

Article 2 - Administration

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2.1 City Commission

2.1.1 Powers and Duties

In addition to other authority granted to the City Commission by the Florida Constitution, state law, and the City Charter, the City Commission has the following powers and duties under this Land Development Code (LDC):

- A. To review and decide the following:
 - 1. Comprehensive Plan Amendments.
 - 2. LDC Text Amendments.
 - 3. Rezoning and Zoning Map Amendments.
 - 4. Planned Development Agreements and Amendments.
 - 5. Preliminary and Final Plats.
 - 6. Vested Rights.
 - 7. Vacation of Easements, Rights-of-Way, or Plats
 - 8. Approve Historic Landmarks and Designations.
 - 9. To hear and decide appeals for the following:
 - a) Development Orders.

- b) Planned Development Minor Amendments.
 - c) Appeals of Administrative Officials.
 - d) Administrative Interpretations.
 - e) Historic Preservation Certificates of Appropriateness.
 - f) Variances
 - g) Site Plans
- C. To establish a schedule of fees for the applications for development approval reviewed under this LDC.
 - D. To appoint and remove members of the Planning and Zoning Commission.
 - E. To take any other action authorized by law.

2.2 City Manager

2.2.1 Powers, Duties and Responsibilities

For the purposes of this Code, the City Manager shall direct and supervise the administration and enforcement of this Code. The City Manager may delegate some or all their power and duties to qualified individuals as may be necessary to ensure the proper administration and enforcement of this code.

2.3 City Attorney

2.3.1 Duties

For the purposes of this Code, the City Attorney's duties shall include the following:

- A. Provision of professional advice and support to the City Commission.
- B. Provision of professional advice and support to the Planning and Zoning Commission.
- C. The City Attorney may present cases to the Code Enforcement Board but shall not serve as the Code Enforcement Board attorney in accordance with § 162.05(5), Florida Statutes. The City Commission may select an attorney as the Code Enforcement Board attorney other than the City Attorney.

2.4 Planning and Zoning Commission

2.4.1 Generally

- A. The Planning and Zoning Commission is hereby established. It is the policy of the City of Crescent City that membership of the Planning and Zoning Commission shall be residents of the City and generally reflect the demographic and geographic diversity of the citizens of the City.
- B. The Planning and Zoning Commission shall have not less than five (5) or seven (7) members by the City Commission by affirmative vote of a majority of the full City Commission membership.
- C. Each member of the Planning and Zoning Commission shall be appointed by the City Commission for a three-year term. The terms shall be staggered such that no fewer than two (2) nor more than three (3) terms shall expire each year. The terms of Planning and Zoning Commission Members shall commence on January 1 and shall expire on December 31. Each member of the Planning and Zoning Commission shall serve until the expiration of his or her term unless removed by the City Commission pursuant to applicable law, ordinance or rule. Any member may be reappointed by the City Commission from term to term.

- D. In addition to the members of the Planning and Zoning Commission appointed as set forth above, the Putnam County School Board shall be allowed to appoint a board member or staff member as a representative of the Putnam County School District as a non-voting member of the local planning agency per FL. Statute Section 163.3174. This representative shall be allowed to attend those meetings at which the agency considers comprehensive plan amendments that would, if approved, increase residential density on the property that is the subject of the application.
- E. A voluntary unexcused absence from three (3) meetings of the Planning & Zoning Commission during a calendar year shall constitute resignation, and a replacement shall be appointed to complete the unexpired term of the resigned member. The resigned member may be appointed as the replacement.
- F. Vacancies on the Planning and Zoning Commission shall be filled by the City Commission upon the affirmative vote of a majority of the full City Commission membership. The City Commission may remove, with or without cause, any member of the Planning and Zoning Commission from office at a public hearing upon the affirmative vote of a majority of the full City Commission membership.
- G. The Chairperson of the Planning and Zoning Commission shall be elected by the members of the Planning and Zoning Commission. Members of the Planning and Zoning Commission shall annually elect, during the first regularly scheduled meeting of each calendar year, a Chairperson and Vice-Chairperson from among its members, and may create and fill other officers as the Commission deems needed.
- H. Members of the Planning & Zoning Commission shall serve without compensation or honorarium. Members of the Planning & Zoning Commission shall be entitled to receive reimbursement for *per diem* and travel expenses for attendance at meetings or conferences outside the City of Crescent City, provided that prior approval in writing is authorized by the City Manager.
- I. No Planning and Zoning Commission member shall hold any other public office, appointive or elective. No paid nor elected official or employee of the City may serve as a member of the Planning and Zoning Commission. Members shall not appear for, nor represent, any other person than himself/herself at a Planning and Zoning Commission meeting for one (1) year after their departure.
- J. The Planning and Zoning Commission shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question. The City Clerk shall maintain all records of the Planning and Zoning Commission. All meetings of the Planning and Zoning Commission shall be open and available to the public in accordance with state law. The Planning and Zoning Commission, and its members, are subject to the requirements of the Public Records Law (Ch. 119, FS) and the Sunshine Law (Ch. 286, FS).
- K. No member of the Planning and Zoning Commission shall vote on any matter that would inure to a special private gain; or of any principal by which the member is employed, or retained, or to the parent organization, or subsidiary of a corporate principal by which the member is retained; or that would inure to the special private gain of a relative or business associate.
- L. The City Manager or designee shall advise and assist the Planning and Zoning Commission in all its deliberations. The City Manager shall provide such other staff and clerical assistance as the Planning and Zoning Commission may require in the performance of its duties, subject to the availability of such staff and clerical assistance as approved by the City Commission. The City Manager, or designee, shall make a written recommendation to the Planning and Zoning Commission of the action to be taken. The Planning and Zoning Commission may call upon any department or other agency of the City for information or advice in the performance of its work. The Planning and Zoning Commission, upon the approval of the City Commission, may accept grants or other monetary or physical assistance to aid in its work.

- M. The Planning and Zoning Commission may adopt rules of procedure not inconsistent with those adopted by the City Commission for the conduct of meetings and public hearings and the review of matters before the Board.
- N. Final action taken by the Planning and Zoning Commission on applications shall be reduced to writing, filed with the City Clerk, and a copy thereof made available to the applicant upon request.

2.4.2 Powers and Duties

The Planning and Zoning Commission shall have the following powers under this LDC:

- A. To have final authority to approve, modify and/or deny the following unless appealed to the City Commission as provided in Article I:
 - 1. Planned development minor amendments.
 - 2. Conditional Uses
 - 3. Variances.
 - 4. Site Plans involving projects over 2,500 square feet of gross floor area.
- B. To review and make recommendations to the City Commission on the following:
 - 1. Comprehensive plan amendments.
 - 2. LDC Text amendments.
 - 3. Rezoning (zoning map amendments).
 - 4. Planned developments and amendments.
 - 5. Vacation of easements, rights-of-way, or plats.
 - 6. Preliminary/Final Plats
- C. To act as the Local Planning Agency for the City of Crescent City for the purposes of the Community Planning Act, Sec. 163.3174, Fla, Stat., et seq. All the functions, duties, powers, and responsibilities of a local planning agency as per such statutory provisions are hereby delegated to the Planning and Zoning Commission.
- D. To act as the Historic Preservation Board. All the functions, duties, powers and responsibilities of the Historic Preservation Board granted by this code are hereby delegated to the Planning & Zoning Commission.
- E. Respond to requests from the City Manager on matters pertaining to planning and zoning.
- F. Perform such other duties as may be assigned by the City Commission or required by ordinance.

2.4.3 Meetings

- A. The Planning and Zoning Commission shall meet at least once each calendar month, unless canceled by the Commission or its chairperson. Special meetings may be called by the Chairperson or by any of the three (3) regular members of the Commission. At least seven (7) days' notice shall be provided for any meeting, and an agenda for the meeting shall be available to the public at least seven (7) days prior to the meeting. The Commission may meet more often at the direction of the Chairperson or the City Commission.
- B. A majority of the full membership of the Commission in attendance at a meeting shall constitute a quorum.
- C. Each decision of the Planning and Zoning Commission shall be approved by a majority vote of the members present, unless expressly stated otherwise in this LDC.

2.5 Historic Preservation Board

2.5.1 Generally

The City declares its intention to qualify as a Certified Local Government (CLG) with the Florida Department of State, Division of Historical Resources and to comply with the rules and regulations of the division pursuant to that program. The purpose of a CLG is to promote the health, morals, economic, educational, aesthetic, cultural and general welfare of the public through the:

- A. Identification, protection, enhancement, perpetuation and use of districts, sites, buildings, structures, objects and areas that are reminders of past eras, events and persons important in local, state or national history, or that provide significant examples of architectural styles of the past, or that are unique and irreplaceable assets to the city and its neighborhoods, or that provide this and future generations examples of the physical surroundings in which past generations lived;
- B. Enhancement of property values, the stabilization of neighborhoods and business centers of the city, the increase of economic and financial benefits to the city and its inhabitants, and the promotion of local interests;
- C. Preservation and enhancement of varied architectural styles, reflecting the city's cultural, social, economic, political, and architectural history; and
- D. Enrichment of human life in its educational and cultural dimensions to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

2.5.2 Purpose

The Historic Preservation Board is established to seek the accomplishment of the following municipal purposes:

- A. The Board shall take necessary and appropriate action to accomplish the purposes of Historic Preservation and these actions include:
 - 1. Continuing the survey and inventory of historic buildings and areas and archeological sites and planning for their preservation.
 - 2. Recommending the designation of historic districts and individual landmarks and landmark sites.
 - 3. Regulating alterations, demolitions, relocations, and new construction to designated property.
 - 4. Adopting guidelines for changes to designated property.
 - 5. Initiating plans for the preservation and rehabilitation of individual historic buildings;
 - 6. Educating citizens on the signs of demolition by neglect; and
 - 7. Undertaking educational programs, including the preparations of publications and the placing of historic markers.

2.5.3 Powers, Duties, and Responsibilities

The Historic Preservation Board shall have the following powers, duties and responsibilities under this LDC:

- A. To have final authority to approve, modify and/or deny a Historic Preservation Certificate of Appropriateness unless appealed to the City Commission as provided in Article I.
- B. The Board shall review all nominations of local property to the National Register of Historic Places following the regulations of the state historic preservation office.

- C. Following a public hearing with public notice of no less than thirty (30) days, the Board shall consider the nomination. When necessary, the Board shall seek expert advice before evaluating the nomination. The Board shall forward to the state historic preservation officer its action on the nomination and the recommendations of the local officials.
- D. When a property owner objects to having property nominated to the National Register, a notarized written statement must be submitted to the Board before the nomination is considered. The Board may then either continue its review, forwarding its recommendation to the state historic preservation officer and noting the owner's objection, or it may cease any further review process and notify the state historic preservation officer of the property owner's objection to the proposed listing. The Board shall not recommend registry over objection of the owner except by a super majority vote.
- E. In the development of the certified local government program, the City Commission may ask the Board to perform other responsibilities that may be delegated to the city under the National Historic Preservation Act.
- F. The Board shall conduct at least four (4) public hearings a year to consider historic preservation issues. The Board shall recommend to the City Commission the designation of landmarks, landmark sites, and historic districts. Applicants shall be given written notification of the City Commission's decisions. The Board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.
- G. The Board shall review the historic preservation element of the comprehensive plan at least every five (5) years and shall make recommendations to the local planning agency and the City Commission regarding changes to the historic preservation element.
- H. The Board shall coordinate its activities with the community redevelopment agency, and the state historic preservation officer.
- I. The Board shall assist the city in preparing applications for grant awards for historic preservation and historic survey activities.
- J. The area of geographic responsibility for the Board shall be within the boundaries of the city.

2.5.4 Procedures

The Board shall hold at least four (4) meetings each year, which shall be public meetings. Meetings shall have a previously advertised agenda and shall be open to public participation. All records of the Board, including its rules of procedure, minutes, and inventory, shall be public records open to inspection by the public. The Board shall adopt rules of procedure for use in all its meetings, and the city manager shall provide staff assistance. The Board shall have the following reporting requirements:

- A. The Board shall elect a chairperson and vice-chairperson from its membership. The chairperson and vice-chairperson will serve terms of one (1) year each and members of the Board shall elect the chairperson and vice-chairperson at the first regularly held meeting of the calendar year. The chairperson will preside over the board and will have the right to vote. In the absence of the chairperson, the vice-chairperson will perform the duties of the chairperson.
- B. The City Manager or designee shall act as the city historic preservation officer. The City Clerk shall serve as secretary of the board.
- C. A majority of the Board, four (4) members, will constitute a quorum.
- D. The Board shall adopt rules of procedure for use in all its meetings and the City Manager or their designee shall provide staff assistance.
- E. The Board shall have the following reporting requirements:

1. It shall provide the state preservation officer with thirty (30) days' notice prior to each meeting, following its first meeting.
 2. It shall submit minutes of each meeting to the state historic preservation officer within thirty (30) days of holding the meeting.
 3. It shall submit records of the attendance for the review of Board members to the state historic preservation officer within thirty (30) days of each meeting.
 4. It shall submit public attendance figures of each meeting to the state historic preservation officer within thirty (30) days of each meeting.
 5. It shall notify the state historic preservation officer of changes in Board membership within thirty (30) days of action.
 6. Shall notify the state historic preservation officer of all historic designations or alterations to existing designations.
- F. The Board shall submit an annual report by November 1 covering the previous October 1 through September 30, which shall include:
1. Any changes in the rules of procedure.
 2. Number of proposals reviewed.
 3. Designations or listings.
 4. Changes to Board.
 5. Revised resumes of Board members as appropriate.
 6. Review of survey and inventory activity with the description of the system used
 7. Program report on each grant-assisted activity.

2.6 Development Review Committee

2.6.1 Generally

The Development Review Committee (DRC) is a committee of staff members established to provide technical review for all applications for development approval and grant any approvals when authorized by this code. The DRC shall include representation from the administrative, engineering, planning, public works, public safety, and utility functions of the City. Other members may be assigned to the DRC as needed and deemed necessary by the City Manager.

2.6.2 Powers, Duties, and Responsibilities

The Development Review Committee shall have the following powers, duties, and responsibilities under this LDC:

- A. Conduct pre-application meetings with perspective applicants to become familiar with and offer the applicants preliminary comments about the scope, features and impacts of proposed development. The DRC shall inform applicants of the submittal requirements, procedures, and the various standards applicable to anticipated applications for development approval.
- B. Review applications that are distributed to them by the City Manager or their designee and provide written comments regarding the technical aspects of the application.
- C. The DRC shall have final authority to approve, modify and/or deny, site plans involving projects with 2,500 or less square feet of gross floor area.

2.6.3 Procedures

This subsection applies to the review of, recommendation on, or decision on an application after the application is determined to be complete.

- A. The City Manager or their designee shall distribute the application to all appropriate members of the DRC and other review agencies for review and comment on the application.
- B. DRC Members shall review the application including all relevant support materials and plans.

2.7 General Procedures

2.7.1 General Requirements

- A. All properties subject to a single application must be contiguous and immediately adjacent to one another or be the subject of separate petitions and filing fees.
- B. No application shall be accepted unless it is presented on the official forms provided by the City and the appropriate fee is paid.
- C. The City shall prepare and periodically revise, the required forms and instruction packages for each development permit application described in this Article. City staff shall determine all applicable supporting documentation required for each application and shall list these requirements on the application form for the applicant's convenience.
- D. Before an application is scheduled for further consideration, the City shall have five (5) business days to determine the application package is complete.
- E. All applicants for any action described herein shall schedule a preapplication meeting with the Development Review Committee (DRC).
- F. No application shall be determined to be complete unless the property owner of record as listed by the Putnam County Property Appraiser's Office signs the application or authorizes (in writing) an agent to act in the applicant's behalf and all required support documents are provided.
- G. Property surveys, site plans and landscape plans shall be provided at a common scale of one (1) inch = thirty (30) feet.
- H. The deadline for filing any complete application described herein shall be a minimum of forty-five (45) days prior to the regularly scheduled meeting of the first review body. The City shall not be at fault for the applicant's failure to meet any deadline described herein. Any waiver of this deadline of more than two (2) working days shall require City Commission approval. Due to unforeseen conditions, extremely large agendas, review process, etc., this deadline does not guarantee an applicant's placement on the next regularly scheduled meeting. However, the application will be placed on the next available meeting.

2.7.2 Application Notice Requirements

It is the intent of this Section to provide legal and timely public notice of the application review process. It is also the intent to provide adequate procedural due process to the applicant and the public. Application notice requirements are based on the minimum requirements found in Chapters 163, 166, 171 and 177, Florida Statutes.

- A. Public notice of all applications for development approval shall be consistent with current State Statutes.
- B. When mailing of notices is required, the notice shall be sent to the applicant and the property owners of record as listed by the Putnam County Property Appraiser's Office.
- C. When newspaper advertisements are required, they shall appear in the newspaper of general circulation. The advertisement shall identify the Tax Parcel Identification Number, street address or location and a general description of the proposed project. A site location map may be required as appropriate.

- D. When on-site posting is required, the notice shall be posted in at least one (1) conspicuous place on the site.
- E. Proof of publication and mailing notices shall be available for public inspection.

2.7.3 Application Fee Schedule

The City Commission shall adopt by Resolution, development review, advertising, and associated fees for administrative charges. If an applicant withdraws an application or requests tabling after the advertisement has been submitted and then reinstates consideration of the application, the applicant shall be billed for any additional advertising costs.

2.8 Zoning Map Amendments (Rezoning)

2.8.1 General Requirements

An amendment to the Official Zoning Map requires adoption of an Ordinance by the City Commission following the review and recommendation of the Planning and Zoning (P&Z) Commission.

2.8.2 Comprehensive Plan Consistency

An application for a change in zoning cannot be approved unless the proposed zoning is consistent with the City's Future Land Use map.

2.8.3 Procedures

- A. Public notice regarding the zoning map amendment application is as follows and shall also meet current Florida Statutes:
 - 1. The City Manager or designee is responsible for mailing written notices at least ten (10) calendar days prior to a public hearing to property owners within three hundred (300) feet on a straight-line distance of the applicant's property seeking a zoning map amendment. The applicant will send notices via the United States Postal Service (USPS) and use the property owner's mailing addresses listed by the Putnam County Property Appraiser's Office.
 - 2. The City Manager or designee is responsible for physically posting the property at least seven (7) calendar days prior to a public hearing with a highly visible sign at least three (3) feet off the ground in the front setback of the applicant's property seeking a zoning map amendment.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- C. Following review by the DRC, a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission.
- D. Following review by the P&Z Commission, a staff report presenting the P&Z Commission's recommendations, a proposed ordinance and a staff recommendation shall be provided to the City Commission for consideration.
- E. The decision of the City Commission with respect to the rezoning shall be based on findings of fact and the competent public testimony received at the hearing. Unless otherwise provided, the rezoning ordinance approved by the City Commission shall be effective immediately upon adoption of the ordinance.

2.8.4 Decision Criteria

In order to approve a rezoning application, the City Commission must make a finding of fact that the rezoning:

- A. Is consistent with all the relevant Goals, Objectives, and Policies of the Comprehensive Plan; and
- B. Is compatible with existing and proposed uses in the adjacent area.

2.8.5 Reconsideration

A rezoning application denied by the City Commission shall not be eligible for re-submission for a period of one (1) year after the date of denial.

2.8.6 Appeals

An appeal of the decision of the City Commission concerning a rezoning decision is to the Circuit Court.

2.9 Conditional Use Permit (CUP)

2.9.1 Intent

It is the intent of this Section to recognize certain types of uses as unique and require special consideration. Unless specifically stated otherwise in the conditions of approval, the CUP applies to subsequent property owners operating the same business or engaging in the same use.

Conditional use means a land use, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

A review of these uses is necessary due to the impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when minimal impacts exist by imposing mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

The designation of a use in a zoning district as a conditional use does not constitute an authorization of such use or an assurance that such use will be approved; rather, each proposed conditional use shall be evaluated by for compliance with the standards and conditions set forth for each district.

2.9.2 Comprehensive Plan Consistency

An application for a CUP cannot be approved unless the proposed use is consistent with the property's zoning designation and corresponding conditional uses found in Article III.

2.9.3 Procedures

- A. Public notice regarding the CUP application is as follows and shall also meet current Florida Statutes:
 - 1. The City Manager or designee is responsible for mailing written notices at least ten (10) calendar days prior to a public hearing to property owners within 300-feet on a straight-line distance of the applicant's property seeking a CUP. The applicant will send notices via the United States Postal Service (USPS) and use the property owner's mailing addresses listed by the Putnam County Property Appraiser's Office.

2. The City Manager or designee is responsible for physically posting the property at least seven (7) calendar days prior to a public hearing with a highly visible sign at least three (3) feet off the ground in the front setback of the applicant's property seeking a CUP.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- C. Following review by the DRC, a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission.
- D. The P&Z Commission shall provide findings of fact regarding their decision to approve, deny or modify the applicant's request.
- E. The P&Z Commission's decision shall be final unless appealed to the City Commission within fifteen (15) calendar days.

2.9.4 Decision Criteria

In order to approve a CUP, the P&Z Commission must make a finding of fact that the CUP:

- A. Is consistent with applicable land development regulations for the zoning district in which the property is located; and
- B. Is compatible with existing and proposed uses in the adjacent area; and

2.9.5 Authority

- A. A CUP may set reasonable time limits, renewal conditions and/or operational restrictions.
- B. A CUP may require completion of the site plan review process as determined by the DRC.
- C. If the applicant agrees to install additional landscaping, reduce/or relocate signage or make other performance standards enhancing the appearance and/or public safety on the subject parcel, specific land development requirements may be waived.

2.9.6 Approval Expiration

Unless specifically stated otherwise, a CUP shall expire one (1) year after issued, if a building permit or certificate of occupancy has not been issued by that date.

2.9.7 Reconsideration

A denied CUP shall not be eligible for resubmission for a period of one (1) year after the date of final denial by the P&Z Commission or by the City Commission, if appealed.

2.9.8 Appeals

An appeal of the decision of the City Commission concerning a CUP decision is to the Circuit Court.

2.10 Site Plan Review

2.10.1 Intent

It is the intent of this Section to establish the process and criteria for review of site plans.

2.10.2 Comprehensive Plan Consistency

An application for a site plan cannot be approved unless the proposed use is consistent with the property's zoning designation found in Article III.

2.10.3 Application Requirements

The owner or authorized agent of the property shall make application for site plan review by submittal to the City. Only complete site plan applications, as determined by the City Manager, or their designee, will be reviewed. The following items shall be submitted:

- A. Owner's affidavit.
- B. Application fee.
- C. An electronic copy of the site plan and the certified engineering drawings drawn to an acceptable scale, showing the following, and other information as requested by the City.
- D. Location map and vicinity plan showing adjacent parcels, lots, owners, roads, buildings and canals.
- E. Address, tax identification number, legal description and acreage of subject parcel.
- F. Date, scale, north arrow, dimensions of buildings, setbacks, driveways, streets, parking stalls and other proposed improvements.
- G. Developers, architect's and engineer's phone numbers and addresses (licensed architects and engineers Florida required).
- H. Boundaries and legal description of the subject parcel and phases of the development.
- I. Adjacent buildings, streets, fences, utilities, waterways, and easements.
- J. Existing on site and adjacent utilities and sizes, buildings, street improvements (curb, gutter, sidewalk, and pavement), easements, waterways, ditches, significant vegetation, contours at one (1) foot intervals.
- K. Proposed building information, number of stories, height of buildings, and number of dwelling units.
- L. Proposed restaurants or similar establishments, number of seats and occupancy load.
- M. Proposed exterior mechanical equipment, utilities, irrigation systems and storm drainage systems.
- N. Proposed water and sewer facilities.
- O. Proposed building uses, footprints, canopies, exterior stairwells and landings, floor area, elevation plans, exterior materials, and colors.
- P. Proposed street improvements (curb, gutter, sidewalk, and pavement), access, driveways, parking and loading areas.
- Q. Proposed landscaping including species, sizes and area of landscape coverage.
- R. Proposed freestanding and wall signs.
- S. Proposed screening, fencing and trash enclosures.
- T. Photometric plan; on and off-site lighting plans.
- U. Required engineering drawings for on- and off-site improvements.
- V. A traffic study as directed by the City Engineer.
- W. A geotechnical study as directed by the City Engineer.
- X. Data table showing parcel, building, landscaping, parking areas and percentages with the number of parking stalls required and provided.
- Y. Profile drawings of proposed buildings, streets, fences, and other features relative to existing adjacent buildings, streets and features as directed by the City Engineer.
- Z. Any other materials deemed necessary by City staff.

2.10.4 Procedures

- A. The applicant shall prepare a site plan which, at a minimum, identifies the points of access, the amount of impervious surface, the footprint(s) of proposed structures, a general description of

the proposed landscaping, provides for the proposed use of the parcel, the number of employees and other such matters as are identified in the application material.

- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC. The DRC shall evaluate the technical aspects of the proposed site plan and the applicant shall be provided with written findings of fact concerning the site plan application. The proposed site plan shall be reviewed for compliance with the Land Development Code requirements.
- C. Following review by the DRC, a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission for site plans involving projects over 2,500 square feet of gross floor area. If the project is 2,500 or less square feet of gross floor area, the DRC is the approving authority.
- D. The P&Z Commission shall provide findings of fact regarding their decision to approve, deny or modify the applicant's request for site plans involving projects over 2,500 square feet of gross floor area.
- E. The DRC or P&Z Commission's decision shall be final unless appealed to the City Commission within fifteen (15) calendar days.
- F. As-built drawings shall be required on all projects requiring site plan approval.

2.10.5 Approval Expiration

Unless specifically stated otherwise, a site plan approval shall expire one (1) year after issued, if a building permit or certificate of occupancy has not been issued by that date. A one (1) year site plan approval extension may be granted by the City Manager or his designee if there is sufficient evidence of a hardship and the failure to complete the building permit application within the established time frame.

2.10.6 Reconsideration

A Site Plan denied by the City Commission may be reconsidered at any future date.

2.10.7 Appeals

An appeal of the DRC or P&Z Commission's site plan decision is decided by the City Commission. An appeal of the decision of the City Commission concerning a site plan is to the Circuit Court.

2.11 Land Development Code Amendments

2.11.1 General Requirements

Any amendment to the Land Development Code requires adoption of an ordinance by the City Commission after review and recommendation of the P&Z Commission. Changes to the text may be proposed by City staff, any advisory board and/or the City Commission at any time.

2.11.2 Comprehensive Plan Consistency

All modifications or text amendments to the Land Development Code shall be consistent with the provisions of the Comprehensive Plan.

2.11.3 Procedures

- A. The public notice for a Land Development Code text amendment shall be as provided in current Florida Statutes. Such proposed changes are a legislative action.

- B. Upon receipt of a request to change the text, City staff will schedule a review of the proposed change by the DRC.
- C. Following review of the proposed text change by the DRC, a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission.
- D. Following review of the proposed change by the P&Z Commission, the proposed change will be scheduled for a public hearing before the City Commission. A staff report presenting the P&Z Commission's recommendations, a proposed ordinance, a staff recommendation and the P&Z Commission minutes shall be provided to the City Commission for consideration at the public hearing.
- E. The City Commission's decision shall be based on findings of fact and competent public testimony received at the hearing. The City Commission's decision shall be effective immediately upon adoption of the ordinance.

2.11.4 Approval Expiration

Any text amendments to the Land Development Code shall be permanent unless subsequently amended as provided for in this Section.

2.11.5 Reconsideration

Text amendments denied by the City Commission may be reconsidered at any future date.

2.11.6 Appeals

Any appeal of the decision of the City Commission concerning any text amendment is to the Circuit Court.

2.12 Small-Scale Comprehensive Plan Amendments

2.12.1 General Requirements

Chapters 163.3184, 163.3187 and 163.3189, Florida Statutes provide for a process to amend the City Comprehensive Plan. The Plan shall be amended by ordinance in the manner provided in Chapter 166.041 and Chapter 163, Part II, F.S. The Legislature created Chapter 163.3187, F.S. to provide for an abbreviated review of small-scale plan amendments. A small-scale plan amendment decision is a legislative decision and will be administered accordingly. If a Comprehensive Plan Amendment is required and does not meet the criteria of this Section for a small-scale plan amendment, the requirements of Section 2.13 "Comprehensive Plan Amendments Other Than Small-Scale" shall be used.

2.12.2 Criteria for Determination

All small-scale plan amendments may only be adopted under those conditions set forth in § 163.3187(c), Florida Statutes:

- A. The proposed amendment involves a use of fifty (50) acres or fewer and:
- B. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small-scale future land use map amendment shall be permissible under this section. Following review of the proposed text change by the DRC, a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission.

- C. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of F.S. 420.0004(3) and is located within an area of critical state concern designated by F.S. 380.0552 or by the Administration Commission pursuant to F.S. 380.05(1).
- D. The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.
- E. The proposed amendment is consistent with the Concurrency Management System requirements.
- F. The proposed amendment is compatible with existing and proposed uses in the adjacent area.

2.12.3 Procedures

- A. A small-scale plan amendment may be initiated by a property owner, City staff, and/or at the direction of the City Commission.
- B. Public notice regarding the small-scale comprehensive plan amendment application is as follows and shall also meet current Florida Statutes:
 - 1. The City Manager or designee is responsible for mailing written notices at least ten (10) calendar days prior to a public hearing to property owners within three hundred (300) feet on a straight-line distance of the applicant's property seeking a small-scale comprehensive plan amendment. The applicant will send notices via the United States Postal Service (USPS) and use the property owner's mailing addresses listed by the Putnam County Property Appraiser's Office.
 - 2. The City Manager or designee is responsible for physically posting the property at least seven (7) calendar days prior to a public hearing with a highly visible sign at least three (3) feet off the ground in the front setback of the applicant's property seeking a small-scale comprehensive plan amendment.
- C. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- D. Following review by the DRC, a staff report including findings of fact to amend the Comprehensive Plan, a small-scale plan amendment report and a staff recommendation shall be provided to the P&Z Commission. The small-scale plan amendment report shall at a minimum include adequate data and analysis to justify the proposed amendment.
- E. Following review by the P&Z Commission, a staff report presenting the P&Z Commission's recommendation, a proposed ordinance and staff recommendation shall be provided to the City Commission for consideration:
- F. The decision of the City Commission with respect to the small-scale amendment shall be effective thirty-one (31) days after its adoption unless appealed by an affected person as defined in current Florida Statutes. The City Commission's decision shall be based on findings of fact and competent public testimony received at the hearing.

2.12.4 Approval Expiration

Small-scale amendments shall be permanent unless subsequently amended as provided for in this Section.

2.12.5 Reconsideration

A small-scale plan amendment denied by the City Commission shall not be reconsidered for one (1) year after the date of final denial by the City Commission.

2.12.6 Appeals

Any affected person may file a petition with the Division of Administrative Hearings pursuant to F.S. 120.569 and 120.57 to request a hearing to challenge the compliance of a small-scale development amendment with this act within thirty (30) days following the City's adoption of the amendment and shall serve a copy of the petition on the local government.

2.13 Comprehensive Plan Amendments Other Than Small-Scale

2.13.1 General Requirements

Chapters 163.3184, 163.3187 and 163.3189, Florida Statutes provide for a process to amend the City Comprehensive Plan. Applications for plan amendments, other than small-scale amendments, shall be accepted two (2) times per year, unless approved for consideration by the City Commission. The City's Comprehensive Plan shall be amended by ordinance in the manner provided in Chapter 166.041 and Chapter 163, Part II, F.S. Comprehensive Plan amendments are legislative decisions and shall be administered accordingly. If a Comprehensive Plan amendment request meets the requirements of a small-scale plan amendment, then the requirements found in Section 2.12 "Small-Scale Comprehensive Plan Amendments" shall be used.

2.13.2 Criteria for Determination

A comprehensive plan amendment is required when:

- A. Any change is proposed or required in the boundaries of any portion of the Future Land Use Map.
- B. Any change is proposed in the text of the Data and Analysis and/or Goals, Objectives and Policies of the Comprehensive Plan.

2.13.3 Procedures

- A. Public notice regarding other than the small-scale comprehensive plan amendment application is as follows and shall also meet current Florida Statutes:
 - 1. The City Manager or designee is responsible for mailing written notices at least ten (10) calendar days prior to a public hearing to property owners within 300-feet on a straight-line distance of the applicant's property seeking an amendment other than small-scale comprehensive plan amendment. The applicant will send notices via the United States Postal Service (USPS) and use the property owner's mailing addresses listed by the Putnam County Property Appraiser's Office.
 - 2. The City Manager or designee is responsible for physically posting the property at least seven (7) calendar days prior to a public hearing with a highly visible sign at least three (3) feet off the ground in the front setback of the applicant's property seeking an amendment other than small-scale comprehensive plan amendment.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- C. Following review by the DRC, a staff report including findings of fact to amend the Comprehensive Plan and a staff recommendation shall be provided to the P&Z Commission. The Comprehensive

Plan amendment report shall at a minimum include adequate data and analysis to justify the proposed amendment.

- D. Following review by the P&Z Commission, a staff report presenting the P&Z Commission's recommendation, a proposed ordinance and staff recommendation shall be provided to the City Commission for consideration.
- E. The purpose of the first public hearing is to allow the City Commission to grant/deny transmittal of the proposed Comprehensive Plan amendment to the reviewing State Agency for review and comments pursuant to the requirements of Chapter 163, F.S., Part II.
- F. Upon receipt of the reviewing State Agency's comments, the proposed amendment(s) shall be scheduled for the second public hearing by the City Commission to consider the Comprehensive Plan amendment.
- G. In their consideration of the proposed Comprehensive Plan amendment, the City Commission shall address any objections provided by the reviewing State Agency and shall consider any recommendations and comments provided by the reviewing State Agency. The City Commission's decision shall be based on findings of fact and the public testimony received at this hearing.
- H. If the City Commission adopts the Comprehensive Plan amendment ordinance, the adopted ordinance and supporting documentation shall be transmitted to the reviewing State Agency for their compliance determination pursuant to the requirements of Chapter 163.3184, F.S.
- I. The decision of the City Commission shall be effective thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete unless appealed an affected person as defined in current Florida Statutes.

2.13.4 Approval Criteria

In order to approve a Comprehensive Plan amendment, the City Commission must find that, based on the facts presented, the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

2.13.5 Approval Expiration

Comprehensive Plan amendments shall be permanent unless subsequently amended as provided for in this Section.

2.13.6 Reconsideration

A Comprehensive Plan amendment denied by the City Commission shall not be reconsidered for one (1) year after the date of final denial by the City Commission.

2.13.7 Appeals

Any affected person may file a petition with the Division of Administrative Hearings pursuant to F.S. 120.569 and 120.57 to request a hearing to challenge the compliance of Comprehensive Plan amendment with this act within thirty (30) days following the City's adoption of the amendment and shall serve a copy of the petition on the local government. Under the state coordinated review process, this petition must be filed with the Division of Administrative Hearings within forty-five (45) days after the state land planning agency notifies the local government that the plan amendment package is complete.

2.14 Voluntary Annexation

2.14.1 Intent

The purpose of this Section is to establish the process and criteria to voluntarily annex parcels into the City limits. An annexation decision is a legislative action undertaken by the City Commission and shall be administered accordingly.

2.14.2 Criteria for Determination

The owner or owners of real property which is contiguous and reasonably compact to the existing City limits may petition the City for voluntary annexation subject to the requirements of Chapter 171.044, F.S.

2.14.3 Procedures

- A. The public notice for voluntary annexation shall be as provided in current Florida Statutes.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC. Separate applications shall be required for each parcel unless the parcels are in the same ownership and are contiguous.
- C. Following review by the DRC, a staff report including findings of fact for a voluntary annexation and a staff recommendation shall be provided to the P&Z Commission.
- D. The P&Z Commission shall conduct a public hearing and shall evaluate whether the proposed voluntary annexation meets the criteria as established by Florida Statutes and make any other findings of fact deemed pertinent to a particular parcel.
- E. Following review by the P&Z Commission, a staff report presenting the P&Z Commission's recommendation, a proposed ordinance and staff recommendation shall be provided to the City Commission for consideration.
- F. The annexation ordinance shall be effective upon adoption by the City Commission.

2.14.4 Comprehensive Plan Amendment and Zoning of Annexed Property

Pursuant to the requirements of Chapter 171, F.S. the Putnam County Comprehensive Plan and the Putnam County Land Development Code shall control development on the parcel until the City amends its Comprehensive Plan and zoning map to include the annexed parcel.

- A. Upon completion of the annexation process, a comprehensive plan amendment shall be processed pursuant to the requirements of Section 2.12 or 2.13 of this Article for each parcel or contiguous group of parcels included in the annexation ordinance.
- B. Upon completion of the comprehensive plan amendment process, the subject parcel(s) shall be rezoned pursuant to the requirements of Section 2.8 of this Article.
- C. A comprehensive plan amendment application and a rezoning application resulting from an annexation may be processed simultaneously with the annexation application. However, the comprehensive plan amendment and rezoning shall not be effective until the annexation process is completed.
- D. Pursuant to the requirements of Chapter 171, Chapter 163 and Chapter 166, F.S., separate ordinances shall be required for the annexation action, the comprehensive plan amendment action and the rezoning action.

2.15 Involuntary Annexation

This Section establishes the process and criteria to involuntarily annex parcels into the City limits. An involuntary annexation shall be in accordance with the requirements of Chapter 171 F.S. An annexation decision is a legislative action undertaken by the City Commission and shall be administered accordingly.

2.16 Abandonments and Vacations

2.16.1 Intent

The purpose of this Section is intended to establish the process and criteria for abandoning and vacating public right-of-way, easements, and plats. Abandonments and vacations are legislative actions and shall be administered accordingly.

2.16.2 Application Requirements

An application must be submitted by an adjacent owner of record or the owner of a platted parcel. The application shall include:

- A. A recent boundary survey indicating the area to be abandoned and the adjacent parcels. This shall include a legal description of the area to be abandoned including the Tax Parcel Identification number.
- B. Letters of support or opposition from the adjacent property owners of record.
- C. Letters of support or opposition from the affected utility companies and adjacent governments as may be applicable.
- D. A statement of the reason for the request.

2.16.3 Procedures

- A. The public notice for an abandonment and vacation shall be as provided in current Florida Statutes.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- C. Following review of the DRC, a staff report will be created with findings of fact which at a minimum address:
 1. Consistency with the Comprehensive Plan's Objectives and Policies.
 2. The effects, if any, on any planned or programmed expenditures of any public agency.
 3. An assessment of the effects on adjacent property.
 4. A description of the adjacent land uses, zoning, and site development criteria.
 5. A determination that the vacation is in the public's interest, or the street is no longer required for public use and convenience.
 6. Any other appropriate information.
 7. Certification the current taxes have been paid.
- D. The application, findings of fact and staff report will be transmitted to the P&Z Commission for a public hearing and a recommendation.
- E. Following review by the P&Z Commission, a staff report presenting the P&Z Commission's recommendation, a proposed resolution in a manner provided by Chapter 166 F.S., and staff recommendation shall be provided to the City Commission for consideration.
- F. Putnam County shall be furnished with a certified copy of the resolution describing the final order in conformance with the requirements of Chapter 177, F.S.

2.16.4 Approval Criteria

The City Commission must make the following findings of fact to approve an abandonment and vacation:

- A. The proposed vacation is substantially consistent with the Comprehensive Plan's Goals, Objectives, and Policies.
- B. The proposed abandonment and vacation will not affect the ownership or access of persons owning adjacent property.

- C. The vacation is in the public's interest, or the street is no longer required for public use and convenience.
- D. Other matters of concern applicable to the specific area involved.

2.16.5 Decision Effects

If the City Commission approves the abandonment and vacation, ownership of the abandoned area reverts to the adjacent property owners of record in accordance with State Statutes and as defined by the Putnam County Property Appraiser.

2.16.6 Appeals

An appeal of the City Commission's decision concerning abandonment and vacation is to the Circuit Court.

2.17 Variances

2.17.1 Intent

The purpose of this Section is to establish the process and criteria to allow a modification of the strict application of site design criteria under limited conditions.

2.17.2 General Requirements

- A. The variance application shall be consistent with the current Comprehensive Plan and zoning district. Variance applications inconsistent with the Comprehensive Plan shall require a Comprehensive Plan amendment.
- B. Economic, personal, or any other hardship self-imposed shall not be sufficient justification to grant a variance. Hardship for the purpose of this section is defined as a restriction on property so unreasonable it results in an arbitrary and/or capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.
- C. No development permit, Business Tax Receipt or Certificate of Occupancy shall be issued for any property subject to a variance, until the process is completed.
- D. A variance request for any use not permitted within a certain zoning district shall not be considered.

2.17.3 General Procedures

- A. All applicants for a variance shall schedule a preapplication meeting with City staff to discuss the requirements and possible schedule.
- B. Staff will determine whether an administrative variance or a non-administrative variance is appropriate based on the specific conditions of the applicant's property. Staff will provide the applicant with a current copy of the necessary forms and instructions for either an administrative variance or a non-administrative variance as may be appropriate.
- C. At a minimum, the variance application shall include:
 - 1. The signature of the property owner, or his authorized agent.
 - 2. A copy of a recent, accurate survey of the subject property's current condition, signed and sealed by a surveyor licensed in the State of Florida.
 - 3. The tax parcel identification number from the Putnam County Property Appraiser.
 - 4. A site plan, as may be appropriate.
 - 5. Any other material deemed necessary by the staff.

2.17.4 Administrative Variance Procedures

- A. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City Manager, or their designee, may grant a variance only in the following situations:
 - 1. The variance involves real property materially affected by any governmental public utility, road improvement or condemnation actions; or
 - 2. The variance requests a reduction in the number of required parking spaces of ten percent (10%) or less; or
 - 3. The variance involves site dimensions of less than one (1) foot.
- B. In determining whether to grant an administrative variance, the City Manager, or their designee, shall make the following findings of fact:
 - 1. There is no alternative available to allow reasonable use of the property; and/or
 - 2. Granting of the administrative variance will not result in parking in the public right-of-way or an easement; and/or
 - 3. Granting of the variance will not result in a use which is incompatible with adjacent properties.
- C. The administrative variance decision shall be transmitted in writing to the applicant within thirty (30) days of receipt of the application.
- D. The applicant or an adjacent property owner may appeal an administrative variance decision to the P&Z Commission provided it is filed within fifteen (15) days of the order. A separate application and fee shall be required for such an appeal as described in Article 1.11.
- E. The administrative variance may prescribe a reasonable time limit within which the action for the variance is required shall begin, be completed or both.

2.17.5 Non-administrative Variance Procedures

- A. Public notice regarding the non-administrative variance application is as follows:
 - 1. The City Manager or designee is responsible for mailing written notices at least ten (10) calendar days prior to a public hearing to property owners within three hundred (300) feet on a straight-line distance of the applicant's property seeking a variance. The applicant will send notices via the United States Postal Service (USPS) and use the property owner's mailing addresses listed by the Putnam County Property Appraiser's Office.
 - 2. The City Manager or designee is responsible for physically posting the property at least seven (7) calendar days prior to a public hearing with a highly visible sign at least three (3) feet off the ground in the front setback of the applicant's property seeking a variance.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, City Staff will develop a staff report including findings of fact and a staff recommendation shall be provided to the P&Z Commission.
- C. In order to grant a non-administrative variance, the P&Z Commission shall make the following findings of fact:
 - 1. Granting of the proposed variance is not in conflict with the Comprehensive Plan;
 - 2. Granting of the proposed variance will not result in creating or continuing a use which is not compatible with adjacent uses in the area;
 - 3. Granting of the proposed variance is the minimum action available to permit reasonable use of the property;
 - 4. The physical characteristics of the subject site are unique and not present on adjacent sites;
 - 5. The circumstances creating the need for the variance are not the result of actions by the applicant, actions proposed by the applicant; and

6. Granting of the proposed variance(s) will not cause substantial detriment to the public welfare or impair the purposes and intent of the Land Development Code.
- D. The P&Z Commission may prescribe appropriate conditions for any variance and may prescribe a time limit for application of the variance.
- E. The applicant or an adjacent property owner may appeal a non-administrative variance decision to the City Commission provided it is filed within fifteen (15) days of the order. A separate application and fee shall be required for such an appeal as described in Article 1.11.

2.17.6 Approval Expiration

Unless specifically stated otherwise, a variance shall expire two (2) years after final action unless a building permit or certificate of occupancy has been issued.

2.18 Development Agreements for Planned Developments

2.18.1 Intent

It is the intent of this Section to set forth the procedures and requirements necessary for the City to consider and enter into Development Agreements in accordance with planned residential, commercial, or mixed-use developments that encourage efficient use of resources. Development Agreements shall only apply to Planned Development zoning and an approved agreement is required at the time a parcel is zoned Planned Development.

2.18.2 General Procedures

- A. A Development Agreement application may only be submitted by the owner, the owner's designated agent or any other person having a contractual interest in the parcel of land proposed for development.
- B. Upon receipt of a complete application, relevant supporting material, and payment of the appropriate fee, the City will schedule a review by the DRC.
- C. Upon legal review, staff recommendations and public notice requirements the Development Agreement application shall be scheduled for the next available P&Z Commission meeting.
- D. The P&Z Commission shall consider the Development Agreement at a public hearing and make a recommendation concerning the Development Agreement to the City Commission.
- E. Following the P&Z Commission public hearing, a public hearing regarding the proposed Development Agreement shall be scheduled for the next available City Commission meeting in compliance with the notice requirements in accordance with Florida Statutes.
- F. The City Commission shall either grant, grant with amendments or deny the application for a Development Agreement.
- G. Within ten (10) days after the City Commission executes the Development Agreement, a signed copy shall be provided to the developer/owner. The developer is responsible for recording the development agreement with Putnam County and providing City staff with a recorded copy.

2.18.3 General Requirements

- A. A Development Agreement shall, at a minimum, address the following:
1. A legal description including acreage of the land subject to the Agreement and the names of legal and equitable owners.
 2. The duration of the agreement.
 3. The development uses permitted on the land.
 4. The current or proposed zoning designation of the property.
 5. Minimum lot size and density or intensity.
 6. Minimum square footage of buildings.
 7. Minimum yard sizes/setbacks.
 8. On and off-site road and signalization improvements.
 9. A description of any reservations or dedications of land for public purposes.
 10. Stormwater retention.
 11. The future land use designation of the property.
 12. A description of public facilities that will service the development, including who shall provide such facilities, the date any new public facilities, if needed, will be constructed and a schedule to assure public facilities are available concurrent with the impact of the development. Any public facilities to be designated and/or constructed by the developer shall be in compliance with all applicable federal, state and local standards to ensure the quality of the public facilities. The standards shall include, but not be limited to guarantees of performance and quality and project controls (including scheduling, quality control and quality assurance).
 13. Consistency of development with the Comprehensive Plan.
 14. Applicable impact fee schedule.
 15. Development requirements such as:
 - a) Future Land Use map designation of the property
 - b) Any required permits by the City, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, St. Johns River Water Management District, United States Environmental Protection Agency and any other governmental approvals.
 - c) Any required subdivision plat approval.
 - d) Any final development order authorizing construction in accordance with the provisions of the Concurrency Management System requirements.
 - e) Site plan approval.
 - f) Homeowners Association and/or Property Owner Association (if applicable).
 - g) Health, safety, and welfare requirements.
 - h) Appeals.
 - i) Performance guarantees.
 - j) Binding effect.
 - k) Recording.
 - l) Applicable law.
 - m) Time of the essence.
 - n) Agreement/amendment.
 - o) Further documentation.
 - p) Specific performance.
 16. The Development Agreement shall specifically provide that all development permits shall be obtained at the sole cost of the applicant/property owner and that in the event that any such development permits are not received, no further development of the property shall be allowed until such time as the City Commission has reviewed the matter and determined whether or not to terminate the Development Agreement or to modify it in a manner consistent with the public interest and the Comprehensive Plan.

2.18.4 Development Agreement Execution

- A. A Development Agreement shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner and any mortgagees, unless the City Attorney approves the execution of the Development Agreement without the necessity of such joinder or subordination based on a determination that the substantial interests of the City will not be adversely affected thereby. A Development Agreement is determined to be a legislative act of the City in the furtherance of its powers to plan, zone and regulate development within its boundaries.
- B. In the event that the State and Federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties compliance with the terms of the Development Agreement, such agreement shall be modified or revoked as it is necessary to comply with the relevant State or Federal laws.

2.18.5 Development Agreement Amendment and Cancellation

- A. A Development Agreement may be amended or canceled by written mutual consent of the parties to the agreement or by their successors in interest. Prior to amending a Development Agreement, a public hearing shall be held by the City Commission with due public notice.
- B. Within ten (10) business days after the City Commission executes the amended, canceled, modified, extended, or revoked Development Agreement, a signed copy shall be recorded by the City Manager or designee. t

2.18.6 Development Agreement Expiration

- A. The term of a Development Agreement may be for any period mutually acceptable to all parties.
- B. A Development Agreement may be extended by mutual consent of the parties subject to a public hearing before the City Commission with due public notice.

2.18.7 Development Agreement Monitoring

- A. The City shall periodically review the development subject to the Development Agreement to determine if there has been good faith compliance with the terms of the agreement.
- B. If the City makes a finding there has been a failure to comply with the terms of the Development Agreement, a public hearing shall be conducted. If the City Commission determines evidence that the developer has not complied in good faith with the terms and conditions of the Development Agreement, the agreement may be modified or revoked, and penalties may be enacted through code enforcement actions for noncompliance.

2.19 Subdivisions – Preliminary Plat, Final Plat, and Replats

The detailed application procedures and requirements of a Subdivision (Preliminary Plat, Final Plat, and Replats) are found in Article VII “Subdivision Regulations.”

2.20 Tree Removal Permit

The detailed application procedures and requirements of a Tree Removal Permit are found in Article IV, Section 4.4.3 “Tree Removal and Change of Grade Permit Requirement.”