

ORDINANCE NO. 4161

AN ORDINANCE OF THE CITY OF SANFORD, FLORIDA AMENDING ARTICLE III OF THE *LAND DEVELOPMENT REGULATIONS OF THE CITY OF SANFORD* RELATING TO NOTICING REQUIREMENTS FOR MAJOR CONDITIONAL USES AND CITIZEN AWARENESS AND PARTICIPATION PLANS; PROVIDING FOR ADOPTION OF AN EXHIBIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SANFORD, FLORIDA:

SECTION 1. Amendment For Article III. Article III of the Land Development Regulations of the City of Sanford as set forth in the Exhibit to this Ordinance is hereby amended to read as set forth in the said Exhibit.

SECTION 2. Incorporation of Exhibit. The attachment Exhibit is hereby incorporated into the text of this Ordinance as if fully set forth herein verbatim.

SECTION 3. Severability. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional it shall not be held to impair the validity, force or effect or any other section or part of a section of this Ordinance.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Codification. It is the intention of the City Commission of the City of Sanford, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Sanford, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance," may be changed to "Section," "Article," or other appropriate word; provided, however, that the text of the Sections of this

Ordinance shall not be codified, but that the text of the Exhibit shall be codified.

SECTION 6. Effective Date. Except as otherwise provided herein, this Ordinance shall become effective immediately upon its passage and adoption.

PASSED and **ADOPTED** this 23rd day of February, 2009.

CITY OF SANFORD

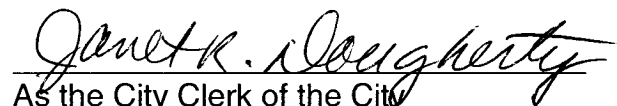

MAYOR LINDA KUHN

ATTEST:


JANET DOUGHERTY, CITY CLERK

CERTIFICATE

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. 4161, PASSED AND ADOPTED by the City Commission of the City of Sanford, Florida, on the 23rd day of February, 2009, was posted at the front door of the City Hall in the City of Sanford, Florida, on the 25th day of February, 2009.


AS the City Clerk of the City
of Sanford, Florida

ARTICLE III PROCEDURES FOR DEVELOPMENT APPROVAL

SECTION 3.8 PROCEDURES SPECIFIC TO MAJOR CONDITIONAL USE DEVELOPMENT APPROVAL

In considering and acting upon applications for approval of a Conditional Use (including, but not limited to, applications for amendments to Preliminary Subdivision Plans approved as conditional uses), the following procedures shall be observed:

A. Referral to Development Review Team. Upon receipt of a complete application for a Conditional Use, the Administrative Official shall schedule the application at the next reasonably available meeting of the Development Review Team. The recommendation of approval, approval with conditions or denial and a report relating to the findings of consistency with the Standards Applicable to All Conditional Uses of the Development Review Team shall be transmitted in writing to the Planning and Zoning Commission by the Administrative Official.

B. Planning and Zoning Commission Action on Application. The Planning and Zoning Commission shall hold a public hearing upon the application in accordance with the procedures in this Section and enter its order granting or denying such application for conditional use in accordance with the requirements of Section 166.033, *Florida Statutes*, and other controlling law. In granting any application, the Planning and Zoning Commission must make specific findings, set forth in a written development order, that the location, configuration, topography and nature of development surrounding the premises proposed for such use makes such use an appropriate one which will not adversely affect the public interest and may prescribe appropriate conditions and safeguards in the development order which shall become a part of the terms under which a Site Development Permit and Certificate of Completion shall issue.

C. Date of Hearing. Hearings shall be held by the Planning and Zoning Commission at a date and time fixed by the Administrative Official.

D. Notice. Notice of the hearing shall proceed in the following manner:

1. Upon a determination of the meeting date, the Administrative Official shall cause a notice of such hearing to be published at least once in a newspaper of general circulation in the City of Sanford with such publication to be at least ten (10) days prior to the date of the hearing. The notice shall include:

(a) Location, date and time of the hearing.

(b) A description of the location of the parcel proposed for development sufficient to identify the site to the general public. A full legal description

Exhibit "A"

47 shall not be required as part of the notice, but shall be required as part of
48 the application.

49
50 (c) A brief description of the proposal being considered.

51
52 (d) Identification of the body conducting the hearing.

53
54 (e) Type of application being considered.

55
56
57 2. Properties considered for public hearings shall be posted by the applicant with a
58 sign for ten (10) consecutive days prior to the Planning and Zoning Commission
59 meeting. The sign, to be provided by the Administrative Official, shall be located
60 on the property, clearly visible from the public right-of-way.

61
62 The Administrative Official shall also mail similar notices setting forth the time,
63 place and purpose of the hearing to:

64
65 (a) the applicant;

66
67 (b) the owner of the property described in the application, if other than the
68 applicant;

69
70 (c) the owners of every parcel of land located within a distance of five
71 hundred (500) feet from the property line of the property described in the
72 application;

73
74 (d) each homeowners association or neighborhood group relating to property
75 which is located within the public notice area described above;

76
77 (e) additional notices as determined by the Administrative Official.

78
79 3. Affidavit proof of the required publication, mailing and posting of the notices
80 shall be presented at the hearing by the applicant.

81
82 4. For purposes of determining the name and address of persons entitled to notice
83 under this Section, the owner of property shall be deemed to be the person who is
84 so identified in the most current tax roll certified for collection and maintained in
85 the office of the Seminole County Property Appraiser. Such notice shall be
86 mailed at least ten (10) days prior to the scheduled hearing date.

87
88 **E. Appearance and Argument.** At any hearing upon any matter subject to the provisions of
89 this Section, the applicant seeking action and any other party desiring to be heard upon
90 the application may appear in person, by agent or by attorney. The applicant shall be
91 entitled to make an initial presentation respecting the application and, at the conclusion of
92 presentations or statements by all other parties, shall be entitled to offer a statement in
93 rebuttal to such presentations if the applicant so desires. The Chairperson may, at the
94 commencement of the hearing upon each application or at any time during such hearing,

95 require that parties desiring to make a presentation identify themselves and may specify
96 the time to be allowed each such party within which to make such presentation.
97

98 **F. Decision and Order by the Planning and Zoning Commission.** Action by the Planning
99 and Zoning Commission upon any matter subject to the provisions of this Section shall be
100 announced by the Chairperson immediately following the vote determining such action.
101 All actions to approve or to approve with conditions shall thereafter be embodied in a
102 written development order prepared by the Administrative Official in conjunction with
103 the City Attorney. Denials shall comply with the provisions of Section 166.033, *Florida*
104 *Statutes*, and other controlling law.
105

106 **G. Consecutive Applications.** When the Planning and Zoning Commission has denied an
107 application for a conditional use, no application for the same relief shall be accepted by
108 the Administrative Official for consideration by the Planning and Zoning Commission for
109 a period of one (1) year from the date of the original action, provided however, that an
110 applicant may request waiver of the time restriction and the Planning and Zoning
111 Commission may waive this provision for proper cause after a hearing in conformity with
112 the provisions of this Section.
113

114
115
116 **SECTION 3.9 CITIZEN AWARENESS AND PARTICIPATION PLAN (CAPP)**
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118
119 **A. Applicability.**
120

121 1. The following requirements apply in addition to any other notice provisions
122 required elsewhere in this Code. The Administrative Official may require that,
123 based upon the needs of the abutting communities or the City as a result of
124 generally accepted land use planning practices and principles or to ensure full
125 public participation in the planning and land use processes of the City, an
126 application for a change or modification of land use will require a Citizens
127 Awareness and Participation Plan (CAPP) This potential requirement shall be
128 applicable to development applications for developments such as the following
129 which list is provided for illustrative purposes only and not as a limitation of the
130 requirement:
131

- 132 • Planned Developments;
- 133 • Variances involving a non-residential use;
- 134 • Subdivision Plans;
- 135 • Rezoning;
- 136 • Amendments to the future land use map;
- 137 • Other land use or development applications providing for a modification
138 of the existing land use.

139
140 2. These requirements apply in addition to any other notice provisions required
141 elsewhere in this Code.
142

Exhibit "A"

143 3. The requirement of a CAPP is not intended to produce complete consensus on all
144 applications, but to encourage applicants to be good neighbors and to allow for
145 informed decision making and to maximize, to the extent practicable, public
146 participation in the planning and land use processes of the City.
147

148 **B. Purpose.** The purpose of the requirement of a CAPP is, at a minimum, to:

- 149
- 150 1. Further implement the public participation provisions of the City's
151 Comprehensive Plan.
152
 - 153 2. Ensure that applicants pursue early and effective citizen participation in
154 conjunction with their applications, giving them the opportunity to understand and
155 mitigate any real or perceived impacts their application may have on the
156 community.
157
 - 158 3. Ensure that citizens and property owners are provided with an adequate
159 opportunity to learn about applications that may affect them and to work with
160 applicants to resolve concerns at an early state of the process.
161
 - 162 4. Facilitate ongoing communication between the applicant, interested citizens and
163 potentially affected property owners, City staff and elected officials throughout
164 the application review process.
165

166 **C. Submittal Requirements.** The applicant may submit a CAPP and begin implementation
167 prior to formal application at the applicant's discretion. This shall not occur until after the
168 required pre-application conference or consultation with the Planning Division has
169 occurred and any applicable fees have been paid by the applicant.
170

171 At a minimum the CAPP shall include the following information:
172

- 173 1. Identification of the residents, property owners, interested parties, political
174 jurisdictions and public agencies that may be affected by the proposed
175 development and should be given notice of the CAPP meeting.
- 176 2. Description of how notification will be provided to those interested in and
177 potentially affected by the proposed development.
- 178 3. Description of how information will be provided to those interested and
179 potentially affected relative to the substance of the change, amendment or
180 proposed development for which approval is sought.
- 181 4. Description of the means by which, and with whom, an opportunity will be
182 provided to those interested or potentially affected to discuss the proposal and
183 express any concerns, issues, or problems well in advance of the first public
184 hearing.
- 185 5. The applicants schedule for completion of the CAPP.
- 186 6. The means by which the applicant will keep City officials informed on the status
187 of citizen participation efforts.
188

189 **D. Target Area for Citizen Notification.** The level of citizen interest and area of
190 involvement will vary depending on the nature of the application and the location of the

Exhibit "A"

191 proposed development. The target area for early notification will be determined by the
192 the Administrative Official. At a minimum, the target area shall include the following:

- 193
- 194 1. Property owners within five hundred (500) feet of the property proposed for
195 development.
- 196
- 197 2. The officers of any homeowners association or registered neighborhood group
198 within the public notice area as set forth in this Section or that may be impacted
199 by the proposed development.
- 200
- 201 3. Any person or entity that may be impacted by the proposed development as
202 determined by the Administrative Official based upon sound and generally
203 accepted land use planning practices and principles.
- 204
- 205 . 4. Other interested parties who have requested to be placed on an interested parties
206 notification list maintained by the Planning Department.
- 207
- 208 5. A determination to provide notice in the context of the CAPP process shall not
209 grant standing to any person for the purposes of subsequent legal challenges or
210 appeals.

211

212 **E. CAPP Report.** When a CAPP is required, the applicant shall provide a written report on
213 the results of the citizen participation efforts prior to the publication of the notice of
214 public hearing. This report will be attached to the City staff's public hearing report. The
215 report shall, at a minimum, contain the following information:

- 216
- 217 1. Details of techniques used to involve interested and potentially affected parties,
218 including:
- 219 • Dates and locations of all meetings where citizens were invited to discuss the
220 applicant's proposal.
 - 221 • Content, dates mailed, and numbers of mailings, including letters, meeting
222 notices, newsletters and other publications.
 - 223 • Location of residents, property owners and interested parties who received
224 notices, newsletters, or other written materials.
 - 225 • The number and names of people that participated in the process.
- 226
- 227 2. A summary of concerns, issues and problems expressed during the process and
228 proposed methods of resolution, including by way of example only:
- 229 • The substance of the concerns, issues and problems.
 - 230 • The manner in which the applicant has addressed or intends to address these
231 concerns, issues and problems.
 - 232 • The concerns, issues and problems the applicant is unwilling or unable to
233 address and the basis and rationale of the applicant with regard to each issue
234 that has not been addresses.
- 235
- 236