF ACCESSORY USES AND STRUCTURES; AMENDING SECTION 6.8, RELATING TO DESIGN STANDARDS FOR BUSINESS USES; AMENDING SECTION 6.10 RELATING TO IMPROVEMENT GUARANTEES FOR PRIVATE IMPROVEMENTS; AMENDING SECTION 7.4 RELATING TO IMPROVEMENT GUARANTEES FOR PUBLIC IMPROVEMENTS; AMENDING SECTION 10.2 TO CREATE A NEW DEFINITION OF "MIXED-USE" AND BY AMENDING THE DEFINITIONS OF "DWELLING, MULTIPLE FAMILY", "DWELLING, TOWNHOUSE", AND "SUBDIVISION"; AND AMENDING VARIOUS SECTIONS OF THE LDRS TO UPDATE CROSS REFERENCES AND FOR INTERNAL CONSISTENCY AS NECESSITATED BY THESE AMENDMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, a Text Amendment ("Amendment") to the City's Land Development Regulations ("LDRs"), as described below, has been proposed; and

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on May 28, 2020; and

WHEREAS, the LPA conducted a public hearing on the proposed Amendment on June 9, 2020, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on _____, 2020, and on _____, 2020; and

WHEREAS, the City Commission conducted public hearings on the proposed Amendment on _____, 2020, and _____, 2020, and provided for public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the Amendment to be consistent with the City’s Comprehensive Plan and City’s LDRs; and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this ordinance.

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City’s Comprehensive Plan.

Section 3. Amendment to the Land Development Regulations

The proposed Amendment to the City Land Development Regulations are attached as Exhibit “A” and are hereby incorporated herein by reference and upon passage, shall be incorporated into the City’s LDRs which are codified as Subpart B to the Code of Ordinances of the City of Alachua.

Section 4. Applicability to Preliminary Plats with Valid Development Orders

The provisions of attached Section 2.4.10(G)(3)(h), as amended, shall apply to all preliminary plats which have a valid preliminary development order as of the effective date of this Ordinance.

Section 5. Codification of and Correction of Scrivener’s Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 6. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 7. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 8. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 9. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the _____ day of _____ 2020.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this _____ day of _____ 2020.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Adam Boukari, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

Section 1.4.5 of the City’s LDRs is amended as follows. The remainder of Section 1.4.5 remains in full force and effect:

1.4.5 Exemptions.

(A) *Acquisition of interests in land by government and construction of public infrastructure for public purpose.*

- (1) The provisions of these LDRs shall not require subdivision of land in accordance with Section 2.4.10 as a result of actions taken by the City of Alachua, Alachua County, the School Board of Alachua County, or the State of Florida to acquire land or interest in land for public use, right-of-way (ROW), or easements.
- (2) The permits as set forth in Article 2, Administration, shall not be required for the following public infrastructure projects:
 - (a) Road construction/reconstruction projects, water/wastewater line installations, and other similar projects, undertaken by the City of Alachua, Alachua County, or the State of Florida; or,
 - (b) Any project identified in the adopted City of Alachua Long Range Transportation Plan, provided however that when the roadway improvement will be performed by an entity other than the City of Alachua, Alachua County, or State of Florida, a surety device in accordance with Section 7.4. Improvement guarantees for public improvements, or Section 6.10, Improvement guarantees for private improvements, as applicable, shall be posted with the City.

Section 2.1.1(B) and Table 2.1-1 of the City’s LDRs are amended as follows. The remainder of Section 2.1.1(B) and Table 2.1-1 remain in full force and effect:

2.1.1 Summary of administration and review roles.

(B) *Development review structure.* Table 2.1-1, Development Review Structure, summarizes the review bodies and City staff that have specific permit review roles under these LDRs, and their responsibilities.

Table 2.1-1: Development Review Structure					
S = Staff Review C = Plan Consistency Review R = Review and Advise D = Final Decision A = Appeal					
Development Permit	LDR Administrator	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	City Commission	Hearing Officer
Text Amendment and General Amendment to Official Zoning Atlas (Section 2.4.1)	S		C/R	D	
Site Specific Official Zoning Atlas Amendment (Rezone) (Section 2.4.2)	S		C/R	D	
Planned Development (Section 2.4.3)	S		C/R	D	
Special Exception Permit for Building Greater Than or Equal to 80,000 Square Feet in Area (Section 2.4.4(C)(2))	C/S		C/R	D	
Special Exception Permit for uses other than building greater than or equal to	C/S		D	A	

Table 2.1-1: Development Review Structure

S = Staff Review C = Plan Consistency Review R = Review and Advise
D = Final Decision A = Appeal

Development Permit	LDR Administrator	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	City Commission	Hearing Officer
80,000 square feet in area (Section 2.4.4(C)(3))					
Historic Sites and Structures					
Historic Overlay District Classification (Section 2.4.5)	S		C/R	D	
Certificate of Appropriateness (Minor Review) (Section 2.4.6)	D	A			
Certificate of Appropriateness (Major Review) (Section 2.4.6)	C/S		D	A	
Variance Permits					
Zoning Variance Permit (Section 2.4.7(C))	C/S	D			
Subdivision Variance Permit (Section 2.4.7(D))	S		C/R	D	
Administrative Adjustment (Section 2.4.8)	D	A			
Minor Site Plan (Section 2.4.9(B)(2)(a))	D	A			
Site Plan (Building Less Than 80,000 square feet in Area) (Section 2.4.9(B)(2)(b))	C/S		D	A	
Site Plan (Building Greater Than or Equal to 80,000 square feet in Area) (Section 2.4.9(B)(2)(c))	C/S		C/R	D	
Infrastructure Plan (Section 2.4.9(B)(2)(d))	C/S			D	
M	D	A			
Subdivision					
Minor Subdivision (Section 2.4.10(F))	S		C/R	D	
Major Subdivision					
Preliminary Plat (Section 2.4.10(G)(3))	S		C/R	D	
Construction Plans (Section 2.4.10(G)(4))	D			A	
Final Plat (Section 2.4.10(G)(6))	S			D	
Other Permits					
Sign Permit (Section 2.4.11)	D	A			

Table 2.1-1: Development Review Structure

S = Staff Review C = Plan Consistency Review R = Review and Advise
D = Final Decision A = Appeal

Development Permit	LDR Administrator	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	City Commission	Hearing Officer
Temporary Use Permit (Section 2.4.12)	D	A			
Special Event Permit (Section 2.4.13)	D	A			
Certificate of Concurrency Compliance (Section 2.4.14)	D	A			
Certificate of LDR Compliance (Section 2.4.15)	D	A			
Special Permit (Section 2.4.16)	S		C/R/S	D	
Tree Removal Permit (Section 2.4.17)	D	A			
Mobile Home Move-on Permit (Section 2.4.18)	D	A			
Interpretation by LDR Administrator (Section 2.4.19)	D	A			
Appeals of Interpretation and Decision of LDR Administrator (Section 2.4.20)		D			
Vested Rights Certificate (Section 2.4.21)	C/S			D	
Beneficial Use Determination (Section 2.4.22)	S			D	R
Wellfield Exemption Permit (Section 2.4.23)	S		C/R	D	
Development Agreement (Section 2.5)	S		C/R	D	

Section 2.1.2(A) of the City's LDRs is amended as follows. The remainder of Section 2.1.2 remains in full force and effect:

2.1.2 City Commission.

(A) *Powers and duties.* In addition to any authority granted the City Commission by general or special law or the City Charter, the Commission shall have the following powers and duties:

- (1) *Amendments to LDR text.* To initiate, review, and decide applications to amend the text of these LDRs (Section 2.4.1, Text amendment).
- (2) *General amendments to Official Zoning Atlas.* To initiate, review, and decide applications to general amendments to the Official Zoning Atlas (Section 2.4.1).
- (3) *Site-specific amendments to Official Zoning Atlas (rezone).* To initiate, review, and decide applications on site-specific amendments to the Official Zoning Atlas (rezone) (Section 2.4.2).
- (4) *Planned development district (PD) classification.* To review and decide recommendations from the PZB on PD Master Plans and amendments to the Official Zoning Atlas to a planned development (PD) district (Section 2.4.3).

- (5) *Special exception permit for building greater than or equal to 80,000 square feet in area.* To review and decide applications on special exception permits for a building greater than or equal to 80,000 square feet in area (Section 2.4.4(C)(2)).
- (6) *Historic Overlay (HO) District classification.* To initiate, review, and decide recommendations from the PZB on amendments to the Official Zoning Atlas to apply the Historic Overlay (HO) District classification (Section 2.4.5).
- (7) *Subdivision variance permit.* To review and decide applications on subdivision variance permits from the subdivision standards (Section 2.4.7(D)).
- (8) *Site plan for building greater than or equal to 80,000 square feet in area and infrastructure plan.* To review and decide applications for site plans consisting of a building greater than or equal to 80,000 square feet in area (Section 2.4.9(D)(2)(c)) and to review and decide applications for infrastructure plans (Section 2.4.9(D)(2)(d)).
- (9) *Minor subdivision.* To review and decide applications for minor subdivisions (Section 2.4.10(F)).
- (10) *Major subdivision preliminary plat.* To review and decide applications for major subdivision preliminary plats (Section 2.4.10(G)).
- (11) *Major subdivision final plat.* To review and decide applications for major subdivision final plats (Section 2.4.10(G)).
- (12) *Appeals of LDR Administrator on major construction plans.* To review and decide appeals on decisions of the LDR Administrator on major subdivision construction plans (Section 2.4.10(G)).
- (13) *Appeal of PZB decisions.* To review and decide appeals on decisions of the PZB on:
 - (a) Special exception permits (Section 2.4.4).
 - (b) Certificates of appropriateness (Section 2.4.6).
 - (c) Site plans consisting of a building less than 80,000 square feet in area (Section 2.4.9(D)(2)(b)).
- (14) *Special permit.* To review and decide applications for special permits (Section 2.4.16).
- (15) *Vested rights certificate.* To review and decide applications for vested rights certificates (Section 2.4.22).
- (16) *Beneficial use determination.* To review and decide applications for beneficial use determinations (Section 2.4.23).
- (17) *Wellfield exemption permit.* To review and decide applications for wellfield exemption permits (Section 2.4.24).
- (18) *Development agreements.* To review requests, and, where appropriate and in its sole discretion, enter into development agreements (Section 2.5).
- (19) *Schedule of fees.* To approve by resolution a schedule of fees governing applications for permits and other permit approvals reviewed under these LDRs.
- (20) *Other.* To take any other action not delegated to the PZB, BOA, Special Magistrate, LDR Administrator, Public Services Director or City Attorney, as the City Commission may deem desirable and necessary to implement the provisions of these LDRs.

Section 2.1.3(C) of the City's LDRs is amended as follows. The remainder of Section 2.1.3 remains in full force and effect:

2.1.3 *Planning and Zoning Board (PZB).*

- (C) *Powers and duties.* The PZB is authorized by the City Commission with the following powers and duties under these LDRs:
- (1) *Special exception permits.* To review and make recommendations to the City Commission on special exception permit applications for a building greater than 80,000 square feet in area, and to review and decide applications for all other special exception permit applications (Section 2.4.4).
 - (2) *Certificate of appropriateness.* To review and decide applications for certificates of appropriateness (major review) (Section 2.4.6).
 - (3) *Site plan.* To review and make recommendations to the City Commission on site plan applications consisting of a building greater than or equal to 80,000 square feet in area (Section 2.4.9(D)(2)(c)), and to review and decide applications for site plan applications consisting of a building less than 80,000 square feet in area (Section 2.4.9(D)(2)(b)).
 - (4) *Amendments to LDR text.* To initiate, review, and make recommendations to the City Commission to approve or deny applications to amend the text of these LDRs (Section 2.4.1, Text amendment).
 - (5) *General amendments to Official Zoning Atlas.* To initiate, review, and make recommendations to the City Commission to approve or deny applications to general amendments to the Official Zoning Atlas (Section 2.4.1).
 - (6) *Site-specific amendments to Official Zoning Atlas (rezone).* To initiate, review, and make recommendations to the City Commission to approve or deny applications to for site-specific amendments to the Official Zoning Atlas (rezone) (Section 2.4.2).
 - (7) *Planned development.* To review and make recommendations to the City Commission on PD Master Plans and amendments to the Official Zoning Atlas to a planned development (PD) district (Section 2.4.3).
 - (8) *Historic Overlay (HO) District classification.* To initiate, review, and make recommendations to the City Commission to approve or deny amendments to the Official Zoning Atlas to apply a Historic Overlay (HO) Zone District classification (Section 2.4.5).
 - (9) *Subdivision variance permits.* To review and make recommendations to the City Commission on subdivision variance permits (Section 2.4.7(D)).
 - (10) *Minor subdivisions.* To review and make recommendations to the City Commission on minor subdivisions (Section 2.4.10(F)).
 - (11) *Major subdivision preliminary plats.* To review and make recommendations to the City Commission on major subdivision preliminary plats (Section 2.4.10(G)).
 - (12) *Special permit.* To review and make recommendations to the City Commission on special permits (Section 2.4.16).
 - (13) *Wellfield exemption permits.* To review and make recommendations to the City Commission on wellfield exemption permits (Section 2.4.24).
 - (14) *Development agreements.* To review and make recommendations to the City Commission on development agreements (Section 2.5).
 - (15) *Make special knowledge and expertise available.* To make its special knowledge and expertise available upon written request and authorization of the City Commission to any official, department, board, commission or agency of the City.
 - (16) *Studies.* To make studies of the resources, possibilities and needs of the City upon the authorization of the City Commission, and report its findings and recommendations, with reference thereto, to the City Commission.
 - (17) *Annual review of Capital Improvement Plan.* To conduct an annual review of the capital improvement element of the Comprehensive Plan to ensure that the fiscal resources necessary to maintain adopted level of service standards are available.

Section 2.1.6(A) of the City's LDRs is amended as follows. The remainder of Section 2.1.6 remains in full force and effect:

2.1.6 *City staff.*

(A) *Land Development Regulation (LDR) Administrator.*

- (1) *Generally.* The LDR Administrator is the City Manager or designee, and shall be the City official responsible for administering the provisions of these LDRs.
- (2) *Powers and duties.* In addition to the jurisdiction, authority and duties that may be conferred upon the LDR Administrator by other provisions of the City Code and general or special law, the LDR Administrator shall have the following jurisdiction, powers and duties under these LDRs:
 - (a) To supervise, review and decide applications for:
 - (i) Certificates of appropriateness (minor review) (Section 2.4.6).
 - (ii) Administrative adjustments (Section 2.4.8).
 - (iii) Minor site plans (Section 2.4.9(D)(2)(a)).
 - (iv) Major subdivision construction plans (Section 2.4.10(G)).
 - (v) Sign permits (Section 2.4.11).
 - (vi) Temporary use permits (Section 2.4.12).
 - (vii) Special event permits (Section 2.4.13).
 - (viii) Certificates of concurrency compliance (Section 2.4.14).
 - (ix) Certificates of LDR compliance (Section 2.4.15).
 - (x) Tree removal permits (Section 2.4.17).
 - (xi) Mobile home move-on permits (Section 2.4.18).
 - (b) To render interpretations of these LDRs and the Official Zoning Atlas (Section 2.4.19).
 - (c) To establish application content requirements and a submission schedule for review of applications and appeals (Section 2.2.2).
 - (d) To compile and maintain an Administrative Manual (Section 2.2.2) and a Technical Design and Development Standards Manual.
 - (e) To review and make recommendations through a staff report to the City Commission, PZB and BOA on applications for development permits and permit approvals, where appropriate, and take any other action necessary to administer the provisions of these LDRs (Section 2.2.7).
 - (f) To maintain the Official Zoning Atlas and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of these LDRs.
 - (g) To track public facility capacity and prepare reports on development activity as part of a concurrency management system (Section 2.4.14).
 - (h) To assist the Special Magistrate in enforcing these LDRs in accordance with Article 9, Enforcement and Remedies.
 - (i) To provide expertise and technical assistance to the City Commission, PZB, BOA and Special Magistrate upon request.

Section 2.2.3(B) of the City's LDRs is amended as follows. The remainder of Section 2.2.3 remains in full force and effect:

2.2.3 Preapplication conference.

- (B) *Preapplication conference mandatory.* A preapplication conference is mandatory prior to submission of any application for:
- (1) Site-specific amendments to the Official Zoning Atlas (rezoning) (Section 2.4.2);
 - (2) Text amendments to the LDRs (Section 2.4.1);
 - (3) Planned developments (Section 2.4.3);
 - (4) Historic Overlay District classification (Section 2.4.5);
 - (5) Site plans and infrastructure plans (Sections 2.4.9(D)(2)(b), (c), and (d));
 - (6) Special permits for land and/or water filling, or dredging (Section 2.4.16);
 - (7) Minor subdivisions (Section 2.4.10(F));
 - (8) Major subdivision preliminary plats (Section 2.4.10(G));
 - (9) Special exceptions (Section 2.4.4);
 - (10) Vested rights certificate (Section 2.4.22);
 - (11) Beneficial use determination (Section 2.4.23);
 - (12) Wellfield exemption permit (Section 2.4.24); and
 - (13) Development agreements (Section 2.5).

Section 2.2.4(C) of the City's LDRs is amended as follows. The remainder of Section 2.2.4 remains in full force and effect:

2.2.4 Neighborhood meetings.

- (C) *Applicability.* Neighborhood meetings are mandatory for site-specific amendments to the Official Zoning Atlas (Section 2.4.2), planned developments (Section 2.4.3), special exception permits (Section 2.4.4), site plans (Section 2.4.9) and major subdivision preliminary plats (Section 2.4.10(G)(3)). Neighborhood meetings are optional for any other applications under these LDRs.

Section 2.2.7(A) of the City's LDRs is amended as follows. The remainder of Section 2.2.7 remains in full force and effect:

2.2.7 Preparation of staff report.

- (A) *Application subject to public hearing or to be reviewed by review body.* When an application is subject to a public hearing (see Table 2.2-1, Required Public Hearings) or will be considered by a decision-making or review body after it is determined complete, the LDR Administrator shall refer the application to the appropriate staff, outside expert consultants, and any other appropriate review agencies for comment, review the application, communicate with the applicant regarding any questions, and prepare a written staff report. The staff report shall be provided to the applicant and made available to the public a reasonable period of time before the first scheduled public hearing on the application. The staff report shall be addressed to the decision-making or review body and shall state whether the application complies with all appropriate standards of these LDRs. The staff report shall include a staff recommendation. Conditions for

approval may also be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the applications for development permit.

Section 2.2.8(C) and Table 2.2-1 of the City's LDRs are amended as follows. The remainder of Section 2.2.8 and Table 2.2-1 remain in full force and effect:

2.2.8 Scheduling public hearings.

- (C) **Public Hearings.** A public hearing shall be conducted by the appropriate decision-making or review bodies for applications for development permit as depicted in Table 2.2-1, Required Public Hearings, and in accordance with Section 2.3, Public hearing procedures.

Table 2.2-1. Required Public Hearings				
Q = Quasi-judicial hearing (Section 2.3.1);				
S = Standard public hearing (Section 2.3.2)				
Application Type	Review and/or Decision-Making Body			
	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	Hearing Officer	City Commission
Text amendment and general amendment to Official Zoning Atlas (Section 2.4.1)		S		S
Site-specific amendment to Official Zoning Atlas (Section 2.4.2, rezone)		Q		Q
Planned development (Section 2.4.3)		Q		Q
Special exception permit for building greater than or equal to 80,000 square feet in area (Section 2.4.4(C)(2))		Q		Q
Special exception permit for uses other than building greater than or equal to 80,000 square feet in area (Section 2.4.4(C)(3))		Q		
Historic Overlay District classification (Section 2.4.5)		Q		Q
Certificate of appropriateness (Section 2.4.6)		Q		
Zoning variance permit (Section 2.4.7(C))	Q			
Subdivision variance permit (Section 2.4.7(D))		Q		Q
Site plan (building less than 80,000 square feet in area) (Section 2.4.9(D)(2)(b))		Q		
Site plan (building greater than or equal to 80,000 square feet in area) (Section 2.4.9(D)(2)(c))		Q		Q
Infrastructure Plan (Section 2.4.9(D)(2)(d))				Q
Minor subdivision (Section 2.4.10(F))		Q		Q
Major subdivision (Section 2.4.10(G))				
Preliminary plat		Q		Q
Final plat				Q

Table 2.2-1. Required Public Hearings				
Q = Quasi-judicial hearing (Section 2.3.1);				
S = Standard public hearing (Section 2.3.2)				
Application Type	Review and/or Decision-Making Body			
	Board of Adjustment (BOA)	Planning and Zoning Board (PZB)	Hearing Officer	City Commission
Special permits (Section 2.4.16)		Q		Q
Appeals of (Section 2.4.20)				
Interpretation and decision of LDR Administrator	S			
Decision on construction plans by LDR Administrator				S
Appeals of PZB decision (Section 2.4.21)				Q
Vested rights certificate (Section 2.4.22)				S
Wellfield exemption permit (Section 2.4.24)		Q		Q
Development agreement (Section 2.5)		S		S

Section 2.2.9(E) of the City's LDRs is amended as follows. The remainder of Section 2.2.9 remains in full force and effect:

2.2.9 *Public notification.* All applications for development approval requiring public hearings shall comply with the Florida Statutes, Table 2.2-2, Timing of Required Notice, and the other provisions of this section with regard to public notification.

(E) *Required notice and timing.* Unless otherwise expressly provided in State statutes or these LDRs, notice shall be provided in accordance with the following Table 2.2-2, Timing of Required Notice:

Table 2.2-2. Timing of Required Notice			
Application Type	Notice Required [1]		
	Written (mailed) (Subsection 2.2.9(B) of this section)	Published (Subsection 2.2.9(C) of this section)	Posted (Subsection 2.2.9(D) of this section)
Text amendment (Section 2.4.1)			
General amendment to Official Zoning Atlas (Section 2.4.1)	At least 14 days prior to public hearings	At least 10 days prior to first and second public hearings	
Site-specific amendment to Official Zoning Atlas (rezone) (Section 2.4.2)			At least 14 days prior to public hearings
Planned development (Section 2.4.3)			

Table 2.2-2. Timing of Required Notice

Application Type	Notice Required [1]		
	Written (mailed) (Subsection 2.2.9(B) of this section)	Published (Subsection 2.2.9(C) of this section)	Posted (Subsection 2.2.9(D) of this section)
Special exception permit (Section 2.4.4) and appeal of PZB decision on special exception (Section 2.4.21)	At least 14 days prior to public hearing(s)	At least 10 days prior to public hearing(s)	At least 14 days prior to public hearing(s)
Historic Overlay District classification (Section 2.4.5)	At least 14 days prior to public hearings	At least 10 days prior to public hearings	At least 14 days prior to public hearings
Certificate of appropriateness (Section 2.4.6)			
Variance permits (Section 2.4.7)			At least 14 days prior to public hearing(s)
Site plan consisting of building less than 80,000 square feet in area (Section 2.4.9(D)(2)(b)) and appeal of PZB decision on site plan (Section 2.4.21)	At least 14 days prior to public hearing(s)	At least 10 days prior to public hearing(s)	At least 14 days prior to public hearing(s)
Site plan consisting of building greater than or equal to 80,000 square feet in area (Section 2.4.9(D)(2)(c))			
Infrastructure plan (Section 2.4.9(D)(2)(d))			
Appeals of interpretations and decisions of LDR Administrator (Section 2.4.20)			
Subdivisions (minor subdivision, preliminary plat, final plat) (Section 2.4.10)	At least 14 days prior to public hearing(s)		At least 14 days prior to public hearing(s)
Vested rights certificate (Section 2.4.22)		At least 10 days prior to public hearing	
Beneficial use determination (Section 2.4.23)		[2]	
Wellfield exemption permit (Section 2.4.24)	At least 14 days prior to public hearing	At least 10 days prior to first and second public hearings	At least 14 days prior to public hearing
Development agreement (Section 2.5)	At least 14 days prior to PZB public hearing. At least 14 days	At least 10 days prior to first and	

Table 2.2-2. Timing of Required Notice

Application Type	Notice Required [1]		
	Written (mailed) (Subsection 2.2.9(B) of this section)	Published (Subsection 2.2.9(C) of this section)	Posted (Subsection 2.2.9(D) of this section)
	prior to first and second City Commission public hearings	second public hearings	
[1] When multiple application types are processed simultaneously, notice requirements for each application type shall apply.			
[2] Notification of beneficial use determination hearings is at the discretion of the hearing officer.			

Section 2.2.12 of the City's LDRs is amended as follows. The remainder of Section 2.2.12 remains in full force and effect:

2.2.12 Withdrawal of application.

- (A) *Submission of request.* Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the LDR Administrator, or shall be made through a verbal request at a public hearing.
- (B) *Prior to notice of public hearing.* The LDR Administrator shall approve a request for withdrawal of an application, if it has been submitted prior to public notification on the application in accordance with Subsection 2.2.9 of this section, Public notification.
- (C) *Subsequent to notice of public hearing.* If the request for withdrawal of an application is submitted subsequent to public notification (Subsection 2.2.9 of this section, Public notification), the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- (D) *Administrative withdrawal of applications.* During staff review, the applicant shall be notified of any deficiencies and given adequate time to respond. If the applicant fails to respond to the noted deficiencies within 180 days of date of notification by staff, the application shall be considered withdrawn. Upon a showing of good cause, the Land Development Regulations Administrator may extend the deadline for response for an additional 45 days.
- (E) *Fees.* Fees shall be refunded for withdrawn applications only in accordance with Subsection 2.2.2(C) of this section, Fees.

Section 2.2.17 of the City's LDRs is amended as follows. The remainder of Section 2.2.17 remains in full force and effect:

- 2.2.17 Simultaneous processing of applications.** Whenever two or more forms of review and approval are required under these LDRs, the applications for those permits or approvals may, at the option of the LDR Administrator, be processed simultaneously, so long as all applicable State and local requirements are satisfied. Site plans, infrastructure plans, and major or minor subdivision plats shall not be processed concurrently with applications for text amendments (Section 2.4.1) or site-specific amendments to the Official Zoning Atlas (Section 2.4.2) or planned developments (Section 2.4.3).

Section 2.4.3(E) of the City's LDRs is amended as follows. The remainder of Section 2.4.3 remains in full force and effect:

2.4.3 Planned development.

(E) Final PD plan.

- (3) *Expiration.* If the initial PD final plan expires in accordance with the expiration provisions for site plans (Subsection 2.4.9(G) of this section) or major subdivision preliminary plat (Subsection 2.4.10(G)(3)(h) of this section), whichever is appropriate, the PD zone district classification, PD Master Plan, and PD agreement shall expire and be void, and the land shall revert back to its original zone district classification.

Section 2.4.9 of the City's LDRs is amended as follows. The remainder of Section 2.4.9 remains in full force and effect:

2.4.9 Minor site plans, site plans, and infrastructure plans.

- (A) *Purpose.* Minor site plan, site plan, or infrastructure plan review is required to ensure that the layout and general design of proposed development is compatible and harmonious with surrounding uses and complies with the applicable standards of Article 6, Development Standards, Article 7, Subdivision Standards, and all other applicable provisions of these LDRs.
- (B) *Applicability.* All development, unless exempted in accordance with Section 2.4.9(C), Exemptions, or subject to review in accordance with Section 2.4.10, Subdivision, shall be required to have a minor site plan, site plan, or infrastructure plan approved in accordance with this section prior to issuance of a building permit or prior to the commencement of construction of any infrastructure approved in accordance with this section.
- (1) *Minor Site Plans.* The following development and activities shall be reviewed in accordance with Section 2.4.9(D)(2)(a), Review and action by LDR Administrator, on application for minor site plan. One or more of the following actions may be proposed as a part of an application for a minor site plan:
- (a) The addition of 1,000 square feet or less of total gross floor area to existing nonresidential buildings or mixed-use development.
 - (b) The addition of 2,500 square feet or less of unenclosed building area.
 - (c) The addition of impervious area to an existing nonresidential or mixed-use development which consists of ten percent or less of existing impervious area and does not exceed 5,000 square feet of new impervious area.
 - (d) The reconfiguration of existing parking and loading areas, such as re-striping an existing parking lot area to reconfigure the on-site vehicular circulation pattern or designated parking and loading areas, which does not propose any new impervious surface area.
 - (e) Change-outs of exterior light fixtures.
 - (f) The addition of an accessory use or structure which affects the layout and configuration of a site.
- (2) *Site Plan consisting of building less than 80,000 square feet in area.* Applications for a site plan consisting of a building less than 80,000 square feet in area shall be reviewed in accordance with the Section 2.4.9(D)(2)(b), Review and action by PZB on application for site plan consisting of building less than 80,000 square feet in area.
- (3) *Site plan consisting of building greater than or equal to 80,000 square feet in area.* Applications for a site plan consisting of a building greater than or equal to 80,000 square feet in area shall be reviewed in accordance with the Section 2.4.9(D)(2)(c), Review and recommendation by PZB and review and

action by City Commission on application for site plan consisting of building greater than or equal to 80,000 square feet in area.

- (4) *Infrastructure Plan.* Development which is comprised of public or private infrastructure, including but not limited to streets, sidewalks, multiuse paths or trails, and other transportation infrastructure, potable and reclaimed water systems, sanitary sewer systems, electric systems, natural gas lines, and stormwater systems, shall be reviewed in accordance with Section 2.4.9(D)(2)(d), Review and action by City Commission on application for infrastructure plan.
- (C) *Exemptions.* The following development shall be exempted from the requirements of this section (but is not exempted from Section 2.4.15, Certificate of LDR compliance, or the need to obtain a building permit):
 - (1) *Single-family development.* Single-family development on a single lot.
 - (2) *Two-family to four-family development.* Two-family to four-family dwelling development on a single lot.
 - (3) *Residential subdivisions.* Minor and major subdivision (Section 2.4.10) for single-family residential subdivisions and two-family to four-family dwelling subdivisions.
 - (4) *Wireless antennas.* Collocation of wireless antennas on an existing tower per F.S. § 365.172(12)(a)(1) and as further set forth in Section 4.3.2(I)(1)(f).
 - (5) *Minor utilities.* Minor utilities as described in Section 10.2 of these LDRs.
 - (7)(6) *Accessory uses added to existing development.* Accessory uses as permitted in Section 4.4 which do not affect the layout or configuration of the site shall be subject to this exemption and shall be reviewed and approved in accordance with Section 2.4.15, Certificate of LDR Compliance. The application for a Certificate of LDR Compliance shall include a sketch plan as a supplement and must provide sufficient information to demonstrate that the accessory use complies with the provisions of Section 4.4, Accessory Uses and Structures, and any other applicable provisions of these LDRs.
- (D) *Procedures.*
 - (1) *Submission and review of application.* The procedures and requirements for submission and review of an application are established in Section 2.2, Common development review procedures.
 - (2) *Review, recommendation, and action on application for minor site plan, site plan, or infrastructure plan.*
 - (a) *Action by LDR Administrator on application for minor site plan.* The LDR Administrator shall review the application in accordance with Section 2.2.13, Review by LDR Administrator.
 - ((b) *Review and action by PZB on application for site plan consisting of building less than 80,000 square feet in area.* After preparation of a staff report, public notification, and the scheduling of a public hearing on an application for a site plan consisting of a building less than 80,000 square feet in area, the PZB shall conduct a public hearing on the application in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, and the testimony and evidence given at the public hearing. After the close of the public hearing, the PZB shall approve, approve with conditions, or deny the application based on the standards in Section 2.4.9(E)(1), Minor site plan and site plan standards.
 - (c) *Review and recommendation by PZB and review and action by City Commission on application for site plan consisting of building greater than or equal to 80,000 square feet in area.*
 - (i) *Review and recommendation by PZB on application for site plan consisting of building greater than or equal to 80,000 square feet in area.* After preparation of a staff report, public notification, and the scheduling of a public hearing on an application for a site plan consisting of a building greater than or equal to 80,000 square feet in area, the PZB shall

conduct a public hearing on the application in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, and the testimony and evidence given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve, approve with conditions, or deny the application based on the standards in Section 2.4.9(E)(1), Minor site plan and site plan standards. The PZB shall then forward the report to the City Commission.

- (ii) *Review and action by City Commission on application for site plan consisting of building greater than or equal to 80,000 square feet in area.* After receipt of the report from the PZB, public notification, and the scheduling of a public hearing on an application for a site plan consisting of a building greater than or equal to 80,000 square feet in area, the City Commission shall consider the application during a public hearing in accordance with Section 2.4.1, Quasi-judicial public hearings. At the public hearing, the City Commission shall review the application, the relevant support materials, the staff report, the report of the PZB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall either approve, approve with conditions, or deny the application based on the standards in Section 2.4.9(E)(1), Minor site plan and site plan standards.
- (d) *Review and action by City Commission on application for infrastructure plan.* After preparation of a staff report, public notification, and the scheduling of a public hearing on an application for an infrastructure plan, the City Commission shall consider the application during a public hearing in accordance with Section 2.4.1 of this section, Quasi-judicial public hearings. At the public hearing, the City Commission shall consider the application, the relevant support materials, the staff report, and the testimony and evidence given at the public hearing. After the close of the public hearing, the City Commission shall either approve, approve with conditions, or deny the application based on the standards in Section 2.4.9(E)(2)(a) – (e), Infrastructure plan standards.
- (E) *Minor site plan, site plan, and infrastructure plan standards.* Minor site plans, site plans, and infrastructure plans shall comply with the standards below.
 - (1) *Minor site plan and site plan standards.* A minor site plan or site plan shall be approved only upon a finding the applicant demonstrates all of the following standards are met:
 - ((a) *Consistency with Comprehensive Plan.* The development and uses proposed by the minor site plan or site plan comply with the goals, objectives and policies of the Comprehensive Plan.
 - ((b) *Use allowed in zone district.* The use is allowed in the zone district in accordance with Article 4, Use Regulations.
 - ((c) *Zone district use specific standards.* The development and uses proposed by the minor site plan or site plan comply with Section 4.3, Use specific standards.
 - ((d) *Development and design standards.* The development proposed by the minor site plan or site plan and its general layout and design comply with all applicable standards in Article 6, Development Standards.
 - ((e) *Subdivision standards.* In cases where a subdivision has been approved or is pending, the development proposed by the minor site plan or site plan and its general layout and design comply with all applicable standards in Article 7, Subdivision Standards.
 - ((f) *Complies with all other relevant City laws, ordinances, regulations, requirements, and State and Federal laws and regulations.* The proposed development and use complies with all other relevant City laws, ordinances, regulations, requirements, and with all State and Federal laws and regulations.
 - (2) *Infrastructure plan standards.* An infrastructure plan shall be approved only upon a finding the applicant demonstrates the standards set forth in Sections 2.4.9(E)(2)(a) – (e) are met:

- (a) *Consistency with Comprehensive Plan.* The infrastructure plan complies with all applicable goals, objectives and policies of the Comprehensive Plan.
- (b) *Development and design standards.* The infrastructure plan and its general layout and design comply with all applicable standards in Article 6, Development Standards.
- (c) *Subdivision standards.* The infrastructure plan complies with all applicable layout and design and standards in Article 7, Subdivision Standards, including but not limited to block layout, street arrangement and design, and utility improvements.
- (d) *Complies with all other relevant laws, ordinances, regulations and local requirements.* The proposed infrastructure plan complies with all other relevant City laws, ordinances, regulations, and requirements, and with all State and Federal laws and regulations.
- (e) *Improvement guarantee.* Prior to the review and action by the City Commission on an application for an infrastructure plan, the developer shall post a surety instrument in a form as set forth in Section 6.10, Improvement guarantees for private improvements, and Section 7.4, Improvement guarantees for public improvements to cover the estimated cost of all public and private infrastructure improvements, including but not limited to streets, sidewalks, multiuse paths or trails, and other transportation infrastructure, potable and reclaimed water systems, sanitary sewer systems, electric systems, natural gas lines, and stormwater systems. The estimated cost for the installation of all public and private infrastructure improvements shall be provided by a professional engineer licensed to practice in the State of Florida, and shall include all costs associated with the required materials and installation. (f) *Dedication of public right-of-way.* Public right-of-way shall be conveyed to the City by deed. The conveyance of public right-of-way shall be approved by the City Commission upon a finding that:
 - i. All public and private infrastructure improvements have been completed in accordance with the approved infrastructure plan, all City laws, ordinances, and design standards, and are functional; and,
 - ii. A surety instrument for the warranty period has been provided to the City as set forth in Section 2.4.9(D)(2)(g), Warranty period following completion of infrastructure. The surety instrument shall be in a form as set forth in Section 6.10.2, Form of performance guarantees.
- (g) *Warranty period following completion of infrastructure.* Following completion of all required improvements and concurrently with the approval by the City Commission of the conveyance of public right-of-way as set forth in Section 2.4.9(D)(2)(f), Dedication of public right-of-way, a one-year warranty period shall commence. During the warranty period, the developer shall be responsible for all improvements for a period of one year from the approval of the infrastructure plan, other than routine maintenance. Following the warranty period, the developer shall request a final inspection of the improvements by the Public Services Director, who shall have 60 days to complete the final inspection. Upon completion of the final inspection, the Public Services Director shall provide the developer with a final inspection report which identifies any needed repairs. The warranty period shall be extended until the Public Services Director has determined that no further repairs are needed. Upon completion of all needed repairs and the correction of any deficiencies, the developer shall request an inspection of the repairs by the Public Services Director, who shall have 30 days to complete the inspection of the repairs. Upon the determination of the Public Services Director that the improvements have been constructed in accordance with the infrastructure plan and no further repairs are needed to the improvements, as-built drawings of all infrastructure shall be submitted prior to acceptance of full maintenance responsibility.
- (h) *Acceptance of public infrastructure improvements.* Within 60 days of the Public Services Director's determination that the improvements have been constructed in accordance with the infrastructure plan and no repairs are needed to the improvements, the City Commission shall formally accept the public improvements. Following the acceptance of public infrastructure, the City shall return to the developer the

balance of the surety instrument provided for the warranty period. Nothing in these LDRs shall be construed as meaning that the City Commission shall take over for maintenance any road, street, utility, public parking or other public area, or stormwater management facilities related thereto, except those designed and built in accordance with the requirements of this section, other City laws, ordinances, and design standards, that are expressly accepted for maintenance by specific action of the City Commission. (F)

Conditions of approval. In approving a minor site plan, site plan, or infrastructure plan, the LDR Administrator, PZB, and City Commission, as applicable, may impose appropriate conditions on the permit approval in accordance with Section 2.2.14, Conditions of approval. (G) *Expiration.*

- (1) *Generally.* The LDR Administrator, PZB, and City Commission, as applicable, may prescribe a time limit within which development shall begin or be completed, or both. Failure to begin and/or complete such development within the time specified shall void the minor site plan, site plan, or infrastructure plan. A change in ownership of the land does not affect the timeframes related to minor site plan, site plan, or infrastructure plan expiration. Unless specified by the LDR Administrator, PZB, or City Commission, as applicable, a minor site plan, site plan, or infrastructure plan approval shall automatically expire:
 - (a) At the end of 12 months after the date of its approval if a building permit for at least one building in the development proposed in the minor site plan or site plan is not approved; or,
 - (b) If a building permit for any other building associated with the minor site plan or site plan is not obtained within three years after the date of its approval; or,
 - (c) At the end of 12 months after the date of infrastructure plan approval if the construction of infrastructure associated with the infrastructure plan has not commenced.
 - (2) *Extension.* Upon written application submitted by the applicant at least 30 days prior to the expiration of the minor site plan, site plan, or infrastructure plan and upon a showing of good cause, the LDR Administrator, PZB, or City Commission, as applicable, may grant one extension not to exceed 12 months. The approval shall be deemed extended until the LDR Administrator, PZB, or City Commission has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the minor site plan, site plan, or infrastructure plan void.
- (H) *Amendments.* A minor site plan, site plan, or infrastructure plan may be amended or extended only in accordance with the procedures and standards established for its original approval. Minor structural, material, or dimensional modifications, including but not limited to the relocation or substitution of landscaping materials, limited architectural modifications, minor deviations in the size of a structure, or minor deviations of the dimensions of improvements (i.e., parking, drive aisle width, etc.) may be administratively granted by the LDR Administrator or designee. Such modifications shall meet the requirements of these LDRs, in the sole discretion of the LDR Administrator or designee, and shall not affect any condition of the minor site plan, site plan, or infrastructure plan approval. Any proposed modifications to a minor site plan, site plan, or infrastructure plan deemed by the LDR Administrator, in his or her sole discretion, to be inconsistent with the procedures for administrative modification shall be amended in accordance with the procedures and standards established for its original approval.
- (I) *Appeal of decision on application for minor site plan or for site plan consisting of building less than 80,000 square feet in area.*
- (1) *Appeal of LDR Administrator decision on application for minor site plan.* Any person aggrieved or affected by a decision of the LDR Administrator regarding an application for a minor site plan may appeal such decision to the Board of Adjustment in accordance with Section 2.4.20, Appeal of interpretations or decisions by LDR Administrator.
 - (2) *Appeal of PZB decision on application for site plan consisting of building less than 80,000 square feet in area.* Any person aggrieved or affected by a decision of the PZB regarding an application for a site

plan consisting of a building less than 80,000 square feet in area may appeal such decision to the City Commission in accordance with Section 2.4.21, Appeal of Decisions of the Planning and Zoning Board.

(J) *Limitation on frequency of minor site plan approval.* Following the approval of a minor site plan, no additional minor site plans shall be approved for any other development on the subject property for a period of 12 months from the date of the approval of the minor site plan.

Section 2.4.10 of the City's LDRs is amended as follows. The remainder of Section 2.4.10 remains in full force and effect:

2.4.10 *Subdivision.*

(A) *Purpose.* The purpose of this section and Article 7, Subdivision Standards, are to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:

- (1) *Orderly growth and development.* Providing for the orderly growth and development of the City, and discourage haphazard, premature, or scattered development.
- (2) *Coordinating streets and roads with City's planned street system and other public facilities.* Coordinating streets and roads within proposed subdivisions with the City's planned street system, and with other public facilities.
- (3) *Right-of-way for streets and utilities.* Providing adequate right-of-way easements for streets and utilities.
- (4) *Safe and convenient transportation.* Encouraging the proper arrangement of streets in relation to existing or planned streets to provide safe and convenient movement for all modes of transportation.
- (5) *Open space and recreation facilities.* Ensuring there is adequate open space and recreation facilities to serve development.
- (6) *Proper land records.* Ensuring there is proper recordation of landownership records.
- (7) *Prevent flooding.* Preventing periodic and seasonal flooding by providing adequate flood control and drainage facilities while minimizing development in floodprone areas.
- (8) *Protect health, safety, and welfare.* Ensuring the provision of such other matters as the City Commission may deem necessary in order to protect the general health, safety and welfare of the City.

(B) *Applicability.*

- (1) *Generally.* The following development, unless exempted in accordance with Section 2.4.10(B)(3), Exemptions, is required to have land subdivided in accordance with the procedures and standards of this section prior to the transfer of title or sale of any lots, or the issuance of a building permit for development.
 - (a) The division of land into three or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;
 - (b) All divisions of land involving a new street or change in existing streets;
 - (c) Resubdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
 - (d) The combination or consolidation of lots of record.
- (2) *Overview of development permits required.*
 - (a) Every subdivision of land is classified as either:

- (1) A minor subdivision; or
- (2) A major subdivision.

A final plat shall be approved by the City Commission and recorded in the Official Records of Alachua County for a subdivision prior to the transfer of title or sale of any lots for the land subject to subdivision.

- (b) For nonresidential subdivisions, an application for a site plan (Section 2.4.9 of this section) approval may run concurrently with an application for construction plans or an application for a final plat. A nonresidential subdivision is not required to show the division of any land into lots or parcels, but shall show all streets and other required public and private infrastructure improvements.
- (3) *Exemptions.* The following development shall be exempt from the requirements of this section:
 - (a) *Lot split.* A lot split, consisting of a division of a lot of record into no more than two lots, as long as the lot area complies with the dimensional standards of these LDRs. This exemption does not apply to lots within an existing platted subdivision.
 - (b) *Land for widening or opening streets.* The public acquisition by purchase of strips of land for the widening or opening of new streets.
 - (c) *Partition of land by court.* The partition of land by court decree.
 - (d) *Transfer by sale or gift.* The transfer of property without subdivision by sale, gift, succession, or for the purposes of dissolving tenancy in common among tenants.
 - (e) *Nonresidential and/or multifamily development.* A development consisting of multifamily uses, nonresidential uses, or mixed-use which requires site plan review pursuant to Section 2.4.9 of these LDRs. Such development shall not conflict with the requirements of Chapter 177, Part I, Florida Statutes, and shall not constitute a division, resubdivision, or combination/consolidation as defined in Section 2.4.10(B)(1)(a) – (d). Site plans for such development shall indicate the location and specifications of all utility infrastructure, including but not limited to water, wastewater, and electrical facilities, serving the development. This exemption shall not preclude a developer from subdividing a nonresidential, mixed-use, or multifamily development pursuant to this Section 2.4.10.
 - (f) *Development of public or private infrastructure only.* Development which is comprised of public or private infrastructure, including but not limited to streets, sidewalks, multiuse trails or paths, and other transportation infrastructure, potable and reclaimed water systems, sanitary sewer systems, electric systems, natural gas lines, and stormwater systems, as set forth in Section 2.4.9(B)(4). Such development shall not propose the creation of any lots, shall not conflict with the requirements of Chapter 177, Part 1, Florida Statutes, and shall not constitute a division, resubdivision, or combination/consolidation as defined in Section 2.4.10(B)(1)(a) – (d).
 - (g) *Existing nonresidential and/or multifamily development.* Existing nonresidential, mixed-use, or multifamily development when the development:
 - (1) Has received approval of a site plan or infrastructure plan pursuant to Section 2.4.9 of these LDRs;
 - (2) All public and private utility infrastructure approved by the site plan or infrastructure plan has been constructed; and,
 - (3) All public utility infrastructure has been approved and accepted by the applicable entity.
 - (h) *Roadway improvement projects identified in Long Range Transportation Plan.* Roadway improvement projects involving the creation, relocation, or extension of a street or modifications to streets that are identified in the adopted City of Alachua Long Range Transportation Plan,

provided however that when the roadway improvement will be performed by an entity other than the City of Alachua, Alachua County, or State of Florida, a surety device in accordance with Section 7.4, Improvement guarantees for public improvements, or Section 6.10, Improvement guarantees for private improvements, as applicable, shall be posted with the City.

- (i) *Residential development in the CP zoning district.* A residential development in the Corporate Park (CP) zoning district may be reviewed pursuant to Section 2.4.9, Minor site plans, site plans, and infrastructure plans, of these LDRs. When a residential development in the CP zoning district is reviewed pursuant to Section 2.4.9, such development shall meet all of the following criteria. This exemption shall not preclude a developer from subdividing residential development in the CP zoning district pursuant to this Section 2.4.10.:
 - (1) The development shall remain in common ownership;
 - (2) Such development shall comply with F.S. Ch. 177, pt. I, and shall not constitute a division, resubdivision, or combination/consolidation as defined in Section 2.4.10(B)(1)(a) through (d); and
 - (3) Site plans for such development shall indicate the location and specifications of all utility infrastructure, including but not limited to water, wastewater, and electrical facilities, serving the development.
- (C) *Subdivision name.* Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within the County so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or the subdivider's successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The City Commission shall have final authority to approve the names of subdivisions.
- (D) *Vacation or annulment.*
 - (1) *Generally.* The vacation and annulment of plats shall be in accordance with the requirements of Chapter 177, Part 1, Florida Statutes. If a replat has been filed, a plat vacation under this section is not required.
 - (2) *Required findings.* Vacation of a subdivision shall be based on a finding by the City Commission that the proposed vacation and reversion to acreage of subdivided land is consistent with the Comprehensive Plan and furthers the interest of the public.
 - (3) *Retention of access.* No owner of land in a subdivision shall be deprived by the vacation of reasonable access to existing development in the subdivision. Plat vacation shall not result in the landlocking of any developed properties.
- (E) *Preparation of plats.* All final plats shall be prepared by a surveyor registered in the State of Florida and preliminary plats and construction plans and specifications for required improvements shall be prepared by an engineer registered in the State of Florida. The subdivider shall present documentation to the LDR Administrator certifying that the subdivider has employed a registered surveyor and a registered engineer in the preparation of these documents.
- (F) *Minor subdivision.*
 - (1) *Generally.* Excluding subdivisions exempted by Section 2.4.10(B)(3), Exemptions, minor subdivisions constitute:
 - (a) The subdivision of land into six or fewer lots, provided that:
 - (i) No new streets, alleys, or other public ways are created;
 - (ii) No changes are made to the existing rights-of-way of any streets, alleys or other public ways;

- (iii) No new utilities are required to serve the subdivided land;
 - (iv) The division of land complies with the standards of Article 7, Subdivision Standards;
 - (v) No flag lot is created; and
 - (vi) The lots have direct access onto an improved street that has been accepted for maintenance by the appropriate jurisdiction or is maintained by a Property Owners Association.
- (b) Revisions of single lots within an existing platted subdivision.
- (c) The subdivision of land into 50 or fewer single-family detached or attached lots where a minimum of 25 percent of the lots are restricted for affordable housing for low-income residents.
- (2) *Procedure.* Minor subdivisions shall be exempted from the requirements for a preliminary plat (Section 2.4.10(G)(3)), and construction plans (Section 2.4.10(G)(4)) but shall be required to obtain final plat approval in accordance with the procedure below:
 - (a) *Preapplication conference, application submission, review, public notification, and scheduling hearing.* The procedures and requirements for submission and review of an application are established in Section 2.2, Common development review procedures.
 - (b) *Review and recommendation by PZB.* After preparation of a staff report, public notification, and the scheduling of the public hearing, the application shall be referred to the PZB by the LDR Administrator. The PZB shall conduct a public hearing on the application in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, the testimony given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve, approve with conditions, or deny the application based on the standards in Section 2.4.10(F)(3), Minor subdivision standards. The PZB shall then forward the report to the City Commission.
 - (c) *Review and action by City Commission.* After receipt of the report from the PZB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application during a public hearing conducted in accordance with Section 2.3.1, Quasi-judicial public hearings. At the hearing, the City Commission shall review the application, the relevant support materials, the staff report, the report of the PZB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall either approve the application for a minor subdivision, modify or approve the application with conditions, or deny the application, based on the standards of Section 2.4.10(F)(3), Minor subdivision standards.
- (3) *Minor subdivision standards.* A minor subdivision shall be approved on a finding that the application complies with the standards in Article 7, Subdivision Standards, all other relevant provisions of these LDRs, and all other relevant City ordinances and regulations.
- (4) *Recordation.*
 - (a) The subdivider shall file an approved minor subdivision with the Alachua County Clerk of Court for recording within 45 days after the date of approval and prior to the recording of any individual deeds for the subdivided lots, or the minor subdivision approval shall be null and void.
 - (b) If the subdivider places restrictions on land in the subdivision greater than those required by these LDRs, such restriction shall be indicated in the documents recorded with the minor subdivision recorded with the Alachua County Clerk of Court.
- (5) *Amendments.* A minor subdivision may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.
- (G) *Major subdivision.*

- (1) *Applicability.* The standards and procedures of this subsection shall apply to all subdivision of land not exempted in accordance with Section 2.4.10(B)(3), Exemptions, or considered a minor subdivision in accordance with Section 2.4.10(F), Minor subdivision. It requires approval of a preliminary plat, construction plan and final plat.
- (2) *Process.* A major subdivision shall be reviewed in three consecutive steps. The first step is review and approval of the preliminary plat (Section 2.4.10 (G)(2)). The second step is review and approval of the Construction Plans (Section 2.4.10(G)(4)). The third step is preparation of of the subdivider's agreement and review and approval of the final plat (Sections 2.4.10(G)(4) and (5)). A final plat may be submitted and reviewed concurrently with the submittal and review of construction plans, but shall not be considered by the City Commission before the approval of construction plans.
- (3) *Preliminary plat.*
 - (a) *Generally.* A preliminary plat establishes the general layout and design for the subdivision. Upon the approval of a preliminary plat, detailed plans for street construction, utility line installations, and similar approvals shall be prepared and approved for construction plans. Building permits may not be issued before approval of a final plat.
 - (b) *Preapplication conference, application submission, review, public notification, and scheduling hearing.* The procedures and requirements for submission and review of an application are established in Section 2.2, Common development review procedures.
 - (c) *Review and recommendation by PZB.* After preparation of a staff report, public notification, and the scheduling of the public hearing, the application shall be referred to the PZB by the LDR Administrator. The PZB shall conduct a public hearing on the application in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, the testimony given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve, approve with conditions, or deny the application based on the standards in Section 2.4.10(G)(3)(e), Preliminary plat standards. The PZB shall then forward the report to City Commission.
 - (d) *Review and action by City Commission.* After receipt of the report from the PZB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application during a public hearing conducted in accordance with Section 2.3.1, Quasi-judicial public hearings. At the hearing, the City Commission shall review the application, the relevant support materials, the staff report, the report of the PZB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall either approve the application for a preliminary plat, modify or approve the application with conditions, or deny the application, based on the standards of Section 2.4.10(G)(3)(e), Preliminary plat standards.
 - (e) *Preliminary plat standards.* A preliminary plat shall be approved upon a finding the application complies with the standards in Article 7, Subdivision Standards, all other relevant provisions of these LDRs, and all other relevant City ordinances and regulations.
 - (f) *Conditions.* In approving a preliminary plat, the City Commission may impose appropriate conditions on the permit approval in accordance with Section 2.2.14, Conditions of approval.
 - (g) *Effect of approval.* Approval of a preliminary plat shall constitute approval of the development with the general lot shapes and alignments of streets identified on the preliminary plat. Approval of a preliminary plat allows the subdivider to submit construction plans for review (Section 2.4.10(G)(4)). Approval of a preliminary plat does not constitute approval of a final plat. The preliminary plat shall run with the land.
 - (h) *Expiration.*
 - (i) The approval of a preliminary plat shall be valid until the latter of :

- (a) 36 months following approval of the preliminary plat by the City Commission;
 - (b) 6 months following the approval of construction plans for all or a portion of the preliminary plat; or,
 - (c) 12 months following approval of a final plat that includes at least 20% of the number of lots approved by the preliminary plat.
- (ii) Notwithstanding the provisions of Section 2.4.10(G)(2)(i), a preliminary plat shall in no case be valid for a period of more than 6 years from the original date of approval by the City Commission.
- (i) *Extension.* Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the City Commission may grant one extension not to exceed 12 months. The approval shall be deemed extended until the City Commission has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the preliminary plat void.
- (j) *Amendment.* A preliminary plat may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval other than those minor amendments listed below, which may be approved by the Land Development Regulations Administrator. Such amendments must meet all other requirements of the City's Land Development Regulations and Comprehensive Plan. Minor amendments to the preliminary plat include:
 - (i) Reduction of total number of lots by not more than 3% of original approved amount;
 - (ii) Increase in total number of lots by not more than 2% of the original approved amount;
 - (ii) Modification to lot dimensions and sizes for no more than 10% of the total number of approved lots; and,
 - (iii) Shifts of right-of-way, streets, stormwater basins or other infrastructure not more than 25' from original approved locations.
- (4) *Construction plans.*
 - (a) *Generally.* Construction plans shall be submitted in accordance with this section. Construction plans are engineered drawings depicting the precise design, location, and profile of all public facilities proposed for development of the subdivision, including, but not limited to, streets, street markings, street signs, sidewalks, public pedestrian pathways or trails, potable water lines, sanitary sewer lines, public utility meter locations, storm drains, fire suppression systems, and locations of conduit crossings for private utilities. Construction plans shall be submitted sixty days prior to expiration of the preliminary plat.
 - (b) *Initial submission of application and staff review.* The procedures and requirements for submission and review of an application for construction plans are established in Section 2.2, Common development review procedures.
 - (c) *Review and action by LDR Administrator.* The LDR Administrator shall review and take action on the construction plans in accordance with Section 2.2.13, Review by LDR Administrator.
 - (d) *Construction plan standards.* Construction Plans shall be in substantial conformance with the approved valid preliminary plat (Section 2.4.10(G)(3)), the standards in Article 7, Subdivision Standards, and City construction standards.
 - (e) *Effect of approval.* Approval of construction plans allows a subdivider to proceed with submittal of the final plat. If a final plat has been submitted and reviewed concurrently with the construction plans as provided for in Section 2.4.10(G)(2), Process, approval of the construction plans allows the final plat to proceed to consideration by the City Commission.

- (f) *Amendment.* Construction plans may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.
- (g) *Appeal to Board of Adjustment.* A decision on construction plans may be appealed to the Board of Adjustment in accordance with the procedures of Section 2.4.20, Appeal of interpretation or decision by LDR Administrator. (5) *Subdivider's agreement.*
 - (a) Concurrent with the approval of a final plat, the City shall enter into an agreement with the subdivider. This subdivider agreement shall include, but not be limited to, provisions for installing the required construction and public and private infrastructure improvements to completion; the developing of the subdivision in phases, if applicable; and proportionate share costs of potable water facilities, wastewater facilities, transportation facilities, and stormwater management facilities which may be required to be installed at a larger size or capacity to serve the subdivision as well as a larger geographic area or population.
 - (b) The subdivider agreement shall include, but is not limited to, the following:
 - (i) The public and private infrastructure improvements to be done and the time specified for the installation of public and private infrastructure improvements, by the subdivider.
 - (ii) The variances, if any, approved by the City Commission to the subdivision regulations contained in Article 7.
 - (iii) The participation in the installation of infrastructure beyond the capacities needed by the subdivision, if any, by the City Commission and the time for completion of such work.
 - (iv) The agreement of the subdivider to post a surety device in accordance with Section 7.4, Improvement guarantees for public improvements.
 - (v) The agreement of the subdivider to post a surety device in accordance with Section 6.10, Improvement guarantees for private improvements.
 - (vi) The agreement of the subdivider to maintain and repair all improvements which these LDRs require the subdivider to install in the subdivision for a period of one year after the completion of the same, in accordance with Section 6.10.4, Maintenance guarantees, and Section 7.8, Maintenance.
 - (vii) Anything else the City deems necessary to ensure compliance with the Comprehensive Plan, LDRs and other applicable rules and regulations.
- (6) *Final plat.*
 - (a) *Generally.* Concurrent with the preparation of a subdivider agreement and the posting of a surety device for the private improvements in accordance with Section 6.10, Improvement guarantees for private improvements, and the posting of a surety device for the public improvements in accordance with Section 7.4, Improvement guarantees for public improvements, the subdivider shall submit a final plat for review in accordance with this section.
 - (b) *Initial submission of application and staff review.* The procedures and requirements for submission and review of an application for final plat for subdivision are established in Sections 2.2, Common development review procedures.
 - (c) *Action by City Commission.* After public notification and the scheduling of the public hearing, the City Commission shall consider the application and approve or disapprove the application based on the standards of Section 2.4.10(G)(6)(d), Final plat standards.
 - (d) *Final plat standards.* The final plat for subdivision shall:
 - (i) Comply with the standards contained in Article 7, Subdivision Standards;
 - (ii) Be in substantial conformance with the valid preliminary plat, and the construction plans;

- (iii) Be consistent with all other relevant provisions of these LDRs;
- (iv) Be consistent with all other relevant City ordinances, regulations, and requirements;
- (v) Address the provision of required public and private improvements in the following ways:
 - a. Preparation of a subdivider agreement in accordance with Section 2.4.10(G)(5), Subdivider agreement;
 - b. Provided to the City a surety device in accordance with Section 6.10, Improvement guarantees for private improvements and provided to the City a surety device in accordance with Section 7.4, Improvement guarantees for public improvements;
- (vi) Include the following certificates, which shall be signed by the subdivider and the LDR Administrator:
 - a. Certificate of subdivider's surveyor;
 - b. Certificate of City's review surveyor;
 - c. Certificate of approval by County Health Department, if applicable;
 - d. Certificate of approval by the Attorney for the City;
 - e. Certificate of approval by the City Commission; and
 - f. Certificate of filing with the Alachua County Clerk of Court.
- (e) *Recordation.* The subdivider shall file the approved final plat for subdivision with the Alachua County Clerk of Courts for recording within 180 days after the date of approval of the final plat or the final plat shall be null and void.
- (f) *Completion of required public and private improvements prior to issuance of certificate of occupancy.* Public and private improvements shall be completed in accordance with the terms and conditions of the subdivider agreement, inspected, and approved in accordance with Section 2.4.10(G)(7), Inspection of public and private improvements, prior to the issuance of the first certificate of occupancy for development within the subdivision.
- (g) *Effect of final plat.* The approval of a final plat shall not be deemed to constitute or affect the acceptance by the City of the dedication of any street, public utility line, or other public facility within or serving the subdivision. Upon satisfactory completion of the one-year warranty period (Section 2.4.10(G)(8)), streets, utility lines, and other public improvements shall be accepted by the City. However, the City may by resolution accept any dedication of lands or facilities for streets, parks, or public utility lines. The City has no obligation to improve any street even after acceptance of dedication.
- (7) *Inspection of public and private improvements.*
 - (a) Following the execution of a subdivider agreement (Section 2.4.10(G)(5)), the subdivider may construct and install all required public and private improvements in accordance with the construction plans and the terms and conditions of the subdivider agreement. Following construction, the subdivider shall submit a request for inspection of public and private improvements to the Public Services Director.
 - (b) The Public Services Director shall have 60 days after the request for inspection to cause the inspections to be performed and receive certification that the public and private improvements are constructed in accordance with the requirements of these LDRs or to provide the subdivider with a list specifying all defects, deficiencies, and required repairs.
 - (c) The subdivision's engineer of record shall submit a certified cost of construction for public and private improvements subject to inspection. This certified cost of construction shall be the basis for the amount of the surety device for the warranty period.

(8) *Warranty period following passing inspection.*

- (a) Following approval of required public and private improvements in accordance with this section, a one-year warranty period begins. The subdivider shall be responsible for making all repairs so long as notice is sent or delivered to the subdivider within the one year warranty period. Following the warranty period, the subdivider shall request a final inspection of the improvements by the Public Services Director, who shall have 60 days to complete the final inspection. Upon completion of the final inspection, the Public Services Director shall provide the subdivider with a final inspection report which identifies any needed repairs. The warranty period shall be extended until the Public Services Director has determined no further repairs are needed. Upon completion of all needed repairs and the correction of any deficiencies, the subdivider shall request an inspection of the repairs by the Public Services Director, who shall have 30 days to complete the inspection of the repairs. Upon the determination of the Public Services Director that the improvements have been constructed in accordance with the construction plans and no further repairs are needed to the improvements, as-built drawings of all infrastructure shall be submitted prior to acceptance of full maintenance responsibility.
- (b) Within 60 days of the Public Services Director's determination that the improvements have been constructed in accordance with the infrastructure plan and no repairs are needed to the improvements, the City Commission shall formally accept the public infrastructure. Following the acceptance of the public infrastructure, the City shall return any the balance of the surety instrument provided for the warranty period.
- (c) Nothing in these LDRs shall be construed as meaning that the City Commission shall take over for maintenance any road, street, utility, public parking or other public area, or stormwater management facilities related thereto, except those designed and built in accordance with the requirements of this section, other City laws, ordinances, and design standards, that are expressly accepted for maintenance by specific action of the City Commission.

Section 2.4.14(D) of the City's LDRs is amended as follows. The remainder of Section 2.4.14 remains in full force and effect:

2.4.14 *Certificate of concurrency compliance.*

- (D) *Overview of certificates.* Certificates of level of service standard shall be issued by the LDR Administrator concurrent with the issuance of a preliminary development order, and certificates of concurrency compliance shall be issued by the LDR Administrator concurrent with decisions for final development orders. Preliminary and final development orders shall include the following:
 - (2) *Final development orders.*
 - (a) Site plans (subsection 2.4.9 of this section);
 - (b) Minor site plans (subsection 2.4.9(J) of this section);
 - (c) Minor subdivisions (subsection 2.4.10(F) of this section);
 - (d) Final plats (subsection 2.4.10(G) of this section); and
 - (e) Final PD plans (subsection 2.4.3(E) of this section).

Section 2.4.16(C) of the City's LDRs is amended as follows. The remainder of Section 2.4.16 remains in full force and effect:

2.4.16 *Special permits.*

(C) *Procedure.*

- (1) *Preapplication conference mandatory.* Special permits for land and/or water filling, dredging, and/or excavation are required to have a preapplication conference prior to submission of an application in accordance with Section 2.2.3, Preapplication conference.
- (2) *Initial submission of application and staff review.* The procedures and requirements for submission and review of an application are established in Section 2.2, Common development review procedures. In addition, applications for special permits shall be accompanied by a site plan that depicts the location and extent of activities being proposed in accordance with Section 2.4.9, Minor site plans, site plans, and infrastructure plans.

Section 2.4.20(A) of the City's LDRs is amended as follows. The remainder of Section 2.4.20 remains in full force and effect:

2.4.20 *Appeal of interpretation or decision by LDR Administrator.*

- (A) *Right of appeal.* Any person aggrieved or affected by a decision or interpretation of the LDR Administrator (except those related to construction plans (Subsection 2.4.10(G)(4) of this section) may appeal such decision or interpretation to the BOA.

Section 4.3.1(A) of the City's LDRs is amended as follows. The remainder of Section 4.3.1 remains in full force and effect:

4.3.1 *Residential Uses*

(A) *Household Living*

- (3) *Multiple-family dwellings, single-family attached dwellings, townhomes, and two- to four-family dwellings.* Multiple-family dwellings, single-family attached dwellings, townhomes, and two- to four-family dwellings shall comply with the following standards:
 - (a) *Permitted in the CI district as affordable housing.* Single-family attached, townhouse, two- to four-family, or multiple-family dwelling units may be permitted within the CI zone district provided that 50 percent or more of the dwelling units are deed-restricted affordable housing for low-income residents.
 - (b) *Orientation of buildings to street and open space.* To the maximum extent practicable, be oriented to the street or frame open space.
 - (c) *Building adjacent to single-family detached development.*
 - (i) Not allow the height of buildings located within 100 feet of land in a single-family residential district (RSF-1, RSF-3, RSF-4, and RSF-6) exceed two stories.
 - (ii) Not allow the height of buildings located within 100 feet of an existing single-family attached development to exceed two stories.
 - (d) *Design features on side facades adjacent to single-family districts or single-family detached development.* When located adjacent to single-family detached development or vacant land in a single-family residential district (RSF-1, RSF-3, RSF-4, and RSF-6), incorporate a minimum of two design features (e.g., bay windows with a minimum 12-inch projection, eaves with a minimum six-inch projection, or multiple windows with minimum four-inch trim) on adjacent side facades.
 - (e) *Off-street parking for multifamily uses, including townhouses.*
 - (i) Provide a minimum of 50 percent of off-street parking on the side or rear of the building.

- (ii) Where off-street parking areas are located adjacent to a public right-of-way, screen them with a completely opaque vegetative screen, fence or wall, a minimum of three feet in height.
- (f) *Garages with multifamily buildings.* Design garages with multifamily development, including townhouses, as side or rear entry, located on the side or rear of the building, except no side entry garage door shall face an adjacent single-family detached development, or vacant land in a single-family district (RSF-1, RSF-3, RSF-4, and RSF-6).
- (g) *Garages with single-family attached, and two- to four-family dwellings.* In single-family attached, townhouses and two- to four-family development:
 - (i) Limit individual garage doors facing a street to no more than ten feet in width per door, with a maximum of two doors facing the street per dwelling, with a minimum separation of two feet between the doors.
 - (ii) Design detached garages so as to be located at least four feet behind the front facade of the principal structure. (For the purposes of measurement, the front facade will be the front facade plane that is furthest from the front lot line.)
 - (iii) Design attached garages to not extend beyond the front façade line of any living area. For purposes of this Section, the front façade line of any living area means the closest façade located between the front property line and air conditioned space intended for non-automotive uses
 - a
- (h) *Landscaped buffer adjacent to single-family detached development.* Provide a landscaped buffer adjacent to existing single-family detached development a minimum of 15 feet in width along the yard which the single-family detached development abuts.

Section 4.3.2(I) of the City's LDRs is amended as follows. The remainder of Section 4.3.2 remains in full force and effect:

4.3.2(I) *Utilities.*

- (1) *Wireless communication tower and/or antenna, freestanding; wireless communication antenna, collocation on existing tower; wireless communication antenna, placement on existing business use or multifamily building.*
- (e) Standards for new freestanding wireless communication towers and antenna in A, CC, CBD, ILW, IG, and GF Districts. A new freestanding wireless communication tower and/or antenna is a permitted use in the A, CC, CBD, ILW, IG, and GF Districts. It shall be reviewed and approved as a site plan pursuant to Section 2.4.9, Minor site plans, site plans, and infrastructure plans, and shall comply with the following standards:
 - (i) *Tower can accommodate proposed users.* Be able to structurally accommodate the proposed number of users.
 - (ii) *Comply with specific general standards for new towers and antenna.* Be able to comply with section 4.3.2(I)(d), Standards for new freestanding wireless communication towers and antenna in CSV, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMHP, RMF-8, RMF-15, RO, CN, CBD, GF, and Planned Development Districts.
 - (iii) *Height.* Not exceed the following heights:
 - a. Seventy feet in height, for a single user.
 - b. Eighty-five feet in height; for two users.

- c. One hundred feet in height for three or more users, plus ten over existing height-maximum tower heights will be 110 feet.
- (iv) *Installation of cable microcell network.* Install a cable microcell network through the use of multiple low powered transmitters/ receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- (g) *Standards for placement of antennas on existing structures.* An antenna may be attached to any business use or multifamily building with eight or more dwelling units as a permitted use if it is approved as a site plan pursuant to Section 2.4.9, Minor site plans, site plans, and infrastructure plans, and complies with the following standards:
 - (i) *Height.* It does not extend more than 30 feet above the highest point of the building or structure.
 - (ii) *Comply with specific general standards for new towers and antenna.* It complies with the following general standards for new towers and antenna: Subsections 4.3.2(I)(1)(d)(i)–(v) and (ix)–(xii) of this section.
 - (iii) *Comply with FCC and FAA regulations.* It complies with all applicable FCC and FAA regulations.
 - (iv) *Comply with building codes.* It complies with all applicable building codes.

Section 4.4.2(C) of the City's LDRs is amended as follows. The remainder of Section 4.4.2 remains in full force and effect:

4.4.2 *General standards and limitations.*

- (C) *Approval of accessory uses and structures.* An accessory use or structure may be approved in conjunction with approval of the principal use or structure. Accessory structures proposed to be added to existing development and accessory uses proposed to be added to existing development which affect the layout or configuration of the site shall be approved in accordance with Section 2.4.9, Minor site plans, site plans, and infrastructure plans. Accessory uses proposed to be added to existing development which do not affect the layout or configuration of the site shall be reviewed and approved in accordance with Section 2.4.15, Certificate of LDR Compliance.

Section 6.1.2(B) of the City's LDRs is amended as follows. The remainder of Section 6.1.2 remains in full force and effect:

6.1.2 *Applicability.*

- (B) *Time of compliance; plan required.* A plan shall be submitted with an application for a site and development plan (Section 2.4.9, Minor site plans, site plans, and infrastructure plans), subdivision (Section 2.4.10, Subdivision), planned development (Section 2.4.3, Planned development), or building permit, whichever occurs first, for any development or change in use that is required to provide off-street parking in accordance with this section. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.

Section 6.3.1 of the City's LDRs is amended as follows. The remainder of Section 6.3.1 remains in full force and effect:

6.3.1 *Applicability.*

(A) The provisions of this section shall apply as set forth herein.

- (1) *Generally.* The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences, retaining walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this section and any screening requirement under Section 6.2.3, the latter shall govern.
- (2) *Time of compliance.* A plan shall be submitted with an application for a site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3), or building permit, whichever occurs first, for any development that is required to comply with the standards of this section, demonstrating how the development processes to comply.

Section 6.4.2(B) of the City's LDRs is amended as follow. The remainder of Section 6.4.2 remains in full force and effect:

6.4. *Exterior lighting standards.*

6.4.2 *Applicability.*

- (A) *Generally.* The provisions of this section shall apply to development of any multifamily dwellings, townhome dwellings, two- to four-family dwellings, public and institutional uses, business uses, or recreational features associated with a single-family use.
- (B) *Time of compliance.* A photometric plan shall be submitted with an application for a site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3), or building permit, whichever occurs first, for any development that is required to comply with the standards of this section, demonstrating how the development proposes to comply.

Section 6.6.2(A) of the City's LDRs is amended as follows. The remainder of Section 6.6.2 remains in full force and effect:

6.6.2 *Contextual design standards.*

(A) *Applicability.*

- (1) *Generally.* These standards shall be applicable to all proposed single-family and two-family residential development areas in the RSF-3, RSF-4, RSF-6, and RMH-5 districts where at least 75 percent of the lots on the block have already been developed with residential structures, and to properties containing nonresidential uses that are located adjacent to such single-family and two-family residential units or areas.
- (2) *Time of compliance.* A plan shall be submitted with an application for a site plan (Section 2.4.9), or building permit, whichever occurs first, for any development that is required to comply with the standards of this section, demonstrating how the development proposes to comply.

Section 6.7.2(B) of the City's LDRs is amended as follows. The remainder of Section 6.7.2 remains in full force and effect:

6.7.2 *Applicability.*

- (B) *Time of compliance.* A plan shall be submitted with an application for a site plan (Section 2.4.9), subdivision (Section 2.4.10), planned development (Section 2.4.3), or building permit, whichever occurs first, for any

development that is required to set aside open space in accordance with the standards of this section, demonstrating how the development project proposes to comply.

Section 6.8 of the City's LDRs is amended as follows. The remainder of Section 6.8 remains in full force and effect:

6.8 *Design standards for business uses.*

6.8.1 *Applicability.*

- (A) *Use type.* Unless exempted pursuant to Subsection 6.8.1(B), the standards in Subsection 6.8.2 shall apply to all business use types, except for single tenant retail sales and services uses greater than or equal to 20,000 square feet, which shall be subject to the standards of Subsection 6.8.3.
- (B) *Exemptions.* Use types within the industrial services, manufacturing and production, warehouse and freight movement, waste-related services, and wholesale sales use categories are exempt from the requirements of this Subsection 6.8.2(A), except when all or a portion of a building utilized for such use is within 500 feet of the right-of-way of US Highway 441.
- (C) *Additions; expansions; renovations.*
 - (1) If any expansion or alteration exceeds 50 percent of the structure's assessed value in any continuous five-year period, the standards as set forth in Subsection 6.8.2 shall apply to all business use types, unless exempt pursuant to Subsection 6.8.1(B).
 - (2) If any expansion or alteration exceeds 50 percent of the structure's assessed value in any continuous five-year period, the standards as set forth in Subsection 6.8.3 shall apply to any single tenant retail sales and services use that is greater than or equal to 20,000 square feet.
- (D) *Time of review.* Review of proposed development to ensure compliance with the standards of this section shall occur at time of site plan (Section 2.4.9), special exception (Section 2.4.4), planned development master plan (Section 2.4.3(D)), or site-specific amendments to Official Zoning Atlas (Section 2.4.2), as appropriate.

6.8.2 *Design standards for business uses.*

(A) *Façade and material design.*

- (1) *Generally.* All façades facing a street, lands containing existing residential uses, or vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8, or RMF-15, shall be subject to the standards set forth in Subsection 6.8.2(A)(2).
- (2) *Standards.*
 - (a) *Glazing.*
 - (i) Glazing of the front facade in the following amounts:
 - a. Twenty percent of the ground floor façade area when it faces a street or a publicly-accessible parking area which is a part of the development and consists of 15 percent or more of the development's minimum off-street parking requirement pursuant to Section 6.1.4(B);
 - b. Fifteen percent of the ground floor façade area when it faces any vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15, or lands containing existing residential uses.
 - (ii) For the purposes of this section, the ground floor façade area of single-story buildings shall be calculated by measuring the applicable building wall between the finished grade and the underside of the roof of the facade. When a building wall includes a parapet, the ground floor façade area shall be calculated by measuring to the top of the parapet. For buildings with more than one story, the ground floor façade area shall be calculated by measuring the

applicable building wall between the finished grade and the underside of the floor above the ground level floor.

- (iii) Windows shall not use reflective or heavily tinted glass that obstructs views into the building.
- (iv) Spandrel glass may be used only when an architectural floorplan demonstrates that windows cannot be provided due to a limitation presented by the interior layout or functional purpose of such interior space.

(b) *Façade massing.*

- (i) *Offset required.* Front facades and street-facing facades shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 30 feet. Each required offset shall have a minimum width of ten feet.
- (ii) *Offset alternatives.* The following alternatives can be used in place of the required front façade offsets:
 - a. Façade color changes following the same dimensional standards as the offset requirements;
 - b. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
 - c. Roofline changes when coupled with correspondingly aligned façade material changes.

(c) *Material design.*

- (i) A minimum of 25 percent of the materials utilized for each side facade and the rear façade shall be the same as the materials utilized for the front or street-facing façade(s).

(d) *Prohibited materials.* The following materials shall be prohibited:

- (i) Metal siding in more than 50 percent of any façade when visible from a street, lands classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15, or lands containing existing residential uses;
- (ii) Exposed smooth finished concrete block when visible from a street, lands classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15, or lands containing existing residential uses; and,
- (iii) Exposed split face concrete block in more than 60 percent of any façade.

- (3) *Screening of mechanical equipment.* Mechanical equipment shall be fully concealed from visibility from a street, lands classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15, or lands containing existing residential uses.

(B) *Connections to sidewalk system.*

- (1) When a sidewalk system exists within a right-of-way which is contiguous to the development, a minimum of one pedestrian connection to the sidewalk system shall be provided. On-site pedestrian circulation patterns shall be configured to provide safe and convenient access from the off-site sidewalk system to the main entrance(s) of the building(s). Sidewalks shall be constructed in accordance with Subsection 7.3.2(B), Configuration.

(C) *Interconnectivity with adjacent business uses.*

- (1) All uses subject to this section shall provide interconnection with adjacent existing compatible developments through one or more of the following methods:
 - (a) Through extension of a public or private street from the new development to the adjacent existing development or adjacent lands; and/or,

- (b) Through joint use of driveways and cross access agreements among adjoining properties to allow circulation between sites. Cross access between new development and existing development shall be configured to provide safe and convenient interconnectivity between the new development and all other existing development located along the cross-access corridor.

6.8.3 Design standards for single tenant retail sales and service uses greater than or equal to 20,000 square feet.

(A) *Facade and material design.*

- (1) *Generally.* All facades facing a street, lands containing existing residential uses, or vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8, or RMF-15, shall be subject to the standards set forth in Subsection 6.8.3(A)(2).

- (2) *Standards.*

- (a) *Glazing.*

- (i) Glazing of the front façade in the following amounts:

- a. Thirty percent of the ground floor facade area when it faces a street or a publicly-accessible parking area which is a part of the development and consists of 15 percent or more of the development's minimum off-street parking requirement pursuant to Section 6.1.4(B);
 - b. Twenty percent of the ground floor facade area when it faces any vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15, or lands containing existing residential uses.

- (ii) For the purposes of this section, the ground floor facade area of single-story buildings shall be calculated by measuring the applicable building wall between the finished grade and the underside of the roof of the facade. When a building wall includes a parapet, the ground floor facade area shall be calculated by measuring to the top of the parapet. For buildings with more than one story, the ground floor facade area shall be calculated by measuring the applicable building wall between the finished grade and the underside of the floor above the ground level floor.

- (iii) Windows shall not use reflective or heavily tinted glass that obstructs views into the building.

- (iv) Spandrel glass may be used only when an architectural floorplan demonstrates that windows cannot be provided due to a limitation presented by the interior layout or functional purpose of such interior space.

- (v) *Glazing alternatives.* The amount of glazing required pursuant to Subsection 6.8.3(A)(2)(a)(i)a. may be reduced to a minimum of 20 percent when the façade incorporates all of the following architectural elements:

- a. The use of natural brick, a natural brick product, natural stone, or a natural stone product in at least 20 percent of the façade, and;
 - b. Window shutters/plantation-style shutters or a canopy/portico in accordance with the following:
 - i. Window shutters or plantation-style shutters which span a minimum of 10 percent of the length of the façade, or;
 - ii. A canopy or portico which provides a covered pedestrian walkway adjacent to the façade which spans a minimum of 50 percent of the length of the facade, and;
 - c. Customer entrances which include no less than six of the design features provided in Subsection 6.8.3(C)(2)(d).
 - d. The amount of glazing required pursuant to this subsection may be further reduced by up to 5 percent when the façade incorporates a corresponding increase in the percentage

of natural brick, natural brick product, natural stone, or natural stone product in addition to the minimum amount required pursuant to Subsection 6.8.3(A)(2)(a)(v)a.

(b) *Facade massing.*

- (i) *Offset required.* Front facades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.
- (ii) *Offset alternatives.* The following alternatives can be used in place of the required front facade offsets:
 - a. Facade color changes following the same dimensional standards as the offset requirements;
 - b. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the facade's height; and/or
 - c. Roofline changes when coupled with correspondingly aligned facade material changes.

(c) *Roof line changes.*

- (i) Roof line changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
 - (ii) When roofline changes are included on a facade that incorporates wall offsets or material or color changes, roofline changes shall be vertically aligned with the corresponding wall offset or material or color changes.
- (d) *Colors.* Facade colors shall be low reflectance, subtle, neutral, and/or earth tone colors, while high-intensity colors, bright colors, metallic colors, or black or fluorescent colors are prohibited.
- (e) *Prohibited materials.* The following materials shall be prohibited:
- (i) Metal siding and exposed smooth-finished concrete block, when visible from a street, existing single-family attached or detached dwellings, or vacant land classified as CSV, A, RSF-1, RSF-3, and RSF-4; and
 - (ii) Synthetic stucco (EIFS) within two feet of the grade level and within two feet of any exterior door jamb.
- (f) *Vinyl siding.* Vinyl siding shall be limited to 60 percent or less of any single facade, and all vinyl siding shall have a smooth surface with no visible grained pattern.

(B) *Roofs.*

- (1) *Roof planes.* Except for mansard roofs, cupolas and steeples, sloped roofs shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (2) *Flat roofs.* When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet facade plane.
- (3) *Roof penetrations and equipment.* All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:
 - (a) A street;
 - (b) Vacant land classified as CSV, A, RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8 or RMF-15; and
 - (c) Lands containing single-family detached, attached, townhouse or two- to four-family dwelling developments.

(C) *Customer entrances.*

- (1) *Required entrances.* Each side of a building facing a street shall include at least one customer entrance, except that no large retail establishment shall be required to provide entrances on more than two sides of the structure which face streets.
- (2) *Entrance design.* Buildings shall have clearly-defined, highly visible customer entrances that include no less than three of the following design features:
 - (a) Canopies/porticos above the entrance;
 - (b) Roof overhangs above the entrance;
 - (c) Entry recesses/projections;
 - (d) Arcades that are physically integrated with the entrance;
 - (e) Raised corniced parapets above the entrance;
 - (f) Gabled roof forms or arches above the entrance;
 - (g) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
 - (h) Display windows that are directly adjacent to the entrance;
 - (i) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
 - (j) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

(D) *Off-street parking.*

- (1) *Location.* No more than 50 percent of the required off-street parking shall be located in front of the building's primary facade. For purposes of this subsection, "in front of" shall mean the area located between the primary facade of the building as measured by extending a line perpendicular from the outermost corners of the primary facade to the property line(s) that the primary facade faces. When a large-scale retail establishment adjoins other retail space, the provisions of this section shall only apply to the portion of the building occupied by the large-scale retail establishment.
- (2) *Screening.* In addition to the screening requirements as set forth in Section 6.2, Tree protection and landscaping standards, off-street parking areas serving a large-scale retail establishment shall be screened in accordance with the following:
 - (a) In cases where a wall or fence is provided in lieu of a continuous opaque screen of shrub material, such fence or wall shall have a minimum height of 36 inches, and be constructed of stone, brick, stucco, wood or similar material designed to resemble such materials;
 - (b) Any fence or wall shall be located at least four feet from the edge of the lot line; and
 - (c) All required canopy and understory/ornamental trees shall be located between the fence or wall and the edge of the street right-of-way.

(E) *Pedestrian circulation.*

- (1) *Sidewalks required.* New large retail establishments shall provide sidewalks constructed in accordance with Subsection 7.3.2(B), Configuration, on all sides of the lot which abut a street.
- (2) *Pedestrian pathways.* The on-site pedestrian circulation system shall comply with the standards in Subsection 6.1.10(A), Required improvements, and Subsection 7.3.2(C), Connection.
- (3) *Connection to public sidewalk system.* In the case of corner lots, a connection shall be made to the sidewalk of both streets.
- (4) *Distinguished from driving surfaces.* All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks,

or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(F) *Interconnectivity with adjacent business uses.*

(1) All uses subject to this section shall provide interconnection with adjacent existing compatible developments through one or more of the following methods:

- (a) Through extension of a public or private street from the new development to the adjacent existing development or adjacent lands; and/or,
- (b) Through joint use of driveways and cross access agreements among adjoining properties to allow circulation between sites. Cross access between new development and existing development shall be configured to provide safe and convenient interconnectivity between the new development and all other existing development located along the cross-access corridor.

Section 6.9.2 of the City's LDRs is amended as follows. The remainder of Section 6.9.2 remains in full force and effect:

6.9.2 *Applicability.* Unless otherwise specifically exempted elsewhere in this section, all development shall comply with the standards of this section at time of site plan (Section 2.4.9), subdivision (Section 2.4.10), or building permit, whichever occurs first.

Section 6.10 of the City's LDRs is amended as follows. The remainder of Section 6.10 remains in full force and effect:

6.10. *Improvement guarantees for private improvements.*

6.10.1 *Development assurances or guarantees.*

- (A) *Generally.* The City shall require adequate financial assurance (performance guarantees), in a form and manner that it approves, for on-site private improvements such as off-street parking and loading, landscaping, exterior lighting, open space set-asides, and other relevant features shown on or described in a site plan (Section 2.4.9) subdivision (Section 2.4.10), planned development (Section 2.4.3), special exception permit (Section 2.4.4), special permit (Section 2.4.16), or building permits.
- (B) *Waiver of guarantee for public improvements.* In situations where the amount of improvements to be constructed is of a minimal nature, the LDR Administrator may waive the requirement for financial security if the completion of all improvements to be constructed is guaranteed by requirement of completion prior to issuance of any building permit or certificate of occupancy permit.

6.10.2 *Form of performance guarantees.* The owner or developer shall furnish a performance guarantee in any of the following acceptable forms:

- (A) *Cash deposit.* Cash deposit with the City of Alachua;
- (B) *Guarantee from a lender.* Guarantee from a Florida lender based upon a cash deposit, in a form acceptable to the City Attorney;
- (C) *Irrevocable letter of credit.* Irrevocable letter of credit from a Florida banking institution in a form acceptable to the City Attorney;
- (D) *Performance bond.* Performance bond from a Florida banking institution in a form acceptable to the City Attorney; or
- (E) *Other acceptable security.* Any other financial security found acceptable by the City Attorney.

6.10.3 *Performance guarantees for common and private on-site improvements.*

- (A) *Common improvements.* Common private improvements on parcels not maintained by the City shall be guaranteed at 120 percent of the materials and labor for all improvements prior to recording the plat for the subdivision, unless waived or reduced by the City.
- (B) *Improvements not installed prior to occupancy.* During certain seasons of the year, it may be impractical for some common and private improvements, such as off-street parking and loading, landscaping, or open space set-aside elements to be timely installed. When a certificate of occupancy permit is requested prior to the completion of such, the City may accept financial security for the completion of the improvements if it is in the best interest of the City to do so and when the following apply:
 - (1) *Improvements cannot be timely completed.* The LDR Administrator determines the subject improvements cannot be timely completed because of weather, season or other unavoidable circumstance;
 - (2) *No threat to health, safety, and welfare.* The site can function without the subject improvements, without creating a threat to health, safety, and welfare, and without detrimental impacts to surrounding lands and City service provision in the area;
 - (3) *Contracts executed and will be timely completed.* The owner/developer demonstrates that contracts have been executed for the work and such work shall be timely completed on or before a certain date; and
 - (4) *Financial security.* The owner/developer submits financial security in the amount of 120 percent of the estimated cost of labor and materials for the subject improvements to ensure such improvements are timely completed.

6.10.4 *Maintenance guarantees.* Unless otherwise provided for in these LDRs, either at the time of the City's acceptance of a performance guarantee for the private improvements or at the issuance of an occupancy permit, the City may require the owner or developer to furnish a maintenance guarantee in a form approved by the City, so as to guarantee the proper functioning and structural integrity of any private on-site improvement.

6.10.5 *Release of guarantees for common and private improvements.* Upon the owner or developer's completion of the improvements, the owner or developer shall provide written notice to the LDR Administrator requesting an inspection. Upon determination that the improvements fully comply with the approved site and development plan, plat for subdivision, planned development, special exception permit, special permit, or building permit, the full amount of financial security shall be released, less the City's costs of additional inspections and other means to secure compliance.

6.10.6 *Forfeiture of security.*

- (A) *Failure to install improvements.* If an owner or developer fails to properly install all required improvements within the time-frames established by these LDRs, the LDR Administrator shall give 30 days' written notice to the owner/developer (if different) by certified mail, after which time the City may draw on the security and use the funds to complete the required improvements.
- (B) *Report of expenditures.* After completing the required improvements, the City shall provide a complete accounting of the expenditures to the landowner or developer (as appropriate) and, as applicable, refund all unused security deposited, without interest, to the party posting the guarantee. If the costs to complete the required improvements are greater than the amount of the security, the City may assess the additional costs to the affected landowners or responsible association.

Section 7.4 of the City's LDRs is amended as follows. The remainder of Section 7.4 remains in full force and effect:

7.4. *Improvement guarantees for public improvements.*

7.4.1 *Posting of surety device for public improvements.*

- (A) An infrastructure plan or a final plat shall not be approved by the City Commission until a surety device in accordance with the forms as provided in in Section 6.10.2., Form of performance guarantees, has been posted.

- (B) The surety device for public infrastructure improvements shall cover at least 120 percent of the estimated cost of all required improvements including but not limited to streets, sidewalks, multiuse paths or trails, and other transportation infrastructure, stormwater management facilities, potable and reclaimed water facilities, wastewater facilities electric facilities, natural gas lines, recreation, and other public improvements. The estimated cost for the installation of all public infrastructure improvements shall be provided by a professional engineer licensed to practice in the State of Florida, and shall include all costs associated with the required materials and installation, plus a minimum contingency of ten percent (10%).
- (C) The surety device shall be conditioned upon the faithful performance by the subdivider of all work required to complete all improvements and installations for the subdivision or phases thereof, in compliance with these LDRs, and the approved infrastructure plan, preliminary plat, construction plans, and final plat, as applicable. For subdivisions, all improvements shall be completed within a specified time as provided in the subdivider's agreement.
- (D) The surety device shall be payable to, and for the indemnification of, the City Commission.

Section 7.8.1(A) of the City's LDRs is amended as follows. The remainder of Section 7.8 remains in full force and effect:

7.8.1 Subdivider responsible for maintenance.

- (A) *Generally.* The subdivider shall maintain and repair all improvements which this article and these LDRs require the subdivider to construct in the subdivision for a period of one year after the completion of the improvements, in accordance with the provisions of Section 2.4.10(G)(7), Inspection of public improvements, and Section 2.4.10(G)(8), Warranty period following passing inspection. Prior to the initiation of the warranty period, the subdivider shall post a maintenance bond to cover at least ten percent of the estimated costs of all required improvements for a period of one year. All defects which occur within one year after completion and acceptance of all required improvements shall be remedied and corrected at the subdivider's expense.

Section 10.2 of the City's LDRs is amended as follows. The remainder of Section 10.2 remains in full force and effect:

Dwelling, multiple-family, means, for the purposes of these LDRs, a structure containing five or more individual dwelling units on a single lot, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Housing for the aged, which meets this definition and does not provide for routine nursing and/or medical care, shall be construed to be a multiple-family dwelling.

Dwelling, townhouse, means a type of multifamily dwelling, in which five or more individual dwelling units on a single lot are attached by one or more vertical party walls, with the habitable spaces of different dwelling units arranged on a side-by-side rather than a stacked configuration, and each individual unit being two stories, or more. Each individual townhouse dwelling unit has its own front and rear access to the outside.

Mixed-use means a building or an area containing a mix of uses which functionally integrate and interconnect with one another. Uses may include, but is not limited to, retail, professional services, restaurants and eating establishments, offices, and single and multifamily residential.

Subdivision means the division of a parcel of land, whether improved or unimproved, into three or more lots or parcels of land, for the purpose of transfer of ownership. The term "subdivision" includes a resubdivision and replatting of lands located within an existing subdivision.