

Land Development Regulations

Chapter 3-9. Zoning

Article I. In General

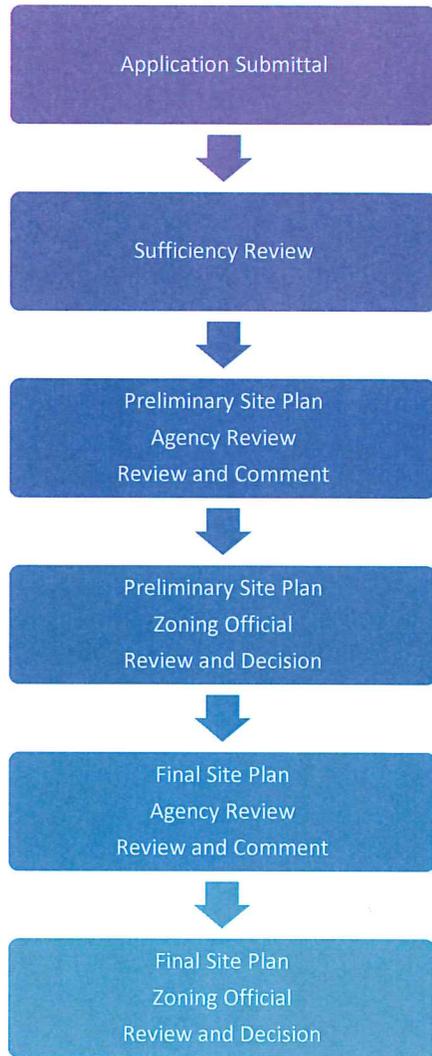
Section 3-9-7. Site Plan Review

1 **Sec. 3-9-5.17. Site Pplan Rreview.**

- 2 (a) *Applicability and Pprocedure.* The following procedure shall apply to any request for development  
3 except individual single-family homes, individual single-duplex or individual triplex; notwithstanding  
4 the foregoing; the Zoning Official may exempt from or include within the Site Plan Review process  
5 any development project in regards to site plan review and shall be required for the following  
6 development activities:

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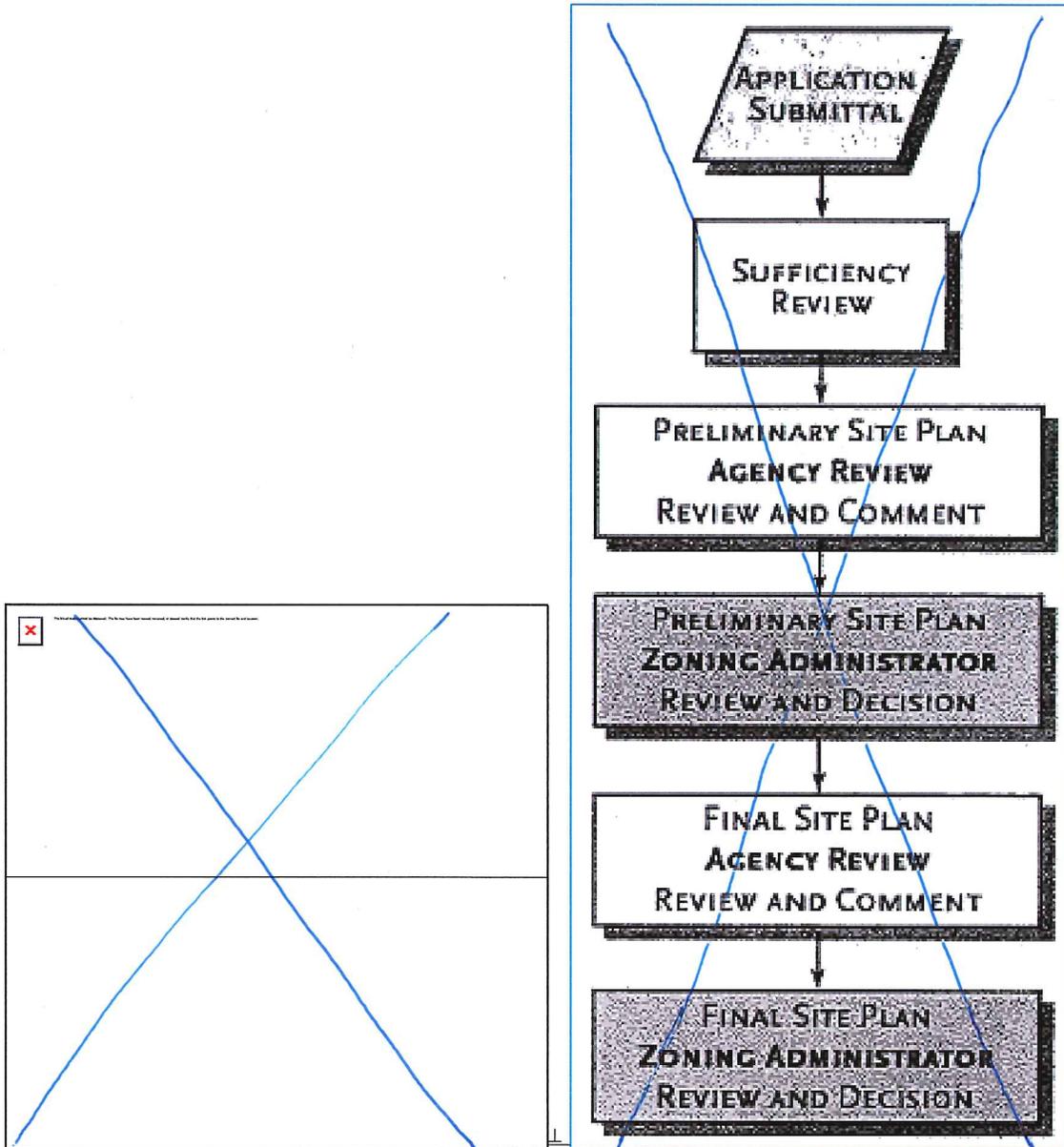


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- ~~(1) Any residential development with the exception of individual single-family homes, (single) duplex or triplex.~~
- ~~(2) All nonresidential developments.~~
- ~~(3) Any facility, either new, modified or remodeled which has a pickup window, drive-thru facility for vehicles, regardless of size.~~
- ~~(4) Any subdivision or new development located within a surface water protection district as designated in the Comprehensive Plan. (For the purpose of this paragraph, "new development" shall mean any improvement which requires a building permit for new principal construction.) New development located within a subdivision previously approved by the County shall be exempt from this section.~~

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1 ~~(5) Certain development proposals which the Zoning administrator Official may require to be~~  
2 ~~reviewed when one (1) or more of the following are met:~~

3 a. ~~High traffic hazard locations.~~

4 b. ~~Additions or modifications to existing developments.~~

5 c. ~~Unanticipated types of development which are unusual to the area.~~

6 ~~(6) Site plans associated with special exceptions or variances shall be reviewed and comments~~  
7 ~~provided (no approval shall be implied by this review) if required by the Zoning~~  
8 ~~Official administrator.~~

9 (b) ~~Initiation.~~ A request for ~~Site plan~~ Plan Review may only be initiated by anyone with a legal interest  
10 in the property; however, an applicant who is not the owner of the subject property, shall be required  
11 to present evidence of legal authority from the owner to submit an application, the owner and/or  
12 agent of the subject property upon filing of an application. The survey, engineering plans,  
13 landscaping plans, and building plans shall be prepared by a Florida registered surveyor,  
14 professional engineer, or respective architect, respectively. The Site Plan Review process shall  
15 consist of either a bifurcated preliminary and final review or a single comprehensive review. Each  
16 review cycle shall be a maximum of three (3) weeks.

17 (c) ~~Application Requirements.~~ A request for ~~Site Plan~~ Review shall be submitted in accordance with  
18 the following requirements:

19 (1) ~~Forms.~~ Applications required under this section shall be submitted on forms and in such  
20 numbers as required by the ~~Zoning Official~~ administrator.

21 (2) ~~Fees.~~

22 a. All applications and associated fees shall be filed with the Community Development zoning  
23 Department upon submission of an application.

24 b. The ~~BCC board of county commissioners~~ shall, by resolution, fix reasonable permit fees to  
25 be charged by the ~~Zoning Official~~ administrator. These fees shall be reviewed on an  
26 annual basis.

27 c. An applicant who has paid the appropriate fee, but who chooses to withdraw their  
28 application prior to its distribution for review shall be entitled to a refund of the total amount  
29 paid minus a minimum of fifty dollars (\$50.00) but up to a maximum of ten (10) percent for  
30 administrative costs, upon written request to the Community Development zoning  
31 Department. Once review has begun, no refund shall be available, ~~except that any~~  
32 ~~unused notice surcharges shall be refunded less ten (10) percent for administrative costs.~~

33 ~~(3) Authority to File Application.~~ The ~~Zoning Official~~ administrator may require an applicant to  
34 present evidence of authority to submit the application.

35 ~~(4) Applications Sufficient for Processing.~~

36 a. Completeness All Review. All applications must be sufficient ~~deemed completed~~ by the  
37 Zoning Official for processing before the County is required to review the application  
38 content. During the completeness review process, no additions or modifications may be  
39 made to the submittal unless requested or agreed to by the Zoning Official. This review  
40 shall be completed within two business days. The Zoning Official may waive the strict  
41 requirements of this section. An application shall be sufficient for processing when it  
42 contains all of the information necessary to decide whether or not the development as  
43 proposed will comply with all of the requirements of this section.

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1 ~~b. Once a complete application is submitted, no additions or modifications may be made to~~  
2 ~~the submittal unless required by the Zoning Official. Only the reviewing agencies and~~  
3 ~~zoning administrator may request changes. All requested additions and/or modifications~~  
4 ~~must be completed four (4) days prior to the end of the review cycle as specifically required~~  
5 ~~by the reviewing agency or zoning administrator. This review shall be completed in two~~  
6 ~~business days.~~

7 ~~c. The presumption shall be that all of the information required in the application is necessary~~  
8 ~~to satisfy the requirements of this section. However, it is recognized that each application is~~  
9 ~~unique, and therefore more or less information may be required according to the needs of~~  
10 ~~the particular development. The applicant may rely on the recommendations of the zoning~~  
11 ~~administrator as to whether more or less information should be submitted.~~

12 ~~b. d. Sufficiency Rreview. The sufficiency review shall be completed within ten (10) five~~  
13 ~~business working days of the completeness review deadline for submittal of applications,~~  
14 ~~and a written notice of any insufficiencies in the application will be provided to the~~  
15 ~~applicant. The notice shall request the applicant to provide any required additional or~~  
16 ~~corrected information. The applicant shall have ten business (10) days from the date of the~~  
17 ~~notice of insufficiency in the application or the Zoning Official extended date to supply the~~  
18 ~~information required in order for the application to be accepted for review, or such longer~~  
19 ~~time as may be specified in the notice at the discretion of the Zoning Official.~~

20 ~~ce. Site Plan Review. Once an application is determined to be sufficient for processing, the~~  
21 ~~applicant shall be notified that the application has been accepted for review, copies of the~~  
22 ~~application shall be referred to the appropriate reviewing entities, and the process of~~  
23 ~~notification and public hearings, if any, required for the application shall begin. The Site~~  
24 ~~Plan Review cycle shall be a maximum of three weeks from for the Thursday following the~~  
25 ~~date the application is deemed sufficient unless extended by the Zoning Official.~~

26 (45) Simultaneous Applications.

27 a. If approved by the ~~Z~~ zoning ~~Official~~ administrator, applications for other development  
28 approvals may be filed and reviewed concurrently. Any application that also requires a  
29 variance and/or ~~S~~ special ~~E~~ exception shall not be eligible for final approval until the  
30 variance and/or ~~S~~ special ~~E~~ exception has been granted.

31 ~~b. Applications submitted concurrently are subject to approval of all other related applications.~~  
32 ~~Denial or disapproval of any concurrently submitted application shall stop consideration of~~  
33 ~~any related applications until the denied or disapproved application is resolved.~~

34 (d) Amendments and Changes to Land Development Regulations

35 ~~All changes, and amendments or additions to this Code shall apply to any final site plan application~~  
36 ~~except for those with current preliminary site plan approval at the time of adoption of changes,~~  
37 ~~amendments, or additions to this Code. Should the preliminary site plan approval expire, the~~  
38 ~~changes, amendments or additions shall apply to future application that has:~~

39 ~~1. Not been granted preliminary approval.~~

40 ~~2. Been denied.~~

41 ~~except for those that have a current valid preliminary site plan approval at the time of adoption of~~  
42 ~~changes, amendments or additions to this Cod~~

43 (ed) Preliminary Ssite Pplan Rreview.

44 (1) Action by Rreview Aagencies. Review agencies, including planning, zoning, land  
45 development, Community Development, Ppublic Wworks, Uutilities, and any other departments  
46 designated by the C county A administrator, shall review site plans for completeness and

Draft Date 9/29/14 for BCC on 10/28/2014

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1 consistency with the adopted plans, policies and regulations of the County and the  
2 requirements of this section. All review comments and conditions must be made during the  
3 preliminary review, no additional comments or conditions may be made at final approval, unless  
4 authorized by the Zoning Official administrator.

5 (2) Action by Zoning Official administrator. The Zoning Official administrator shall review the  
6 application for consistency with the Comprehensive Plan and these Land Development  
7 Regulations. The Zoning Official administrator shall issue the final decision to approve,  
8 approve with conditions, or deny the site plan application. Where the Zoning  
9 Official administrator denies the application, the reasons for denial shall be stated in writing for  
10 the record.

11 (3) Approval Criteria. In evaluating any proposed site plan, the Zoning Official administrator shall  
12 consider the following:

13 a. The extent to which the proposed site plan is consistent with the Comprehensive Plan;  
14 and

15 b. The extent to which the proposed site plan is consistent with these Land Development  
16 Regulations.

17 (4) Effect of Preliminary Approval. Preliminary site plan approval shall not be construed as a  
18 recommendation to authorize any permits. It represents a general acceptance of the site plan  
19 and places appropriate conditions on the approval to ensure compliance with this section.

20 (5) Period of Validity. The preliminary site plan approval shall be valid for a period of twelve (12)  
21 months from the date of Zoning Official administrator approval and within which application for  
22 final approval must be filed. Up to two (2) extensions of up to twelve (12) months each may be  
23 granted by the Zoning Official administrator upon filing such request a minimum of one (1)  
24 month prior to the expiration date. Such extension must be requested in writing and with  
25 payment of the appropriate fee.

26 (f) Final Site Plan Review.

27 (1) Action by Review Agencies. Review agencies including Community Development planning,  
28 zoning, land development, Public Works, Utilities, and any other departments designated by  
29 the County Administrator shall review final site plans for consistency with this section and the  
30 approved preliminary site plan, taking into account all previously made review comments.

31 (2) Action by Zoning Official administrator. After considering the review agencies comments, the  
32 Zoning Official Administrator shall review the final site plan for consistency with this section and  
33 the approved preliminary site plan, taking into account all previously made review comments.  
34 The Zoning Official administrator shall then issue the final decision to approve, approve with  
35 modifications, or deny the site plan application. Where the Zoning Official administrator denies  
36 the application, the reasons for denial shall be stated in writing for the record.

37 (3) Effect of Final Site Plan Approval. Final site plan approval indicates an acceptance of the  
38 site plan by the Zoning Official administrator and authorizes applicants to apply for issuance of  
39 a building permit. The decision of the Zoning Official administrator shall be final and only  
40 appealable by the applicant within thirty (30) days of the written notice of decision to the  
41 BZAboard of zoning appeals. By obtaining a building permit, the applicant waives the right to  
42 appeal. No conditional approvals may will only be granted by the Zoning Official.

43 (4) Period of Validity. The final site plan shall be valid for a period of two (2) three years from the  
44 date of Zoning Official administrator approval. One two-year extension may be granted at the  
45 discretion decision of the Zoning Official. No additional extensions will be granted thereafter. If a  
46 portion of the approved final site plan has been constructed and received a certificate of

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1 occupancy, the remainder of the approved plan shall remain valid unless a major modification is  
2 requested.

3 (gf) Conformity to Pplan. All development and construction activity must conform to the approved final  
4 site plan. As a condition to the granting of a certificate of occupancy, the applicant shall file a  
5 certificate by a registered engineer or architect that all development and construction activity has  
6 conformed to the approved final site plan.

7 (hg) Modification of Ssite Pplans. Any proposed amendment, deviation or change to an approved site  
8 plan must be reviewed by the Zzoning Official administrator to determine whether the proposed  
9 change constitutes a minor or major modification. Such a request must be filed in writing, and a  
10 written determination will be rendered within ten (10) working days of such request. The applicant  
11 may appeal the decision of the Zoning Official within 30 days of the written determination, to the  
12 BZA Board of Zoning Appeals.

13 (1) (1) Minor modifications are slight variations or alterations to the site plan such as a shift of a  
14 building footprint, deletion of excess parking spaces, etc., which cannot reasonably be  
15 expected to cause a change in the internal functioning of the site or its off-site impacts. Minor  
16 modifications may be authorized by the Zzoning Official administrator, or his/her their designee,  
17 when determined to be consistent with the approved site plan. Such a request must be filed  
18 stating the nature of the request and justification for such, as well as an updated site plan  
19 illustrating the proposed change. The Zzoning Official administrator shall provide written  
20 response within ten (10) working days to the applicant. If the Zzoning Official administrator  
21 denies the minor modification, the reasons for denial shall be stated in the response.  
22 Regardless of whether the minor modification is approved prior to or after a building permit has  
23 been issued, the applicant may proceed with the requested change upon a favorable decision  
24 from the Zzoning Official administrator.

25 Minor modifications must generally meet the following standards:

26 (a) Does not substantially alter the location of any points of access to the site.

27 (b) Does not change the use of the site general site plan in a the manner which requires  
28 additional site plan approval or the parameters of development remain unchanged.

29 (c) Does not increase the density or intensity of the development to occur on the property.

30 (d) Does not result in a reduction of previously approved required open space, minimal  
31 setbacks, general building location, or landscaping counts.

32 (e) Is consistent with the general intent and purpose of this Code.

33 (f) Does not result in a material modification or the cancellation of any condition placed  
34 upon the site plan as originally approved.

35 (g) Does not add additional property to the site.

36 (h) Does not substantially change the internal or external traffic pattern.

37 (i) Does not increase the height of the building(s) including approved rooftop  
38 appurtenances by more than 10% of such building height.

39 (j) Does not increase the floor area by more than 500 square feet.

40 (2) Major modifications are non-minor additions, deletions or changes in the use, density and  
41 location of structures of an approved site plan. Other modifications may be determined to be  
42 major if the Zzoning Official administrator determines they deviate substantially from an  
43 approved site plan and can reasonably be expected to cause adverse changes in internal

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1 functions or its off-site impacts. Such changes need to be reviewed by the Zoning Official  
2 administrator in the same manner as a new application.

3 (2)

4 (i) *Pre-construction Meeting*

5 Prior to the issuance of any permit, a pre-construction meeting with County staff is required.

6 (Ord. No. 89-49, § 3, 6-22-89; Ord. No. 2009-010, § 1, 2-17-09)