

**LEGISLATIVE #**

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## Proposed Amendment to Article VII – Development 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 development 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.

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

This article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. The procedures for appealing decisions and seeking legislative action are addressed under section 30-352.1.

### Sec. 30-153. - Authorization by development order required prior to undertaking development activity.

Development activity may be undertaken only when the activity is authorized by a development order. A development order shall be issued only when all applicable procedures, inspections and reviews have been complied with as provided in this Code of Ordinances. Building permits for development activity may not be issued without a development order.

### Sec. 30-154. - Exceptions to requirement for development order.

Building permits may be issued for the following development activities in the absence of a final development order issued pursuant to this article:

- (a) *Rapid reviews.* For developments meeting the criteria for a rapid review in Section 30-159, including new construction of single family dwellings and duplexes, the review for compliance with development standards shall be conducted by the planning and development services department at the time of application for a building permit. Approval by other relevant departments may be required as necessary. Compliance with the development standards in this chapter may not be required if in conflict with a previously approved development plan or plat.
- (b) *Signs.* New signs and modifications to existing signs meeting the sign standards and approved by the Planning and Development Services Department through the sign permit review process.
- (c) *Removal of regulated trees.* The removal of regulated trees not associated with a development plan shall be reviewed by the City Manager or designee as a permit for tree removal, as outlined in Section 30-254.

### Sec. 30-155. - Criteria for determining level of review.

Before submitting a development plan for review, the applicant shall provide the City Manager or designee with sufficient information to determine the appropriate level of review. For purposes of the development review process, all development shall be designated by the City Manager or designee as either a rapid, minor, intermediate or major development according to the thresholds set forth below:

	<b>RAPID</b>	<b>MINOR</b>	<b>INTERMEDIATE</b>	<b>MAJOR</b>
<b>Residential</b>	New construction of single-family dwellings or duplexes.	Developments of 3 to 10 multiple-family dwelling units.	Developments of 11 to 99 multiple-family dwelling units.	Developments of 100 or more multiple-family dwelling units.
<b>Non-Residential</b>	New construction or expansions up to 1,000 square feet of floor area or other usable areas, when submitted through the building division for a building permit. All building additions, decks, porches, patios, courts, gas station canopies and similar accessory structures shall be counted as usable area.	New construction or expansions of up to 10,000 square feet of floor area, which do not meet the requirements for rapid review.	New construction or expansions of 10,001 to 50,000 square feet of additional floor area.	New construction or expansions over 50,001 square feet of additional floor area.
<b>Parking and Impervious Areas; Construction Activity</b>	Resurfacing or restriping of existing parking areas, or new parking areas that include less than 8 parking spaces and less than 1000 square feet of new impervious areas. Excavation, filling, or removal of less than 200 cubic yards of material for the purpose of development.	Parking areas that include 8-40 new parking spaces or 1,000-20,000 square feet of new impervious areas. Excavation, filling, or removal of more than 200 cubic yards of material for the purpose of development.	Parking areas that include 41-100 new parking spaces or 20,001-50,000 square feet of other new impervious areas.	Parking areas that include more than 100 new parking spaces or more than 50,000 square feet of other new impervious areas.
<b>Roofed Open Structures</b>	In the warehouse, industrial, or agricultural zoning districts, any developments under 1,000 square feet that include only a roof and support structures where 50% or less of the total sides are enclosed.	In the warehouse, industrial, or agricultural zoning districts, any developments over 1,000 square feet that include only a roof and support structures where 50% or less of the total sides are enclosed.		
<b>Amendments to Approved Development Plans</b>	Minor building or structural adjustments, changes in material or landscaping, shifts in the location of sidewalks, parking, or utilities, or alterations of other minor elements that do not substantially alter the approved plan or conflict with any other requirements, as determined by the city manager or designee.	Building redesign or shifts in the location of buildings, structures, parking or other impervious areas that do not substantially affect the site layout or any specific provision of a prior approval, as determined by the city manager or designee.	Changes to requirements that were specifically included as part of a previous board approval.	

Notes:

1. The level of review for mixed-use developments that include residential and non-residential components shall be evaluated separately according to the thresholds for the number of residential units and non-residential square footage.
2. At the discretion of the City Manager or designee, developments that otherwise meet the thresholds to be reviewed as Minor Development Plans or Rapid Reviews shall be reviewed as Intermediate Plans, where these developments include requests for waivers or exceptions from a special area plan or other zoning standards, where they are adjacent to existing single-family development, or where they impact heritage trees, wetlands, surface waters, or other regulated natural resources.

**Sec. 30-156. – Review Process.**

- (a) *First step meeting or pre-application conference.* Prior to filing for development plan review, the developer, petitioner, applicant or property owner must attend a first step meeting with the technical review committee to discuss the development review process, be informed of ordinance requirements and to confer with staff about the application. If deemed appropriate

by the city manager or designee, a pre-application conference with members of the planning and development services department may be held in lieu of a first step meeting. Comments concerning a proposed development plan made by any participant at a first step meeting or pre-application conference shall not be taken as an implication that the proposal will be ultimately approved or rejected in any form.

- (b) *Neighborhood workshop.* Intermediate and major developments shall be required to hold a neighborhood workshop in accordance with Section 30-350.
- (c) *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.
- (d) *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 standards, site design, environmental concerns, concurrency and transportation issues.
- (e) *Preliminary board review.* Development plans that are determined to be intermediate or major development plans under Section 30-155 shall require a preliminary review. The preliminary review consists of a review and recommendation by the Technical Review Committee, public notice, and a public hearing and decision by the reviewing board. The reviewing board may approve, deny, or approve with conditions the development plan, and preliminary approval is issued in the form of a preliminary development order. Development plans that are determined to be rapid or minor development plans under Section 30-155 are reviewed administratively and do not require preliminary review or a preliminary development order.
- (f) *Final administrative review.* Development plans that are determined to be minor, intermediate or major development plans under Section 30-159 shall require a final review. For intermediate or major development plans, the final review shall be consistent with the conditions of the reviewing board made with the preliminary approval. Minor plans require final review only. Final approval is issued administratively in the form of a final development order. The final development order may be issued only when the Technical Review Committee has approved the development plan.

**Sec. 30-157. - Submittal requirements.**

- (a) At the discretion of the City Manager or designee, incomplete submittals 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 information is not applicable, or that review can proceed without the specified information and the information can be provided at a certain later time during review. 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 clear and readable format 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.
- (b) *Concept plan requirements.* 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) Each submittal shall include multiple copies of the plan as necessary to facilitate the review process.
  - (2) A written description of the project including the types of uses proposed, the total number of residential units and bedrooms proposed, and the total square footage of non-residential uses. This description shall also include any requests for waivers and justification for those requests.
  - (3) A survey or scaled drawing of the site showing existing improvements on the site, as well as wetlands, surface waters, other regulated natural resources, and the location of major tree groupings and Heritage trees.
  - (4) A dimension plan showing:
    - a. The general location, size and height of proposed buildings.
    - b. Proposed access points to the property from the existing street network and adjacent properties, as well as the location of new public or private streets.
    - c. General parking lot layout with approximate number of spaces, basic traffic flow and proposed circulation

patterns.

d. Proposed pedestrian, bicycle and public transit facilities.

e. 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.

f. The location of required landscaping areas (particularly buffers and screening).

g. The approximate location of existing and proposed utility lines.

h. The proposed type of building construction and the occupancy classification for all buildings.

(5) Conceptual elevations of the proposed buildings, generally depicting the location of all windows, entryways, and major architectural features. The elevations shall also clearly display the number of stories and building heights.

(6) An estimation of the average daily and 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.

(c) *Development plan requirements.* All minor, intermediate or major development plans shall include the following, however, the City Manager or designee may request additional information essential to providing a professional and complete response to the petition:

(1) Each submittal shall include multiple copies of the plan as necessary to facilitate the review process.

(2) A written description of the project including the types of uses proposed, the total number of residential units and bedrooms proposed, and the total square footage of non-residential uses. This description shall also include any requests for waivers and justification for those requests.

(3) 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.

(4) A cover sheet displaying:

a. The general location, both stated and graphic. The location graphic shall be drawn to scale showing the position of the proposed development in relationship to principal roads, city limits and/or other pertinent orientation information. Parcel boundaries shall be shown on the graphic, and the zoning and land use designations of surrounding properties shall be labeled.

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, e-mail 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. A general description of the project including the types of uses proposed, the total number of units proposed, and the total square footage of non-residential uses.

g. A list of the applicable zoning standards, including setbacks, height restrictions, building coverage, etc.

h. A note listing any zoning overlays, historic districts, wellfield protection zones, or other special zoning standards that apply to the property.

i. An outline of any special use standards that apply to the proposed project.

(5) A survey or existing conditions map showing 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.

- (6) A scaled topographic map of the site showing major geographical features, including flood zones, creeks, ditches, wetlands, lakes, and other prominent features.
- (7) Tree survey or qualitative tree survey of the site. For developments including solar generation, trees located on abutting properties which are within 50 feet of proposed solar equipment shall also be shown on the survey in order to ensure that these trees will not conflict with solar energy generation.
- (8) An environmental features map of the site showing wetlands, surface waters, and other regulated natural resources. Additional documentation shall be included as needed in order to evaluate the features in accordance with this chapter.
- (9) A demolition and construction plan depicting all structures and paved areas that will be demolished, construction staging areas, and any trees from the tree survey that will be removed. Wetlands, surface waters, and other regulated natural resources and their required buffers shall be delineated on the plan, and the plan shall indicate which of these features will be preserved and which will be impacted. Protection measures in accordance with this chapter shall be shown for trees and environmental features that will be preserved on the site.
- (10) A mitigation plan, where wetlands, surface waters, or other regulated natural resources will be impacted.
- (11) A quality scaled dimension plan 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. Location of all adjacent streets, internal streets, driveways. Identification of all proposed access points to the property from the existing street network or adjacent properties, including the design of the connections between the development and adjacent streets or developments. 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.
  - c. All existing and proposed vehicular and pedestrian, and bicycle accessways with dimensions.
  - d. Areas designated for off-street parking showing the number of existing, required and proposed parking spaces based upon parking standards. The location and number of bicycle parking spaces.
  - e. Designated loading and service areas.
  - f. Bus stops, shelters or other transit facilities provided.
  - g. Location of all other proposed structures, as well as freestanding signs, solid waste and recycling facilities, walls, and fences.
  - h. Total area of site with percentages allocated to buildings, paving, impervious area and open space.
  - i. Dimensions indicating that zoning standards and development requirements are met, including but not limited to setbacks, building separation, driveway and street widths, etc.
  - j. The location of stormwater facilities, open space areas, and landscaping areas.
  - k. The location of environmental features that will be preserved and the dimensions of buffers that will be provided.
- (12) A typical detail of a vehicular parking space, handicapped parking space, and a bicycle parking rack.
- (13) Details of bus shelters, enclosures for solid waste and recycling, walls, fences, and additional details as needed.
- (14) The following information for proposed and existing buildings:
  - a. The building construction type and type of roof covering.
  - b. The occupancy classification of the building (Standard Building Code Chapter 4).

- c. Handicapped accessibility routes to buildings.
- (15) The following information regarding fire protection:
- a. Fire protection systems to be provided in the structures (these may include automatic fire sprinkler systems, halon systems, standpipe systems, smoke removal systems, smoke detection systems and fire extinguishers).
  - b. Identification of 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.
  - c. 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.
  - d. 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.
  - e. Proposed or required fire lanes to be provided.
  - f. Calculation sheets for the actual fire flow and the required fire flow of the structures contained on the site.
- (16) A utility plan showing the location, type, and size of all existing and proposed utility lines and infrastructure on the site and in adjacent easements and/or rights-of-way, proposed new utility easements, proposed off-site extensions or other off-site improvements, and any additional information as required by the providing utility company.
- (17) A photometric plan, 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), and meeting the lighting standards of this chapter. Plans shall indicate the location, height and types of lights, and display a footcandle grid to illustrate light levels required (on the site and adjacent to the site). The plans shall include a statement of the proposed hours when the luminaries will be on, and additional information as necessary to ensure that site and building lighting will comply with this chapter. Where new streetlights will be installed as part of a development, these shall be included on the photometric plan.
- (18) A landscape plan, certified by a registered landscape architect, architect, or engineer, and meeting the landscaping standards of this chapter. All existing and proposed utility lines and infrastructure shall be shown on the landscape plan.
- (19) Building elevations, generally depicting the location of all windows, entryways, and major architectural features, and basic floor plans providing information necessary to determine compliance with this chapter.
- (20) A stormwater management plan, in accordance with Article VIII and the public works design manual, 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.
- (21) Required trip generation data or traffic studies. At a minimum, the state highway system or county road number shall be shown on the plans and peak hour, peak direction trip generation of the proposed development shall be calculated using the latest edition of the *Institute of Transportation Engineers, Trip Generation, An Information Report*. In addition, letters of approval and conditions from the state department of transportation and the county, where applicable.
- (22) Required information to determine that the project meets the applicable concurrency management requirements.
- (23) Signed easement documents for sidewalks, bus stops, or other public improvements that will be located on private property.
- (24) Signed cross-access easements for driveways or other connections between properties.

**Sec. 30-158. - Criteria for review.**

- (a) *Review considerations.* The appropriate reviewing board, or the city manager or designee, 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 applicable 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 city manager or designee, at the proper time. The appropriate reviewing board, or the city manager or designee, shall determine what evidence is relevant to the decision and shall limit its review to that relevant evidence.

- (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. The reviewing 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.

**Sec. 30-159. - Preliminary board review.**

- (a) Within five working days of receipt of an intermediate or major development plan submitted for preliminary board review, the city manager or designee shall:
- (1) Determine that the information is incomplete and inform the developer in writing of the deficiencies; or
  - (2) Determine that the plan is complete and proceed with the following procedures.
- (b) A copy of the development plan shall be sent to each member of the technical review committee and the plan shall be placed on the agenda of the next committee meeting.
- (c) Each committee member shall submit written comments as to the proposed development's compliance with the standards for the improvements, facilities and services that the member represents.



- (d) 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 reviewing board:
  - (1) Issue a preliminary development order complying with Section 30-162, pertaining to contents of preliminary development orders, below; or
  - (2) Refuse to issue a preliminary development order based upon a determination that the proposed development, even with reasonable modifications, will not meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.
- (e) Notice to the public of the scheduled public hearing shall occur in accordance with section 30-351.
- (f) The reviewing 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.
- (g) The reviewing board shall:
  - (1) 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;
  - (2) 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
  - (3) 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.

**Sec. 30-160. - Final administrative review.**

- (a) For final administrative review, the developer shall file multiple signed and sealed sets of the development plan as necessary to facilitate the review process. These plans shall be submitted within six months of receiving a preliminary development order, or the preliminary development order shall expire. 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 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) Within five working days of receipt of a development plan submitted for final review, the city manager or designee shall:
  - (1) Determine that the information is incomplete and inform the developer in writing of the deficiencies; or
  - (2) Determine that the plan is complete and proceed with the following procedures.
- (c) A copy of the development plan shall be sent to the appropriate members of the technical review committee and the plan shall be placed on the agenda of the next committee meeting.
- (d) Within seven days of the committee meeting, the city manager or designee shall:
  - (1) Issue a final development order complying with section 30-166, pertaining to contents of final development orders, below; or
  - (2) Provide a written explanation of the changes necessary for 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.
- (e) A final development order shall be effective for a period of one year unless otherwise specified.

**Sec. 30-161. - Phasing and master plans.**

- (a) *Approval of master plan.* A master plan for the entire development site shall be included with any development that is to be developed in phases, in order to demonstrate that the completed development will be consistent with this chapter and with the

comprehensive plan. The master plan shall be submitted simultaneously with the submittal of the development plan for the first phase of the development, and will be approved with that phase. 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. A certificate of preliminary and final concurrency shall be required for each phase. A revised master plan must be submitted with any final development plan that includes deviations from the previously approved master plan.

(b) *Requirements for master plan.* A master plan shall provide the following information for the entire development:

- (1) An estimated development phasing schedule including the allotted time and sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of streets and other major infrastructure, public recreation and common open space areas and facilities. Phasing schedules shall not extend beyond five years from the initial approval of the master plan and the first phase of development.
- (2) Number, height and type of residential units in the entire development site and in each phase.
- (3) Floor area, height and types of office, commercial, industrial and other proposed uses in the entire development site and in each phase.
- (4) Total land area, and approximate location and amount of public recreation or common open space included in the entire development area and in each phase.
- (5) Approximate location of proposed and existing streets, drives, and parking areas, and pedestrian and bicycle routes, including points of ingress and egress.

(c) *Expiration of master plan.* A master plan shall be considered null and void when development plans for an individual phase have not been approved within the allotted time period, or when five years elapse from its initial approval. A new master plan must be approved prior to the approval of any development within the area of the originally approved master plan.

**Sec. 30-162. - Contents of preliminary development orders.**

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

- (1) An approved development plan.
- (2) A listing of conditions that must be met, and modifications to the 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) 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.
- (3) An initial determination of concurrency.
- (5) The expiration date for the preliminary development order.

(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 reviewing board to ensure that concurrency will be met for all applicable facilities and services.

**Sec. 30-163. - Contents of final development orders.**

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

- (1) A determination that, where required, a valid preliminary development order exists for the requested development, and a determination that all conditions of the preliminary development order have been met.
- (2) An approved development plan.
- (3) A certificate of final concurrency.
- (4) The expiration date for the final development order. 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.

(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.

**Sec. 30-164. - Amendments to approved development plans.**

After a final development order 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 an amendment to the approved development plan. Amendment of the development plan must be made in accordance with the procedures for development review, based upon the levels of review in Section 30-159.