

**LEGISLATIVE #**

**110373E**

more than 30 percent of the floor area of the store is devoted to the retail sales of electric golf carts.

- (b) Retail sales of electric golf carts does not include service (including battery installation) and/or repair of electric golf carts. Service and/or repair of electric golf carts is classified for zoning use purposes as limited automotive services.
- (c) No outdoor storage is allowed between the building and any public right-of-way and all outdoor storage shall be located only in the rear or side yard; however, a maximum of five electric golf carts may be displayed between the building and the public right-of-way.
- (d) Where the side or rear yard abuts a residential district or is shown for residential use on the future land use map of the comprehensive plan, any outdoor storage areas that are located in the side or rear yard shall have twice the amount of landscaping material that is required for buffer type E in section 30-253, and shall have 50 percent opacity at the time of planting.
- (e) The design and placement of all required landscaping shall be determined during development plan review.

(Ord. No. 100023, § 3, 9-16-10)

**Secs. 30-120—30-150. Reserved.**

## ARTICLE VII. DEVELOPMENT REVIEW PROCESS\*

### DIVISION 1. DEVELOPMENT PLAN REVIEW PROCESS

#### Sec. 30-151. Purpose.

The purpose of this article is to promote harmonious, functional relationships among the various elements within any development such as the location of activities, vehicular and pedestrian

circulation systems, and visual form, to ensure physical, social and economic compatibility with neighboring developments and conditions, as well as with the community at large, and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation of site plans for all development. Although certain minimum standards are prescribed by specific provisions of this Code of Ordinances, development plan review will permit maximum flexibility in reviewing each plan on its merits and encourage variety and innovation within the intent and purpose specified for each zoning district while ensuring privacy and safety on all levels.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

#### **Sec. 30-152. Administration and enforcement generally.**

This article sets forth the application and review procedures required for obtaining develop-

\*Cross reference—Hearings and appeals, § 30-348 et seq.

ment orders, and certain types of permits. The procedures for appealing decisions and seeking legislative action are addressed under section 30-352.1.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

**Sec. 30-153. Authorization by development permit required prior to undertaking development activity.**

Development activity may be undertaken only when the activity is authorized by a development permit. A development order or permit shall be issued only when all applicable procedures, inspections and reviews have been complied with as provided in this Code of Ordinances. A development permit may only be issued when the proposed development activity:

- (1) Is authorized by a final development order issued pursuant to this article; and
- (2) Conforms to all applicable federal, state, regional and city codes and regulations.
- (3) The applicant, owner or agent submits evidence of applicable permit from all federal, state, regional and county authorities. City approvals may be issued conditioned upon obtaining necessary permits or approvals from other agencies.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

**Sec. 30-154. Exceptions to requirement of preliminary and final development order.**

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this article, provided all requirements of the vested rights and/or concurrency management ordinances are met. Unless otherwise specifically provided, the development activity shall conform to this article and all applicable codes and regulations.

- (1) *Construction or alteration of one-or two-family dwelling and associated accessory structures.* Review for compliance with development standards will be conducted

by the building codes and standards division at the time of application for a permit. Approval by relevant departments may be required as necessary. Compliance with the development standards in this article is not required if in conflict with the previously approved plat.

- (2) *Renovations and modifications.* The alteration of an existing building or structure so long as there is no change of use, expansion of floor area or increase in the amount of impervious surface on the site.
- (3) *Erection of signs; removal of protected trees.* The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site, except as required in other sections of this Code of Ordinances. However, where placement of a sign was approved through the development review process, the city manager or designee may require an amendment to the approved development plan in accordance with section 30-159, (Criteria for determining level of review).
- (4) *Resurfacing and re-striping of off-street parking.* Resurfacing and/or re-striping of an off-street parking area with no new spaces or modification of the layout and landscaping, does not require preliminary and final development plan review. Reconfiguration of parking spaces and/or landscaping may require development plan review in accordance with section 30-159. The city manager or designee may determine the level of review depending on the nature, type and complexity of the proposed change.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99)

**Sec. 30-155. Post-permit changes.**

After a permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A concurrency

review may also be required. A written record of the modification shall be entered upon the original permit and maintained in the files of the issuing department. Amendment of the development order must be made in accordance with the procedures for development review for any modification falling into the scope of the review process.

(Ord. No. 3777, § 1, 6-10-92)

**Sec. 30-156. Development review approval process.**

(a) *Steps in process.* The approval process consists of the following step in accordance with section 30-160:

- (1) Pre-application conference.
- (2) Determination of the level of review.
- (3) Concept plan review (optional).
- (4) Preliminary development plan review.
- (5) Final development plan review.

(b) *Pre-application conference.* Prior to filing for development plan review, the developer, petitioner, applicant or property owner must attend a pre-application conference with planning staff or the technical review committee to discuss the development review process, be informed of ordinance requirements and to confer with staff about the application. Capital improvements, such as turn lanes, signalization and the costs attributable to the development, necessary for the development to be approved, may be discussed at this and subsequent meetings. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(Ord. No. 970566, § 1, 1-11-99)

*Editor's note*—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-156 and enacted a new § 30-156 as set out herein. The former § 30-156 pertained to the pre-application conference and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

**Sec. 30-157. Levels of review, rapid, minor, intermediate and major review.**

For purposes of the development review process, all development plans shall be designated by the city manager or designee as either rapid, minor, intermediate or major development according to the thresholds set forth in section 30-159. Before submitting a development plan for review, the developer, petitioner, applicant or property owner shall provide the city manager or designee with sufficient information to allow designation of the proposed development into one of the reviewing levels. The decision of the city manager or designee may be supported by written findings. The level of review will be determined based on the criteria in section 30-159.

(Ord. No. 970566, § 1, 1-11-99)

*Editor's note*—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-157 and enacted a new § 30-157 as set out herein. The former § 30-157 pertained to designation of plans as minor, intermediate or major developments, and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

**Sec. 30-158. Public notice.**

Notice to the public on development review projects requiring notice shall be in accordance with section 30-351.

(a) *Rapid review and minor review projects.* No public notice will be given for rapid review and minor review projects. The review will be administrative only.

(b) *Intermediate and major development* must be noticed in accordance with section 30-351, and with a public hearing before the appropriate review board.

(Ord. No. 970566, § 1, 1-11-99)

*Editor's note*—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed the former § 30-158 and enacted a new § 30-158 as set out herein. The former § 30-158 pertained to rapid development review of amendments to existing development or approved final development orders and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

**Sec. 30-159. Criteria for determining level of review.**

Criteria for determining the level of review are as follows:

<i>Rapid Review</i>	<i>Minor Review</i>	<i>Minor Review II</i>	<i>Intermediate Review</i>	<i>Major Review</i>
Resurfacing of existing impervious area which does not include new or additional spaces, layout modification and/or landscaping modifications.	Up to 15 new parking spaces (500 square feet each) or construction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.		16—100 new parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.	Over 100 parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.
Expansion or redesigns of existing developments which will create up to 500 square feet of floor area, when submitted through the building division for a building permit. These may include decks, porches, patios, courts, pole barns and similar accessory structures with usable floor area.	New construction, expansions or redesigns of existing office, commercial or public service development that will create up to 2,500 square feet of floor area and its required parking. Porches, pole barns, and canopies up to 2,500 square feet of building area. Any deck, patio, court and similar unenclosed or pervious structure.	New construction, expansions or redesigns of existing office, commercial or public service development that will create from 2,500 to 10,000 square feet of floor area and its required parking.	New construction or expansion of existing office, commercial or public service development that will create from 10,001 to 50,000 square feet of additional floor area and its required parking.	New construction or expansion of existing developments of over 50,001 square feet of additional floor area and its required parking.
Developments of 500 square feet or less, of floor area, which involve no stormwater issues and no additional parking, when submitted through the building division for a building permit.	Developments located in the agricultural or warehousing zoning districts which have no common boundary with properties zoned residential or office, providing the proposed development contains only a roof and support structures with 50% or less of the total sides enclosed or industrial development up to 2,500 square feet area of developed industrial area.	Industrial development greater than 2,500 square feet of developed industrial area and located on 5 or fewer acres.	Industrial development greater than 2,500 square feet of developed industrial area and located on greater than 5 acres.	
Drawings submitted to verify site conditions for issuing a zoning compliance permit.	New construction or additions of 3 to 5 dwelling units.	Developments of 6 to 25 dwelling units.	Developments of 26 to 99 dwelling units.	Developments of 100 dwelling units or more.

<i>Rapid Review</i>	<i>Minor Review</i>	<i>Minor Review II</i>	<i>Intermediate Review</i>	<i>Major Review</i>
Field changes or modifications to active development where the changes do not trigger higher level thresholds, which does not alter stormwater, traffic, and fire safety or utility requirements.	A change in the location and type of landscape materials, except a change in the location of buffers that exceeds the rapid review thresholds.		Changes in the location of buffers, affecting any plan that was approved by the development review board.	
Minor structural, material, or dimensional changes that do not affect the site layout or any specific provision of a prior approval, as determined by the development review coordinator.	Shifts in the location of buildings, structures, parking bays, utility ties and dumpsters where the city manager or designee has determined that the shifts do not substantially alter the approved plan or conflict with buffering requirements.			

Residential development shall be reviewed on the basis of the number of dwelling units, unless the proposed development involves only an expansion of floor area of existing multifamily development (three or more dwelling units).

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970566, § 1, 1-11-99; Ord. No. 050158, § 2, 8-28-06)

**Sec. 30-160. Submittal requirements.**

(a) *Application.* Applications for development review shall be available from the planning and development services department. A completed application shall be signed and notarized by all owners, of the subject property. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization from the owners of record. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation.

Incomplete applications will not be processed. The city manager or designee may rule that certain required items, not be included with a particular submittal. This decision must be based on a determination that the level of review can proceed without the specified information, or that the information can be provided during the next level of review.

(b) (1) a. Concept review. Concept review is encouraged for all intermediate and major development but is not required. This concept review is intended solely to alert an applicant to

problems with, or objections to, a particular proposed development. During concept review, no comments made by the appropriate reviewing board or staff should be deemed as either an approval or denial of the proposed project. Concept plans should address conformity with the comprehensive plan, zoning, environment concerns and concurrency.

b. When an application for concept review is submitted, each concept plan shall include the following unless the city manager or designee determines that the requirements are not applicable:

1. General description of the project including property boundaries, illustrating the general location of all proposed use(s). Residential projects should include the total number of units proposed.
2. Proposed access to the property (street network) or number of access points requested.

3. A scaled drawing of the site showing major geographical features: creeks, ditches, wetlands, lakes, and other prominent topographic features (USGS or regional planning council maps and tax maps may be used).
4. Location of major tree groupings and Heritage trees as defined in section 30-258 shall be outlined on aerial tax maps or scaled drawings.
5. Generalized location, size and number of stories of proposed building(s) and aboveground utilities.
6. General parking lot layout with approximate number of spaces, basic traffic flow and proposed circulation patterns including proposed pedestrian, bikeway, greenway and public transportation facilities.
7. A statement indicating whether access will be required to a state or county road.
8. A statement identifying the existence and general location and elevation of any flood zones.
9. A statement indicating whether the project will be affected by the surface water, gateway, nature park, greenway, uplands or wellfield protection districts.
10. A general description of how drainage will be handled, including a soils statement (soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities.
11. Any special occupancies to be included on the site, which may include but are not limited to





underground storage tanks, a fireworks manufacturing site, a paint and body shop, or any other occupancy that includes a fire safety concern.

12. Note whether there is existing water or water service facilities on or near the site.
13. Existing wastewater services.
14. Type of building construction (Standard Building Code Chapter 6).
15. The occupancy classification of the building (Standard Building Code Chapter 4).
16. Peak hour, peak direction trip generation of proposed development based on the latest edition of the Institute of Transportation Engineers, Trip Generation, an Information Report, or a method approved by the city's traffic engineer. The trip generation report shall be signed by a professional engineer registered in the State of Florida, when there is a difference between the traffic report provided by the petitioner and the concurrency test.

(b) (2) a. Affordable housing concept review and approval. Affordable housing concept review is encouraged for all certified affordable housing developments and is intended solely to assist affordable housing developers with meeting the application requirements for the State of Florida Housing Tax Credit program, in support of the state housing strategy stated at F.S. ch. 420. The review will alert an applicant to problems with, or objections to, a particular proposed development. This concept plan must address conformity with the comprehensive plan, zoning, environment concerns and concurrency. The appropriate reviewing board may grant a non-binding conceptual approval. The conceptual approval does not grant to the

applicant any development rights and does not represent a development order. This conceptual approval is only an indication that the development proposal appears to be consistent with general requirements for development approval and that a development order will only be granted after the requirements for a final development plan have been met.

b. When an application for affordable housing concept review is submitted, each concept plan shall include the following, unless the city manager or designee determines that the requirements are not applicable:

1. General description of the project including property boundaries, illustrating the general location of all proposed use(s). The total number of residential units proposed and units per acre.
2. Proposed access to the property (street network) or number of access points requested.
3. A scaled drawing of the site showing major geographical features: creeks, ditches, wetlands, lakes, and other prominent topographic features (USGS or regional planning council maps and tax maps may be used).
4. Location of major tree groupings and heritage trees as defined in section 30-258 shall be outlined on aerial tax maps or scaled drawings.
5. Generalized location, size and number of stories of proposed building(s) and aboveground utilities.
6. General parking lot layout with approximate number of spaces, basic traffic flows and proposed circulation patterns including proposed pedestrian, bikeway, greenway and public transportation facilities.

7. A statement indicating whether access will be required to a state or county road.
  8. A statement identifying the existence and general location and elevation of any flood zones.
  9. A statement indicating whether the surface water, gateway, nature park, greenway, uplands or wellfield protection districts will affect the project.
  10. A general description of how drainage will be handled, including a soils statement (soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities.
  11. Any special occupancy to be included on the site, which may include but are not limited to underground storage tanks or any other occupancy that includes a fire safety concern.
  12. Note whether there does exist water or water service facilities on or near the site.
  13. Existing wastewater services.
  14. Type of building construction (Standard Building Code Chapter 6).
  15. Peak hour, peak direction trip generation of proposed development based on the latest edition of the Institute of Transportation Engineers, Trip Generation, an Information Report, or a method approved by the city's traffic engineer. When there is a difference between the traffic report provided by the petitioner and the concurrency test, the trip generation report shall be signed by a professional engineer registered in the State of Florida.
  16. Minutes from the required neighborhood workshop.
- (c) *General plan requirements.* All plans for minor and all preliminary and final plans for intermediate or major review shall conform to the following standards, however, the city manager or designee may request additional information essential to providing a professional and complete response to the petition:
- (1) Each application shall include multiple copies of the plan as necessary to facilitate the review process.
  - (2) Each sheet shall contain a title block with the name of the development, both stated and graphic scale, a north arrow, and date of preparation. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
  - (3) The first sheet of each plan shall include:
    - a. The general location, both stated and graphic. The location graphic shall be drawn to scale showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits and/or other pertinent orientation information.
    - b. A complete written legal description of the property and the tax parcel number(s).
    - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
    - d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
    - e. The area of the property stated in square feet and acres.
    - f. Approximate location and types of development immediately adjacent to the proposed project.

- (4) The existing conditions map shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s) signed and sealed by a professional land surveyor licensed by the State of Florida. All existing easements, emergency accessways, other cross-access easement agreements, and rights-of-way, and common areas shall be shown. All existing structures, pavement and signage shall be shown.
- (5) Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the petitioner to submit the information in a form that allows ready determination of whether the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations have been met. The trip generation report shall be signed by a professional engineer registered in the State of Florida, when there is a difference between the traffic report provided by the petitioner and the concurrency test results from the planning and development services department.
- (d) *Preliminary development plan.* Each preliminary development plan shall include the following:
- (1) Use and description of proposed project.
  - (2) A quality scaled drawing of the site showing the following:
    - a. Location and dimensions of all existing and proposed structures indicating all access points, gross floor area per floor per building, building height and number of stories, statement of number of units, and bedrooms.
    - b. All existing and proposed vehicular and pedestrian accessways with dimensions.
    - c. Areas designated for off-street parking showing the number of existing, required and proposed parking spaces based upon parking standards.
    - d. Required bicycle parking, number and placement of racks.
    - e. Designated loading and service areas.
    - f. A typical detail of a parking space with the number of spaces indicated in specific areas.
    - g. Location of all proposed structures to be located within the vehicular use area, including signs, dumpsters, trash compactors, etc.
    - h. Total area of site with percentages allocated to buildings, paving, impervious area and open space.
    - i. Dimensions of all features on the site must be indicated, including but not limited to setbacks, building separation, driveway and street widths, etc.
    - j. Designate all common areas.
    - k. Any proposed or required screening or buffering mechanism, including walls, hedges and/or fences.
    - l. Building elevations showing all features necessary to determine compliance with the Land Development Code. Other elevations and special design features may also be required. Submission of preliminary floor plans is strongly encouraged to facilitate review of the project.
    - m. A generalized landscaping plan showing existing trees, trees proposed to be saved and removed, and other significant vegetation on the site.
  - (3) A scaled topographic map of the site showing major geographical features: creeks, ditches, wetlands, springs, lakes, and other natural and man-made prominent features.
  - (4) Tree survey showing the location, diameter, genus and species of all trees larger

than eight inches except sweetgums, slash and loblolly pines, which must be surveyed when larger than 12 inches. Measurements must be made at 4½ feet from base of trunk. An alternative to this survey of every regulated tree is a report, executed by a certified arborist with current credentials from the International Society of Arboriculture. The report must show the surveyed location, diameter, genus and species of all Heritage trees, other trees worthy of protection, and existing trees planted to comply with earlier approved development plans.

- (5) Location of all adjacent streets, internal streets, driveways and all access points. The state highway system or county road number shall be shown on the plans and peak hour, peak direction trip generation of proposed development calculated using the latest edition of the Institute of Transportation Engineers, Trip Generation, An Information Report.
- (6) Sketch showing proposed access to public transportation facilities and greenways of projects adjacent to these facilities.
- (7) Sketch showing basic plans for internal traffic circulation and parking lot design and preliminary plans for interaction between proposed development and pedestrian, bikeway, greenway and other public transportation facilities.
- (8) The building construction type and type of roof covering.
- (9) Fire protection systems to be provided in the structures shall be described. (These may include automatic fire sprinkler systems, halon systems, standpipe systems, smoke removal systems, smoke detection systems and fire extinguishers.)
- (10) Identify any known special fire protection concerns such as flammable liquids storage tanks, dry cleaning operations, paint spray operations, manufacturing processes, furnaces, ovens, combustible storage, etc.
- (11) Provide locations of fire hydrants and the size and locations of water mains that supply them. The point of service for fire protection systems connected to the public water system shall also be designated.
- (12) Show the paved areas and/or stabilized areas of the site that may be used for access to the structures by emergency apparatus. This will include culs-de-sac, dead-ends, emergency accesses, limerock-based areas of travel, etc.
- (13) Proposed or required fire lanes to be provided.
- (14) Provide the calculation sheet for the required fire flow of the structures contained on the site. This is determined using the "Guide for the Determination of Required Fire Flow," as it may be amended from time to time.
- (15) Development phase lines.
- (16) Landscaping (in utility areas).
- (17) Indicate the location of all existing utilities on the site and in adjacent easements and/or rights-of-way.
- (18) Indicate existing and proposed easements for facilities to be maintained by Gainesville Regional Utilities (GRU).
- (19) Proposed off-site extensions from the point of available capacity, as determined by GRU engineering staff. (Note: Site plan approval does not constitute approval of the off-site extension.)
- (20) General location of proposed water and wastewater facilities, including dimensions, size and type of pipes and slope of pipes.
- (21) Grease, sand and lint interceptors (provide statement if they are included).
- (22) Any other pretreatment facilities required (provide statement if needed).
- (23) Engineering report itemizing the estimated wastewater average daily flow, showing method of calculation and indicating the constituents of the wastewater.

(Note: If industrial in nature and concentrations of certain chemical compounds exist, then the applicant must secure an industrial user permit.)

- (24) Backflow preventers (statement whether needed).
- (25) If required, fire sprinkler systems (type: dry, wet, chemical addition).
- (26) Flood zones shall be identified, with elevations and the source of information if applicable.
- (27) Show the location of the surface water overlay district, the gateway, greenway, uplands or nature park districts and community wellfield management zones. Locate the creek setback line on the plan in accordance with Article VIII, section 30-300, pertaining to surface water districts.
- (28) A preliminary stormwater management plan in accordance with Article VIII:
  - a. Show generalized soil types.
  - b. Graphically show existing topography in one-foot contours and direction of flow.
  - c. Graphically show any existing drainage control features, and all natural or manmade water bodies.
  - d. Note depth of the high water table.
  - e. Graphically show location, note area and dimensions of proposed drainage/retention basins and swales including proposed depth and elevation of basin bottom and shoulder, elevation of all control structures and all preliminary calculations.
  - f. Graphically show all easements.
  - g. Provide documentation if joint facility or master plan facility is to be utilized.
  - h. Graphically show proposed grading.
  - i. Note proposed roof drainage control system.
  - j. Name, address and registration number of engineer or landscape architect who prepared preliminary stormwater management plan.
  - k. Sedimentation and erosion control plan:
    - 1. During construction; and
    - 2. Plan for erosion and sedimentation control over the life of the stormwater facilities.
  - l. List any permits required by the county, the applicable water management district, and any state agency.
- (29) The occupancy classification of the building (Standard Building Code Chapter 4).
- (30) Handicapped accessibility.
- (31) A statement that the site is or is not in an historical preservation district.
- (32) Certificate of concurrency. A certificate of preliminary concurrency is required for preliminary plan approval.
- (33) A photometric plan. For all development plans requiring development plan review by a reviewing board, the plan shall be certified by a registered architect or engineer, or lighting professional holding a current LC (lighting certification) from the National Council on Qualifications for the Lighting Profession (NCQLP), as providing illumination in accordance with the applicable standards set forth in sections 30-330(a)(4) and 30-345(b)(8) and (9). For development plans requiring staff review only, the city manager or designee shall determine whether such a lighting plan is required. Plans shall indicate the location, height and types of lights (manufacturer's catalog cut, including make and model numbers and glare reduction/control devices), footcandle grid to illustrate light levels required, uniformity ratio, lamp wattage, shades, deflectors, beam direction, luminous area for each source of light and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.

- (34) Sidewalk(s) that meet the requirement of section 30-338.
- (35) A statement indicating that all utility services shall be installed beneath the surface of the ground in accordance with section 30-345.
- (e) *Final development plan.* Each final development plan shall include the following:
- (1) A landscape plan and tree survey or certified arborist report in accordance with Article VIII.
  - (2) Security plan for parking areas, if used after dark (statement re compliance is satisfactory).
  - (3) Design of the connections (including driveways, roadways and other off-site improvements in abutting rights-of-way or easements) and between the development and adjacent developments.
  - (4) Right-of-way improvements associated with access to the proposed development, including but not limited to left turn lanes, bypass lanes and signalization for the development.
  - (5) Design of the internal traffic flow and parking lot.
  - (6) Accessibility for service and emergency vehicles; handicapped accessibility.
  - (7) Specify number and placement, and detail of bike parking.
  - (8) Design of bus stops, pedestrian, bikeway and greenway access to proposed development, where applicable.
  - (9) Where applicable, the completion of any traffic studies as specified in subsection 30-160(d)(5). In addition, letters of approval and conditions from the state department of transportation and the county must be provided.
  - (10) Dimensions, size and type of pipe and slope of wastewater facilities.
  - (11) Manholes and cleanouts with top and invert elevations.
  - (12) Location of all service laterals to within five feet of each building terminating a cleanout.
  - (13) Dimensions, size and type of pipe, tapes and valves related to water facilities.
  - (14) Location of all service laterals and water meters including size.
  - (15) A final stormwater management plan, in accordance with Article VIII, signed and sealed by a professional engineer registered in the State of Florida:
    - a. Data, method of analysis and explanation of assumptions for final stormwater management plan and stormwater management utility summary sheet.
    - b. Results of soil borings, if determined necessary by public works department.
    - c. Typical sections and details of all stormwater management control facilities; construction specifications, complete construction notes.
    - d. Grading and paving plan, including complete notes and construction specifications.
    - e. Final sedimentation and erosion control plan:
      1. During construction; and
      2. Plan for erosion and sedimentation control over the life of the stormwater facilities.
    - f. Status report on any permits required by the county, the applicable water management district and any state agency.
    - g. Maintenance plan for stormwater management facilities specifying regular maintenance procedures for which the property owner shall be responsible.
  - (16) Location and dimension of all existing and proposed structures indicating all access points, gross floor area per floor per building, elevations of proposed buildings

or additions, building height, number of stories, statement as to the number of dwelling units and bedrooms or floor area ratio. Submission of preliminary floor plans is strongly encouraged to facilitate review of the project.

(17) Certificate of concurrency. A certificate of final concurrency is required for final plan approval.

(18) Sidewalk(s) that meet the requirement of section 30-338.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4046, §§ 2, 3, 12-12-94; Ord. No. 970566, § 1, 1-11-99; Ord. No. 990954, § 1, 4-24-00; Ord. No. 990853, §§ 1, 2, 9-11-00; Ord. No. 991381, § 6, 9-25-00; Ord. No. 000516, § 3, 2-11-02; Ord. No. 002471, §§ 2, 3, 12-9-02; Ord. No. 030913, § 1, 4-12-04; Ord. No. 080545, § 5, 5-21-09)

### Sec. 30-161. Review process.

(a) *Review considerations.* The appropriate reviewing board or the development review coordinator shall review any minor plan, intermediate plan, major plan or any amendment to any previously approved plan based upon the competent and substantial evidence presented by the reviewing authority, the petitioner, property owners, who are entitled to notice, affected persons, as determined by the board, and other interested persons related to any of the following factors:

- (1) Whether the plan meets submittal requirements of the land development code including payment of fees and compliance with submittal schedules to ensure adequate notice and review.
- (2) Whether the proposed development is consistent with the comprehensive plan, the land development code, applicable special area plans and other applicable regulations.
- (3) Whether the proposed development meets the level of service standards adopted in the City of Gainesville Comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applica-

ble at the particular development review stage), or certificate of conditional concurrency reservation.

- (4) Whether the proposed development complies with other applicable factors and criteria prescribed by the comprehensive plan, the land development code or other applicable law.

A portion of the review process shall permit any interested person to address the appropriate reviewing board or the development review coordinator at the proper time. The appropriate reviewing board or the development review coordinator shall determine what evidence is relevant to the decision and shall limit its review to that relevant evidence. Formal rules of evidence shall not apply.

(b) *Review of concept plans.* Concept review is provided in order for the applicant to receive public input and staff comments on a concept for development prior to the preparation of detailed plans and data. Any plan submitted for concept review must be in accordance with the land use designation and the zoning designation applicable to the subject property.

- (1) All major developments are encouraged to submit a plan for concept review. Intermediate developments need not be submitted to concept review, but concept review may be used at the option of the developer. This review is recommended to developers for proposals that may be controversial.
- (2) The developer shall file a completed application and a concept plan as a prerequisite to obtaining concept review.
- (3) Within five working days of receipt of an application and concept plan, the department shall make a determination that:
  - a. The application is complete; if the submittals are incomplete the department shall inform the developer in writing as to the deficiencies. The developer may submit an amended application within 30 days without payment of a new application fee, but, if more than 30 days have

elapsed, must thereafter reinstate the application and pay an additional fee; or

- b. The submittals are complete and proceed with the following procedures. The proposed plan shall be placed on the agenda of the next meeting of the development review board that allows the provision of required notice.
- (4) Public notice shall be in accordance with Article X of this chapter.
  - (5) A copy of the concept plan and notice of the time and date of the concept review shall be delivered to each member of the technical review committee. Technical review committee members shall review the proposal and submit comments, if any, in writing to the development review board at the board's concept review.
  - (6) The development review board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.
  - (7) Following concept review, if applicable, any application must be submitted for preliminary or preliminary and final review within 12 months from the date the board conducted conceptual review.
- (c) *Review of development plans for minor developments.*
- (1) All minor plan applications must be submitted to satisfy the requirements for final development plan review. There shall be one review step for developments classified as a minor development.
  - (2) General procedures.
    - a. The developer of a proposed minor development shall submit the required number of copies, as established by the city manager or designee, for review. Minor developments shall be reviewed and a finding rendered by the city manager or his/her designee. Plans for review of minor developments shall be submitted to the planning and development services department. Plans may be submitted at any time, but will be assigned according to the technical review schedule.
  - b. The department shall make a determination whether the application for review is complete. Incomplete applications will not be reviewed until all information required for review has been submitted. Complete submittals shall be processed using the following procedures:
    - (1) A copy of the plan shall be sent to each member of the technical review committee. Each member shall review the proposal and submit written comments to the technical review committee.
    - (2) The city manager or his designee shall review the comments and determine whether the proposal complies with the requirements of this chapter.
    - (3) The city manager or his designee shall:
      - a. Issue a determination that additional information is required and defer a decision to the next technical



- review cycle, until the necessary information is provided.
- b. Issue a finding that the development plans comply with the Land Development Code as applicable to the proposed development; or
  - c. Refuse to issue a finding of compliance on the basis it is impossible for the proposed development even with reasonable modifications, to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.
- (3) The development review coordinator shall send a copy of the preliminary development plan to each member of the technical review committee and shall place the plan on the agenda of the next committee meeting.
  - (4) Each committee member shall submit written comments as to the proposed development's probable effect on the public facilities and services that the member represents.
  - (5) Within 15 working days after the committee meets to consider the plan and comments, the city manager or designee shall issue a written report setting forth findings and conclusions supporting its recommendation that the development review board:
    - a. Issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below; or
    - b. Refuse to issue a preliminary development order based upon it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 950983, § 1, 7-8-96; Ord. No. 970566, § 1, 1-11-99)

**Sec. 30-162. Review of preliminary and final development plans for intermediate and major developments.**

*(a) Preliminary development plans.*

- (1) The developer shall, following completion of concept review when such review is chosen by the developer, submit a preliminary development plan to the development review coordinator.
- (2) Within five working days of receipt of a preliminary development plan, the development review coordinator shall:
  - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 30 days without payment of an additional fee, but, if more than 30 days has elapsed, must thereafter initiate a new application and pay a new fee; or
  - b. Determine that the plan is complete and proceed with the following procedures.
- (6) The development review board shall conduct a quasi-judicial administrative hearing on the preliminary development plan to determine whether the plan satisfies the requirements of this chapter, the comprehensive plan, or other federal, state, or regional laws and regulations as applicable. The hearing shall be scheduled in accordance with Article X.
- (7) The development review board shall:
  - a. Find that all requirements have been met and issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below;
  - b. Find that all requirements can be met with reasonable modifications

which the developer proffers at the hearing and issue a preliminary development order complying with section 30-165, pertaining to contents of preliminary development orders, below; or

- c. Refuse to issue a preliminary development order because the plan as presented fails to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.

(b) *Final development plans.*

- (1) The developer shall file a final development plan for review within six months of receiving a preliminary development order. Extension of this period may be granted by the appropriate reviewing board at the applicant's request under the following circumstances:

- a. At the request of the applicant and for good cause shown, the appropriate reviewing board, at a public hearing, may extend the period for filing a final development plan for a period of six months, if all the concurrency management requirements of this chapter can be met and if the extended plan would not be in conflict with any other ordinance of the city.

- b. If there is an approved master plan for the development, the appropriate reviewing board, at a public hearing, may set the time schedule for how long the preliminary plan will be valid, provided the following conditions are met:

- i. The development includes a master stormwater plan for the entire development;
- ii. The internal traffic network is shown on the master site plan;
- iii. The master site plan shows building envelopes and general parking layout areas; and

- iv. The master site plan shows all exterior adjacent use buffers and environmental features including but not limited to creeks and wetlands.

The development will be required to receive a certificate of final concurrency when an application is made for final development plan approval for each phase of the development. No reservation of concurrency for future phases will be made when the master plan is approved. Each future phase must receive its own concurrency approval.

- (2) Within 20 working days the department shall determine whether the final development plan should be approved or denied based on whether the plan conforms to the preliminary development order.

- (3) The department shall:

- a. Issue a final development order complying with section 30-166, pertaining to contents of final development orders, below; or
- b. Refuse to issue a final development order based on the failure of the development to comply with the conditions imposed by the preliminary development order, this chapter, the comprehensive plan, or other federal, state, or regional laws and regulations as applicable.

- (4) A final development order shall be effective for a period of one year unless otherwise specified.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970140, § 1, 10-27-97; Ord. No. 970566, § 1, 1-11-99)

**Sec. 30-163. Reserved.**

*Editor's note*—Ord. No. 970566, § 1, adopted Jan. 11, 1999, repealed § 30-163 which pertained to review of preliminary and final development plans for major developments and derived from Ord. No. 3777, § 1, adopted June 10, 1992 and Ord. No. 970140, § 2, adopted Oct. 27, 1997.

**Sec. 30-164. Phasing.**

(a) *Approval of master plan.* A master plan for the entire development site must be approved for any development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the preliminary development plan for the first phase of the development and must be approved as a condition of approval of the preliminary plan for the first phase. A preliminary and final development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases. Each phase must meet concurrency requirements. A certificate of preliminary and final concurrency shall be required for each phase. Approval of a master plan shall not be construed as the issuance of any development order. Any change to the master plan must be approved prior to any final development plan being approved based on the change.

(b) *Requirements for master plan.* A master plan is required for any development which is to be developed in phases. A master plan shall provide the following information for the entire development:

- (1) A concept plan for the entire master plan area.
- (2) A development plan for the first phase or phases for which approval is sought.
- (3) A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.
- (4) Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
- (5) Number, height and type of residential units.

- (6) Floor area, height and types of office, commercial, industrial and other proposed uses.
- (7) Total land area, and approximate location and amount of open space included in each residential, office, commercial and industrial area.
- (8) Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- (9) Approximate location and acreage of any proposed public use such as parks, school sites and similar public or semipublic uses.
- (10) A vicinity map of the area within one mile surrounding the site showing:
  - a. Land use designations and boundaries.
  - b. Traffic circulation systems.
  - c. Major public facilities.
  - d. Municipal boundary lines.
  - e. Urban service area boundaries.
- (11) Other documentation necessary to permit satisfactory review under the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations that may be applicable and required by special circumstances in the determination of the director.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 970140, § 3, 10-27-97)

**Sec. 30-165. Contents of preliminary development orders.**

(a) *Mandatory requirements.* A preliminary development order shall contain the following:

- (1) An approved preliminary development plan (may be subject to conditions and modifications) with findings and conclusions.
- (2) A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in

order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly. However, the failure to list all requirements of this chapter and regulations of the city shall not relieve the developer from complying with such ordinances and regulations.

- (3) A listing of federal, state, regional and city permits that must be obtained in order for a final development order to be issued. However, the failure to list all of such permits shall not relieve the developer from obtaining the required permits.
- (4) Notice that the preliminary development order does not constitute a final development order and that subsequently adopted ordinances, regulations and laws may require additional amendments to the proposal.
- (5) With regard to concurrency management requirements:
  - a. The initial determination of concurrency.
  - b. The time period for which the preliminary development order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a final development order is submitted prior to the expiration date of the preliminary development order.
  - c. Notice that the preliminary development order does not constitute a final development order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a final development order.
  - d. Notice that issuance of a preliminary development order is not binding with regard to decisions to ap-

prove or deny a final development order, and that it does not constitute a binding commitment for capacity of a facility or service, unless otherwise specified in Article III, Division 2.

(b) *Conditional requirements.* A preliminary development order may include one or more of the following as conditions of approval:

- (1) Agreement by the developer in a recordable written instrument running with the land that no final development order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
- (2) Commitment by the developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
- (3) Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
- (4) Such other conditions as may be required by the development review board to ensure that concurrency will be met for all applicable facilities and services.

(Ord. No. 3777, § 1, 6-10-92)

#### **Sec. 30-166. Contents of final development orders.**

(a) *Mandatory requirements.* A final development order shall contain the following:

- (1) A determination that, where one was required, a valid preliminary development order exists for the requested development.
- (2) An approved final development plan with findings and conclusions.
- (3) A determination that all conditions of the preliminary development order have been met.
- (4) If modifications must be made to the development plan before a final develop-

ment order may be issued, a listing of those modifications and the time limit for submitting a modified plan.

- (5) A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues to completion with due diligence and in good faith according to the terms and conditions of approval.
- (6) A certificate of final concurrency.
  - (b) *Conditional requirements.* A final development order may contain:
    - (1) A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
    - (2) A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
    - (3) Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument, subject to the city attorney's review as to form and legality.
    - (4) Security in the amount of 120 percent of the cost of services or facilities to be dedicated to the city, as verified by the city, that the applicant is required to construct, contract for construction, or otherwise provide.
    - (5) Such other conditions as may be required to ensure compliance with the concurrency requirement.

(Ord. No. 3777, § 1, 6-10-92)

**Secs. 30-167—30-179. Reserved.**

## DIVISION 2. SUBDIVISIONS AND STREET VACATION\*

### Sec. 30-180. Purpose and intent.

This article is intended to provide direction and standards for the division of land in a manner

\***Cross references**—Buildings and building regulations, Ch. 6; housing, Ch. 13; parks and recreation, Ch. 18; streets, sidewalks and other public places, Ch. 23; utilities, Ch. 27.

that would facilitate the coordination of land development in accordance with orderly physical patterns; to encourage development of an economically stable and healthful community; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure that adequate and necessary physical improvements of lasting quality will be installed in subdivisions by the subdividers and that taxpayers will not bear this cost; to provide for safe and convenient vehicle, bicycle, pedestrian and transit access; to provide an efficient, adequate and economic supply of utilities and services to new land developments; to prevent periodic or seasonal flooding and to protect groundwater and surface water quality through provision of protective flood control and stormwater management facilities; to help conserve and protect physical and scenic resources; to promote the public health, safety, comfort, convenience and general welfare; and to implement the city's comprehensive plan.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 2, 6-8-98; Ord. No. 050256, § 1, 4-23-07)

### Sec. 30-181. Requirements of subdivision.

To effectuate the purpose and intent of this article, every subdivision of land or lot split within the city shall be made in accordance with the requirements specified in this article. Except for a minor subdivision or lot split, as provided for in section 30-189, and single lot replatting, as provided in section 30-191, such requirements include a pre-application conference, as provided in section 30-182; obtaining design plat approval, as provided in section 30-183; obtaining construction plan approval, as provided in section 30-184; obtaining final plat approval, as provided in section 30-185; constructing required public improvements, as provided in section 30-188; and supplying bonds or other security for the construction and maintenance of such improvements, as provided in section 30-186. Proposed residential subdivisions must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4012, § 1, 8-22-94; Ord. No. 960061, § 3, 6-8-98; Ord. No. 050256, § 1, 4-23-07)