

**ARTICLE I  
LEGISLATIVE AUTHORITY, LAND USE ZONING,  
AND REVIEW PROCEDURES**

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**ARTICLE I  
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**SECTION 1.0            PURPOSE, INTENT, LAWFULNESS, AND BEST PRACTICES**

**A. Purpose and Intent.**

To establish herein all essential and necessary policies, procedures, regulations, and information for the effective and orderly development of property within the City of Sanford. This is accomplished by identifying the authority responsible for establishing these *Land Development Regulations (LDRs)* and the specific zoning districts. It is through this authority that all land shall be controlled and developed to be consistent with the City’s visions and goals as adopted within the *Comprehensive Plan*. These *LDRs* are applied to a development through an application process, which is applicable to every application type and is defined here in a clear and organized manner that improves transparency for both the public and City staff.

**B. Lawfulness.**

Any deviation from the provisions of this Article, unless specifically stated herein or allowed by other provisions of these *LDRs* or under the authority of the Administrative Official is prohibited and unlawful.

**C. Best Practices.**

All reviews and determinations of the provisions within this Article by the Administrative Official shall be to implement the Purpose and Intent of this Article together with sound and generally accepted land use and growth management planning practices and principles that aim to balance the social, physical, economic and environmental needs of the City.

**SECTION 2.0            SHORT TITLE**

All Articles and Schedules of the City Code shall be known and may be cited as the "Land Development Regulations," or the "*LDRs*".

**SECTION 3.0            LEGISLATIVE PURPOSE, AUTHORITY AND BINDING EFFECT**

**A. Purpose.**

The general purpose of the *LDRs* is to implement the City's *Comprehensive Plan* and to:

1. Manage efficient growth with the capacity to serve new development and population;
2. Strengthen the City's economy and its tax base;
3. Enhance the livability and character of the City through an attractive and functional mix of living, working, shopping and recreational opportunities;
4. Encourage the use of existing public facilities and infrastructure through the redevelopment of infill areas;
5. Encourage private sector investment in the preservation and enhancement of downtown areas;
6. Stabilize and improve existing neighborhoods;
7. Promote development and redevelopment that will enhance the value of properties and ensure that development and redevelopment will not have a negative impact on the value of surrounding properties;
8. Minimize conflicts among uses of land and structures in order to protect and conserve the value of land and the character of neighborhoods;
9. Enhance the aesthetic and visual character of the community;
10. Protect water supplies, natural resources and fish and wildlife habitats;
11. Preserve floodplains, drainageways and other natural areas having hydrological functions;
12. Protect historical structures, sites, streets and neighborhoods;

13. Promote attractive and functional gateways into the City;
14. Balance the protection and recognition of private property rights with the appropriate regulation of land to protect the public interest consistent with generally accepted land use practices and principles, controlling State law and constitutional principles; and,
15. Coordinate the land development regulatory practices of the City with the requirements of Federal and State law.

**B. Authority and Binding Effect.**

The legislative authority for the *LDRs* is as follows:

1. [Section 163.3202, Florida Statutes](#), mandates that local governments shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted [Comprehensive Plan](#).
2. Section 163.3202, *Florida Statutes*, requires that land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted *Comprehensive Plan* and shall as a minimum:
  - a. Regulate the subdivision of land;
  - b. Regulate the use of land and water for those land use categories included in the land use element of the *Comprehensive Plan* and ensure the compatibility of adjacent uses and provide for open space;
  - c. Provide for protection of potable water wellfields;
  - d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
  - e. Ensure the protection of environmentally sensitive lands designated in the *Comprehensive Plan*;
  - f. Regulate signage;
  - g. Provide for concurrency management. The concurrency management system must require that no development order or permit for development be issued unless such order or permit is conditioned on the availability of required public facilities and services concurrent with the impacts of the development. The concurrency management system is further elaborated in Policies CIE-1.4.1 through CIE-1.5.8 of the City's [Comprehensive Plan](#).
  - h. Ensure safe and convenient on-site traffic flow while considering necessary vehicle parking.

**SECTION 4.0 ADMINISTRATIVE AUTHORITY**

**A. Administrative Official.**

The City Manager shall appoint an Administrative Official who shall be charged with the authority to administer the *LDRs* and to enforce the regulations and procedures contained herein. The Administrative Official, in the performance of assigned duties and functions, may as a condition of an application being filed enter upon any land and make examinations and surveys that do not cause damage or injury to private property. For the purpose of performing any of the duties and functions necessary to administer and enforce the *LDRs*, the Administrative Official may appoint any appropriate persons as deputies who shall have and exercise the authority of the Administrative Official, except the authority to appoint deputies. Entry onto private property, absent an application being filed and as part of code enforcement process, shall occur only as authorized by controlling law. Throughout all Articles of the *LDRs* the term “staff”, when used, if in the context of making an action, shall also mean the Administrative Official as the authoritative City representative.

## **B. Planning Review Staff (PRS).**

### **1. Reviewing Agencies.**

The Planning Review Staff (PRS) shall be appointed by the Administrative Official and be composed of staff within City departments, divisions, and agencies responsible for reviewing land development proposals; provided, however, the PRS shall not act as a corporate body or committee and shall serve as a means whereby comments from various staff persons may be collectively generated and accounted for consideration by the Administrative Official and others, as appropriate. The following City officials or their designated representative(s) as may be authorized by the Administrative Official may be part of the PRS:

- a. Building Official.
- b. City Engineer.
- c. City Planner.
- d. Director of Utilities.
- e. Director of Public Works.
- f. Fire Marshal.

### **2. Duties.**

- a. The PRS shall review applications for annexation, subdivisions, site plans, street vacations, use approvals, planned development projects, developments of regional impact and other applications referred to them by the Administrative Official.
- b. In reviewing such applications, the PRS shall provide review comments, proposed conditions, amendments or modifications to verify compliance with these *LDRs* and any other applicable codes.

### **3. General Review Considerations.**

In performing their review, the PRS shall consider whether:

- a. An application and/or a plan is consistent with the goals, objectives, and policies, of the [Comprehensive Plan](#).
- b. All public facilities and services necessary to serve the proposed use will be available concurrent with the actual impact of the use in question.
- c. The established level of service of public facilities necessary to serve the development or phase thereof will be adversely impacted by the proposed use or activity.
- d. The proposed development minimizes adverse impacts to surrounding properties.
- e. The proposed use, development or activity violates any provisions of these *LDRs*.

## **SECTION 5.0 APPLICABILITY**

### **A. General Applicability.**

The *LDRs* shall apply to all development or changes in land use within the City. No development or change in land use shall be undertaken without prior authorization pursuant to the *LDRs*.

### **B. Consistency With Comprehensive Plan.**

The *LDRs*, pursuant to Sections 163.3201 and 163.3202, *Florida Statutes*, are hereby adopted to assist in implementing the goals, objectives, and policies of the [Comprehensive Plan](#) for managing the use of land and water resources within the City. The *LDRs* are and shall, be amended when necessary to, remain consistent with the *Comprehensive Plan* as mandated by Chapter 163, Pt. II: the “Community Planning Act”, *Florida Statutes*.

### **C. Status of Previously Issued Construction Permits or Development Plans.**

The provisions of these *LDRs* shall not apply if a development is determined to be vested in accordance with the provisions of these *LDRs*.

#### **D. Violations, Remedies, and Penalties.**

Notwithstanding any provision of these *LDRs* or the [City Code](#) to the contrary, a person owning or occupying any building, that is used, erected, constructed, reconstructed, altered, moved or maintained in violation of these *LDRs* shall be subject to any and all penalties permitted by State law and the City may seek any and all legal remedies available to it under controlling law.

#### **E. Conflict With Public or Private Provisions.**

##### **1. Public Provisions.**

The *LDRs* are not intended to interfere with, abrogate, or annul any other controlling City rule or regulation, statute, or other provision of law. Where any provision of the *LDRs* imposes restrictions different from those imposed by any other provision of the *LDRs* or any other City rule, regulations, or other provision of law, whichever provisions are more restrictive, or which impose higher standards shall control.

##### **2. Private Provisions.**

The *LDRs* are not intended to abrogate any easement, covenant, or any other private agreement, or restriction; provided that, where the provisions of the *LDRs* are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of the *LDRs* shall govern.

### **SECTION 6.0 ZONING DISTRICTS, OVERLAYS, AGREEMENTS, AND MAP**

Consistent with the City's *Comprehensive Plan* Future Land Use Map and related policies (FLU 1.1, [Comprehensive Plan](#)), all land and water areas located within the incorporated territory of the City shall be designated for use and development based on the following zoning districts which shall be reflected on the Zoning District Map by the symbols set forth below. The term 'zoning district' shall be synonymous with the term 'zoning classification.'

#### **A. Standard Districts.**

##### **1. Residential Districts.**

###### **a. SR-1AA; Single Family Dwelling Residential (10,000 sf/lot).**

Those areas of the City that are intended for one-family dwellings on a minimum 10,000 square foot lot with related accessory uses.

###### **b. SR-1A; Single Family Dwelling Residential (7,500 sf/lot).**

Those areas of the City that are intended for one-family dwellings on a minimum 7,500 square foot lot with related accessory uses. Where located on land with a [Comprehensive Plan](#) land use designation of "Low Density Residential Single Family," the net residential density shall not exceed six units per acre.

###### **c. SR-1; Single-Family Dwelling Residential (6,000 sf/lot).**

Those areas of the City that are intended for one-family dwellings on a minimum 6,000 square foot lot with related accessory uses. Lots platted under this zoning classification may also include plats for subdivisions with ten or less urban infill lots or the re-establishment of previously platted lots of record. Where located on land with a [Comprehensive Plan](#) land use designation of "Low Density Residential Single Family," the net residential density shall not exceed six units per acre.

###### **d. SR-2; Mobile Home Residential.**

Those areas of the City that are intended for mobile homes and related accessory uses. Maximum gross residential density shall not exceed six units per acre. Replacement of existing mobile homes on existing mobile home parks and sites of record, as of the effective date of the *Comprehensive Plan*, shall be permitted.

**e. MR-3; Multiple-Family Residential (20 du).**

Those areas of the City that are intended for multiple-family dwellings at a maximum density of 20 dwelling units per acre and related accessory uses except, however, that multiple-family dwellings located adjacent to single-family dwellings or single-family zoning districts shall have a maximum density of ten dwelling units per acre.

**f. MR-2; Multiple-Family Residential (15 du).**

Those areas of the City that are intended for multiple-family dwellings at a maximum density of 15 dwelling units per acre and related accessory uses except, however, that multiple-family dwellings located adjacent to single-family dwellings or single-family zoning districts shall have a maximum density of ten dwelling units per acre.

**g. MR-1; Multiple-Family Residential (8 du).**

Those areas of the City that are intended for multiple-family dwellings at a maximum density of eight dwelling units per acre and related accessory uses.

**2. Multiple Family Residential/Office/Institutional (RMOI) District.**

**a. RMOI; Multiple-Family Residential-Office-Institutional.**

1) The multiple-family Residential/Office/Institutional (RMOI) district is a planned mixed-use district designed to accommodate business and professional offices as well as high density multiple family residential opportunities and institutional uses.

- a) The allowable maximum residential density shall be up to a maximum of 20 units per acre except, however, that multiple-family dwellings located adjacent to single-family dwellings or single-family zoning districts shall have a maximum density of ten dwelling units per acre.
- b) The maximum intensity of nonresidential development measured as a floor area ratio is 0.35. Areas within WDBD are permitted a maximum floor area ratio of 2.0.
- c) The mix of residential and office/institutional uses shall contain at least 20 percent of the lesser use based on intensity and/or density of uses.

2) This land use policy designation district expressly excludes general retail sales and services, warehousing, and outside storage. Furthermore, this district is intended for sites which:

- a) Have accessibility to major thoroughfares or are located along the outer fringe of core commercial areas;
- b) Build on the purpose and function of the central business district and Lake Monroe waterfront;
- c) Encourage reinvestment in declining residential areas adjacent to commercial core areas;
- d) Have potential to be served by a full complement of urban services;
- e) Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity;
- f) Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.

**3. Commercial Districts.**

**a. RC-1; Restricted Commercial.**

The RC-1 district is intended to implement the [Comprehensive Plan](#) "Neighborhood Commercial (NC) future land use designation and is intended to serve limited areas that are predominantly residential in character, but which require some supporting neighborhood office and retail establishments.

- 1) Property assigned to this district should be accessible to major thoroughfares near residential neighborhoods.
- 2) The maximum density of development within the RC-1 district measured as a floor area ratio is 0.35.

- 3) Commercial development within this district is intended to serve the neighborhood in which the development is located and is generally restricted to business and professional offices, neighborhood convenience stores and drug stores, specialty shops, limited item retail shops and services such as beauty parlors, barber shops, laundry and dry-cleaning pick-up stations.
- 4) The RC-1 district is not intended to accommodate large scale retail sales, service or trade activities or large residential development on two acres or greater of all lots.

**b. GC-2; General Commercial.**

The GC-2 district is intended to implement the [Comprehensive Plan](#) "General Commercial" (GC) future land use designation.

- 1) Properties assigned to this district should accommodate community-oriented retail sales and services; highway-oriented sales and services; and other general commercial activities.
- 2) The GC-2 district is intended to include the easterly portion of the First Street business district.
- 3) The general commercial designation also is intended to include pre-existing commercial corridor development along such major thoroughfares as French Avenue, Orlando Drive (US 17-92), and strategic intersections along Airport Boulevard.
- 4) The GC-2 district generally shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements.
- 5) The maximum intensity of general commercial development measured as a floor area ratio is 0.35. Areas within WDBD are permitted a maximum floor area ratio of 2.0.
- 6) Transient residential facilities including hotels, motels, and residential care facilities are permitted uses in this zoning district.

**c. SC-3; Special Commercial.**

The SC-3 district is intended, in part, to implement the [Comprehensive Plan](#) Waterfront Downtown Business District (WDBD) future land use designation for mixed use residential and general commercial uses as well as related accessory uses.

- 1) The SC-3 district is intended to provide a planning and management framework for promoting development and redevelopment within the core of the Downtown Commercial Area, the central business district, including the Lake Monroe waterfront, the historic downtown commercial area, and its environs as designated on the Future Land Use Map.
- 2) In the SC-3 district, the maximum intensity of development measured as a floor area ratio is 2.0 for commercial development. The maximum density of residential development is 50 units per acre. Refer to Schedule U for maximum intensities and densities of parcels zoned SC-3 located in Overlay Districts.

**4. Industrial Districts.**

The following industrial districts are designed to implement the [Comprehensive Plan](#) future land use "Industrial" designation. Industrially designated areas are not adaptive to residential use and as such residential activities shall not be located in areas designated for industrial development. This provision shall not prohibit residences for exclusive use by night watchmen or custodians whose presence on industrial sites is necessary for security purposes.

**a. RI-1; Restricted Industrial.**

This district includes areas of the City that are intended for light wholesale and manufacturing uses and related accessory uses. The maximum intensity for industrial development shall be regulated by its underlying land use.

**b. MI-2; Medium Industrial.**

This district includes those areas of the City that are intended for heavy wholesale and manufacturing uses and related accessory uses. The maximum intensity for industrial development shall be regulated by its underlying land use.



## 5. Agricultural District.

### a. AG; Agriculture.

The Agricultural (AG) district is intended to implement the [Comprehensive Plan](#) "Suburban Estates" (SE) future land use designation. Residential densities in this zoning district shall not exceed one dwelling unit per one acre.

## 6. Parks, Recreation and Open Space District.

### a. PRO; Parks, Recreation and Open Space.

The Parks, Recreation and Open Space (PRO) district is intended to implement the [Comprehensive Plan](#) future land use designation of the same name and to distinguish the City's parks, recreational facilities, and open space facilities from other uses.

- 1) Properties assigned to this district have developed City parks and areas of significant open space including, but not limited to, cemeteries.
- 2) Parks and recreation areas should be readily accessible at the neighborhood and community level.
- 3) Parks shall be developed and redeveloped according to the level of service standards for parks and recreational facilities, community demand and community input as appropriate.
- 4) While parks generally provide outdoor recreational facilities, community centers and indoor facilities are also permitted up to a floor area ratio of 0.50.
- 5) Site plans for recreation and open space, shall incorporate measures that mitigate against land use incompatibility as well as adverse environmental impacts and shall include appropriate buffering, landscaping and screening.

## 7. Planned Development.

Planned Developments are further regulated through [Schedule D](#) and [Article IV](#).

### a. PD; Planned Development.

Properties assigned to the Planned Development zoning district are intended for residential and nonresidential uses that utilize flexible and creative site design to achieve a more desirable environment and more efficient land use.

- 1) The project shall be a combination of two or more compatible land uses from the following categories: commercial/office, industrial, single-family residential, multiple-family residential, public/semipublic, and transient lodging/entertainment in order to be considered for the Planned Development zoning classification.
  - a) The mix of uses shall contain at least 20 percent of the least prevalent use, unless located within the Westside Industry and Commerce (WIC) future land use designation that requires residential uses to be at least 35 percent.
  - b) The minimum land area for a Planned Development shall be no less than three acres of net upland area, unless located within the Waterfront/Downtown Business District (WDBD) future land use designation.
  - c) For multiple use Planned Developments, a minimum of 50 percent of each use shall be integrated either vertically or horizontally within the same footprint of at least 50 percent of the total number of structures within the development, except single family homes or residential structures of eight units or less.
- 2) The planned development land management strategy is a technique for negotiating innovative development options and a design to achieve public objectives such as natural resource protection, which might not otherwise be achieved.
- 3) The underlying [Comprehensive Plan](#) future land use designation shall control the maximum density/intensity for Planned Development.

## **B. Historic and Overlay Districts.**

### **1. Historic Districts.**

Historic Districts are further regulated through Schedule S.

#### **a. Downtown Commercial Historic District.**

The Downtown Commercial Historic District was created in 1985 by Ordinance No. 1777. The district is generally bounded by Fulton and Commercial Streets to the north, Myrtle Avenue to the west, Sanford Avenue to the east, and Third Street to the south. The boundaries of the district are shown in Schedule S.

#### **b. Sanford Residential Historic District.**

The Sanford Residential Historic District, originally designated under the name of Old Sanford District, was established in 1993 through Ordinance No. 3184. The district is generally bounded by Second and Third Streets on the north, French and Elm Avenues on the west, Fourteen Street on the south and Sanford Avenue on the east. The boundaries of the district are shown in Schedule.

#### **c. Sanford Avenue Historic District.**

The Sanford Avenue Historic District was created in 2023 through Ordinance No. 4729 and is generally described as both sides of Sanford Avenue from 2nd Street to Celery Avenue including all properties facing Sanford Avenue and extending from the alleys.

#### **d. Georgetown Residential District.**

The Georgetown Residential Historic District was created in 2023 through Ordinance No. 4730 and is generally bounded by E. 2nd Street on the north, Bay Avenue and Mellonville Avenue to the east, Celery Avenue to the south, and the alley east of Sanford Avenue on the west, corresponding with the Georgetown National Register Historic District boundaries excluding Sanford Avenue.

### **2. Overlay Districts.**

Overlay Districts are further regulated through Schedule U.

#### **a. Lake Mary Boulevard Overlay District.**

The Lake Mary Boulevard Overlay District includes all lands located within the City that lie within 320 feet of the centerline of Lake Mary Boulevard between the CSX railroad line near Country Club Road and the intersection of SR 46 and CR 415. If any part of any parcel abuts the right-of-way line of the designated roadway, the entire parcel shall be subject to this part as if the parcel were wholly within the stated corridor.

#### **b. West Sr/46 Rinehart Road Gateway Overlay District.**

The SR 46/West First Street Overlay District includes all lands located within the City that lie within 320 feet of the centerline of SR 46 between the Interchange at I-4 and Airport Boulevard (existing) and within 320 feet of the centerline of Rinehart Road between SR 46 and H E Thomas Jr Parkway. If any part of any parcel abuts the right-of-way line of the designated roadways, the entire parcel shall be subject to this part as if the parcel were wholly within the stated corridor.

#### **c. Riverfront Overlay District.**

The primary purpose of the Riverfront Overlay District is to provide a mixed-use area for high-density residential, offices and retail uses.

#### **d. Midtown Overlay District.**

The primary purpose of the Midtown Overlay District is to encourage residential uses and to provide for a mixed-use area for single-family, multifamily housing, offices and neighborhood serving retail, where appropriate, and is not in direct conflict with the residential usage.

**e. Downtown Overlay District.**

The primary purpose of the Downtown Overlay District is to encourage commercial uses and to provide for a mixed-use area for single-family, multifamily housing, hotel, offices, and retail, where appropriate, and is not in direct conflict with the residential usage and the historic district.

**C. Agreements and Studies.**

The City has established and adopted multiple types of studies and agreements that are adhered to and utilized in the review and approval of development projects in the context of applying accepted land use and development standards in the review of development proposals. These studies and agreements shall be considered supportive and reliable documentation in addition to the *LDRs* during the review and overall site design considerations to development plans to the extent that they have been adopted by the City Commission and continue to be timely, pertinent and accurate.

**1. Interlocal Agreement.**

An Interlocal Agreement is a contract between local governmental agencies such as a city, county, school board, airport authorities, or other similar agencies that aim to provide more efficient and less costly public services or otherwise agree to collaboratively perform in the public interest.

**2. Joint Planning Agreement.**

A Joint Planning Agreement (JPA) is an agreement typically entered into between two or more adjacent municipalities or counties. These agreements facilitate planned growth that meets the common goals related to land development and community welfare at jurisdictional boundaries or overlapping areas to provide the greatest benefit to the community within the subject areas. Examples of JPAs include those entered under [Section 163.3171](#), *Florida Statutes*, which provides for combinations of municipalities within a county, or counties, or an incorporated municipality or municipalities and a county or counties, or an incorporated municipality or municipalities and portions of a county or counties may jointly exercise the powers granted under the provisions of this act upon formal adoption of an official agreement by the governing bodies involved pursuant to law (but that no such official agreement shall be adopted by the governing bodies involved until a public hearing on the subject with public notice has been held by each governing body involved) or Part II, Chapter 171, *Florida Statutes*, relating generally to annexations and which identify the geographic areas anticipated for annexation, the future land uses that the City would seek to establish, necessary public facilities and services (including transportation and school facilities and how they will be provided), natural resources (including surface water and groundwater resources and how they will be protected) as well as agreements between local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community by means of coordinated planning, service delivery and boundary adjustments. JPAs reduce intergovernmental conflicts and litigation between local governments, promote sensible boundaries that reduce the costs to the public, avoid duplicating local services and increase political transparency and accountability. Amendments to the *Comprehensive Plan* which are consistent with the JPA must be considered as needed, as small-scale amendments.

**3. Independent Supplemental Studies.**

An independent supplemental study is a document created by either the City or County and adopted by the City Commission, considering the recommendations of the Planning and Zoning Commission, as a recognized element of research and data collection that provides additional direction of how a project should be developed in the subject area of study. A developer or property owner who is impacted by a study shall have the right to be heard during the course of the adoption process.

#### **4. Development Agreements.**

A development agreement is a written agreement that facilitates specific use, design, intensity/density, etc. limitations between the City and a developer or other jurisdiction. Development agreements can be either statutory development agreements approved in accordance with the provisions of State law authorizing such agreements or non-statutory development agreements that are more in the nature of a normative development order.

### **D. Assignment and Adoption of Zoning District Map.**

#### **1. Adoption of Zoning District Map.**

All land and water areas located within the City are hereby assigned the zoning districts reflected on the Zoning District Map for the City adopted as a part of the *LDRs*, a certified copy of which is located in the Office of the Administrative Official. Changes, amendments, and reassignment of districts thereon shall be made only in accordance with the provisions of the *LDRs* by the Administrative Official.

#### **2. Interpretation of Zoning District Map Boundaries.**

The following rules shall be used to interpret the exact location of the zoning district boundaries reflected on the zoning district.

- a. Where a zoning district boundary approximately follows a parcel or property line, that line is the boundary of the zoning district.
- b. Where a zoning district boundary follows a street or railroad the centerline of the street or railroad right-of-way is the boundary of the zoning district.
- c. Where a zoning district boundary follows a stream or canal or a lake or other body of water, the centerline of such stream or canal or the shoreline of such lake or other body of water is the boundary of the zoning district.
- d. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale and/or legal descriptions of the land area involved which are filed in the Office of the Administrative Official and related to the zoning district question. Any parcel bisected by two or more zoning districts shall be considered as applied to the whole parcel that district which occupies the larger portion of the parcel.
- e. In any instance in which the exact location of a zoning district boundary is not clear, the Administrative Official shall apply the criteria herein cited to confirm the exact location prior to issuing a site development permit or certificate of completion. The property owner may appeal the decision of the Administrative Official in the manner set forth in the *LDRs*.

#### **3. Unzoned Areas.**

If any land and/or water area does not appear to have an identifiable or specific zoning district map symbol reflected on the Zoning District Map, the Administrative Official shall present an amendment to the Planning and Zoning Commission relative to the Zoning District Map in order to establish a zoning district for such area and no site development permits or certificates of completion shall be issued for such areas until after the City Commission has taken final action on the proposed amendment.

#### **4. Currency of Zoning District Map.**

The Administrative Official shall ensure that all zoning district boundaries are accurately reflected on the Zoning District Map.

If a proposed development is for a combination of uses, the acreage required for each use shall be determined independently based on the floor area ratio or the density for each individual use such that no acreage may be dedicated for more than one use.

## **SECTION 7.0 APPLICATION PROCESSES AND PROCEDURES**

The process and procedures for most applications will require the applicant to participate in both a preapplication conference and the citizen awareness and participation plan process prior to the formal submittal of an application.

### **A. Preapplication Conferences (PRE)**

#### **1. Applicability.**

The following shall apply to all proposed development within the City.

- a. A preapplication conference is recommended prior to the submittal of any development application.
- b. Applications for conditional uses, variances for one- and two- family dwellings and minor subdivisions shall not require preapplication conferences.
- c. A preapplication conference shall be required prior to the submittal of the following types of applications.
  - 1) Administrative Use.
  - 2) Conditional Use.
  - 3) Exceptional Use.
  - 4) Variance.
  - 5) Planned Development Project.
  - 6) Master Plan.
  - 7) Major Subdivision.

#### **2. Purpose:**

The purpose of the preapplication conference is to acquaint the participants with the requirements of these *LDRs* and the views and concerns of the PRS prior to the submittal of any formal application for development approval. Depending on the scope of the proposed project, an applicant may meet with the Administrative Official or with any other PRS member. Comments made at the preapplication conference are intended to provide guidance and are nonbinding on the formal review of the development plans.

#### **3. Submittal Requirements.**

Prior to the preapplication conference, the applicant shall provide the following information:

- a. A description of the character, location, and magnitude of the proposed development.
- b. A survey, preliminary site plan or copy of the plat of the parcel proposed for development.
- c. A written list of any deviations from the *LDRs* proposed by the applicant.
- d. Any questions or concerns regarding the development review process or the *LDRs*.

#### **4. Scheduling.**

Preapplication conferences will be scheduled for the next available meeting date as determined by the Administrative Official from the application date, excluding holidays, in accordance with a time schedule established by the Administrative Official. Conferences will be scheduled in the order that applications are received unless the Administrative Official finds that it is in the public interest to modify the regular schedule. A conference may not be scheduled with less than two working days' notice to the City or applicant.

## **B. Citizen Awareness and Participation Plan (CAPP)**

### **1. Applicability.**

The following requirements apply in addition to any other notice provisions required elsewhere in the *LDRs*. The Administrative Official may require, based upon the needs of the abutting communities or the City to ensure full public participation in the planning and land use processes of the City, a Citizens Awareness and Participation Plan (CAPP). This requirement is for the benefit of the City in terms of its processing applications for development related approvals and none of the requirements set forth in this Section provides any private party with the right to appeal or to challenge a land use decision. The sole remedy available, should the processes and procedures relating to the CAPP process not be adhered to, shall be for the Administrative Official, in her or his discretion, requiring that the process, or part of the process, be reinitiated and completed.

- a. This process shall be applicable to project applications for developments such as the following, which list is provided for illustrative purposes only and not as a limitation of the requirement:
  - 1) Planned Developments;
  - 2) Variances;
  - 3) Rezoning;
  - 4) Amendments to the future land use map;
  - 5) Other land use or development applications providing for a modification of the existing land use.
- b. A CAPP is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making and to maximize, to the extent practicable, public participation and transparency in the planning and land use processes of the City.

### **2. Purpose.**

The purpose of the requirement of a CAPP is, at a minimum, to:

- a. Further implement the public participation provisions of the City's *Comprehensive Plan*.
- b. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and mitigate any real or perceived impacts their application may have on the community.
- c. Ensure that citizens and property owners are provided with an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process.
- d. Facilitate ongoing communication between the applicant, interested citizens and potentially affected property owners, PRS and elected officials throughout the application review process.

### **3. Submittal Requirements.**

The applicant shall submit and complete the CAPP process prior to formal application. This shall not occur until after the pre-application conference or consultation with the Planning Division, if required, has occurred.

At a minimum the CAPP shall include the following information:

- a. Identification of the residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the proposed development and should be given notice of the CAPP meeting.
- b. Description of how notification will be provided to those interested in and potentially affected by the proposed development.
- c. Description of how information will be provided to those interested and potentially affected relative to the substance of the change, amendment or proposed development for which approval is sought.

- d. Description of how, and with whom, an opportunity will be provided to those interested or potentially affected to discuss the proposal and express any concerns, issues, or problems well in advance of the first public hearing.
- e. The applicants schedule for completion of the CAPP.
- f. The means by which the applicant will keep the PRS informed on the status of citizen participation efforts and the location of the CAPP meeting.

#### **4. Target Area for Citizen Notification.**

The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the proposed development. The target area for early notification will be determined by the Administrative Official. All notifications shall be mailed at least 15 days prior to the meeting date. At a minimum, the target area shall include the following:

- a. Property owners within 500 feet of the property proposed for any public hearing determination or 250 feet for Administrative Official determinations.
- b. All homeowners' association or registered neighborhood group within the public notice area as set forth in this Section or that may be impacted by the proposed development each of whom shall be notified at their address shown on corporate records.
- c. Any person or entity that may be impacted by the proposed development as determined by the Administrative Official.
- d. Other interested parties, who have requested of Administrative Officer to be placed on an interested party's notification list maintained by the City.
- e. All City Commissioners shall receive notification of the meeting to be mailed to an address as provided by the City.
- f. A determination to provide notice in the context of the CAPP process shall not grant standing to any person for the purposes of subsequent legal challenges or appeals.

#### **5. Time and Place.**

CAPP meetings shall be held at a time and place that facilitates the greatest number of attendances by the interested parties of the area and in a location that is publicly accessible, meets all ADA access requirements and provides reasonable shelter and proximate to the subject property. If it is determined by the Administrative Official that the meeting place or time was inadequate, the Administrative Official may require that all, or part, of the CAPP process must be re-accomplished.

#### **6. CAPP Report.**

When a CAPP is required, the applicant shall provide a written report on the results of the citizen participation efforts at the time of submittal for the formal application included as an attachment. This report will be attached to the City agenda materials for each public hearing. The report shall, at a minimum, contain the following information:

- a. Details of techniques used to involve interested and potentially affected parties, including:
  - 1) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.
  - 2) Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, and other publications.
  - 3) Location of residents, property owners and interested parties who received notices, newsletters, or other written materials.
  - 4) The number and names of people that participated in the process.
- b. A summary of concerns, issues and problems expressed during the process and proposed methods of resolution, including by way of example only:
  - 1) The substance of the concerns, issues, and problems.
  - 2) The manner in which the applicant has addressed or intends to address these concerns, issues and problems.

- 3) The concerns, issues, and problems the applicant is unwilling or unable to address and the basis and rationale of the applicant with regard to each issue that has not been addressed.

### **C. Application Submittal and Review**

The procedure for securing an order approving a proposed use, variance, site plan, subdivision or any application not otherwise identified with a separate process, shall be as follows:

#### **1. Application Submittal.**

##### **a. Authorized Agents.**

Any property owner or an owner's authorized agent who desires to subdivide or modify the boundaries of any lot, tract, parcel or premises or construct, enlarge, or alter any building or structure or to occupy any existing structure or premises for a use requiring approval pursuant to [Schedule B](#) shall first make application to the City for approval of such use or modification.

- 1) Only authorized agents/property owners listed on the application may submit documents, modify or withdraw the application. The City shall not determine conflicts between private parties relative to any contractual rights or relationships between the property owner and other parties.
- 2) The Administrative Official may require all communication about the project to be limited to the authorized agent/property owner as a single point of contact for the PRS, such that information about a project may not be provided to any person not listed as the owner or authorized agent. A firm or agency in general will not be considered a single point of contact and a specific person must be designated. If the property is owned by an entity, then the full details of the entity must be disclosed.
- 3) A property owner may revoke the appointment of an authorized agent at any time by informing the Administrative Official in writing.

##### **b. Required Information.**

All applications for a proposed subdivision, use, or development approval shall be in the form required and provided by the Administrative Official. Such application shall be submitted to the Administrative Official together with the documents listed in [Section 8.0](#) of this Article and the established fee as prescribed in [Article VII](#), along with all supplemental data or information deemed necessary by the PRS to determine the proposed application's extent, probable impact, and compliance with the *LDRs*.

##### **c. Concurrent Submittal.**

###### **1) Subdivision.**

An application for a proposed subdivision may be submitted in conjunction with a use application. The subdivision application shall also include all supplementary materials required as prescribed in [Article II](#) of the *LDRs*. Both the use and subdivision applications shall be treated as separate applications and subject to applicable processes.

###### **2) Use.**

An application for a proposed use may be submitted in conjunction with a subdivision application. The use application shall also include all supplementary materials required as prescribed in [Article III](#), Section 3.0 of the *LDRs*. Both the use and subdivision applications shall be treated as separate applications and subject to applicable processes.

###### **2) Variance.**

Any application submitted in conjunction with a variance shall also include all supplementary materials required as prescribed in [Article III](#), Section 7.0 of the *LDRs*.



**d. Submittal Deadline.**

**1) Administrative.**

Administrative review applications may be submitted at any date or time, as allowed though the official electronic application portal. These applications are only subject to the State mandated review deadline.

**2) Public Hearing.**

Applications that require a public hearing shall not be scheduled for any public hearing meeting less than 30 calendar days from the date the application has been certified for public hearing by the PRS pursuant to [Section 7.0.C.5.b.2](#)) The Administrative Official may permit a project to be scheduled for a public hearing at an earlier meeting date if the applicant submits in writing a justification explaining the reason an earlier meeting date is necessary.

**e. Other Board Approvals.**

If any element of an application requires approval from either the Historic Preservation Board or the Airport Zoning Commission, these approvals must be completed and submitted as part of the application packet, unless such approvals are contingent upon the application being approved.

**f. Submitted Materials.**

All required materials for each application type as listed pursuant to [Section 8.0](#) of this Article shall be provided at time of submittal. All documents shall be substantially compliant with the *LDRs* and shall be named in accordance with the document naming convention and formatted in a manner acceptable to the Administrative Official.

**2. Sufficiency Review.**

The Administrative Official shall determine if the application meets all submittal requirements. Sufficiency review, determination, and timing for an application shall be consistent with [Section 166.033, Florida Statutes](#).

**a. Sufficiency.**

If the application is determined to be sufficient by the Administrative Official a notification shall be sent to the applicant. The application form, applicable plans, supplemental data, all documents with correct naming convention, and fee are collectively called the "complete application". A complete list of all required documents are listed in [Section 8.0](#). of this Article.

**b. Insufficiency.**

If an application is determined by the Administrative Official to be insufficient a notification shall be sent to the applicant. Incomplete applications may be returned unprocessed. In these cases:

- 1) No further action shall be taken on the application until the deficiencies are remedied.
- 2) The Applicant shall address all insufficiencies within 30-calendar days from the date of notification that the application was determined to be insufficient, by resubmitting the required documents to resolve the deficiencies.
- 3) If the deficiencies are remedied the application will be processed for full review, and the applicant will be notified the application is now sufficient.
- 4) If the deficiencies are not remedied after the resubmittal or within 30 days of the notification of insufficiency, the Administrative Official shall issue a notification to the Applicant that the application has been withdrawn.
- 5) Any sufficiency review fee shall be non-refundable.
- 6) Notwithstanding the foregoing, an applicant may appeal a determination of insufficiency made by the Administrative Official in accordance with the appeal provision of these *LDRs*.

**c. Additional Resubmittal Requests.**

If the Applicant determines that the insufficiencies will extend beyond 30 days from the first insufficiency notification date, the Applicant may submit a written request for an additional resubmittal to the Administrative Official to address deficiencies of the application. Such request shall be submitted no later than 30 days after the issuance of the insufficiency notification. The Administrative Official may grant or deny the request, and the applicant will be electronically notified of the decision. If no request is received within the allotted time the application will be withdrawn. Notwithstanding the foregoing, an applicant may appeal the decision made by the Administrative Official in accordance with the appeal provisions of these *LDRs*.

**3. Full Review by Planning Review Staff (PRS).**

PRS review shall be based on applications that are complete and deemed sufficient, including any subsequent resubmittals. Review of submitted applications and documents shall be as follows:

**a. Initial Submittal.**

The PRS shall provide review comments, conditions, amendments, or modifications within 12 working days of the determination of sufficiency/completeness.

**b. Applicant Response.**

The Applicant shall provide a written response to each comment and revised documents addressing all outstanding comments of the plan or document elements that were not provided in a manner and form acceptable to the PRS.

- 1) Revised document(s) shall be submitted only after all PRS have posted comments on any previously submitted documents and the review round has been closed. Documents submitted untimely or mid-review cycle may not be reviewed.
- 2) Comments on the response letter shall align by corresponding numbers with the corrections shown on any resubmitted plans or documents.
- 3) All modifications shall be indicated by red clouds or as otherwise directed by the Administrative Official. Any changes to documents not indicated by red clouds or otherwise directed when the documents are approved shall be presumed to be non-responsive and may require new plans or documents to be re-approved.

**c. Resubmittals.**

All subsequent submittals to resolve PRS comments shall be reviewed by applicable PRS within 12 working days of the most recent document received and new comments, if any, will be provided to the applicant. Responses to PRS comments shall not significantly modify the application that was determined to be sufficient, unless otherwise directed by the Administrative Official.

**1) Significant Modifications.**

Shall include, but are not limited to the following:

- a) Additional requests to the application, such as new uses or structures, or relocation of more than 50 percent of any single site element, structure, or boundary; or
- b) Modifications to the site layout or submitted documents that would require review of new elements of the documents or impact the timing of the decision by the PRS.

**2) Significant Modification Correction.**

If the Administrative Official determines that the revised documents are significantly modified from the original request that was determined to be sufficient, the Administrative Official shall provide a notification to the Applicant describing what changes significantly modified the application. The Applicant shall either:

- a) Revise the requests and modify plans to eliminate the significant modification;

- b) Submit a written request for a time extension to the Administrative Official to determine if the application can still be reviewed within the 120 days, or if an extension needs to be granted. Both parties must agree to the amount of time granted in the extension.
- c) Request the withdrawal of the application. Fees shall not be refunded.
- d) Notwithstanding the foregoing, an applicant may appeal a determination made by the Administrative Official in accordance with the appeal provisions of these *LDRs*.

**3) Resubmittal Fee.**

A resubmittal fee shall be applied to any application upon receipt of a third resubmittal and every submittal that is a multiple of three thereafter. The resubmittal fee is established in the fee schedule.

**4. Intergovernmental Coordination.**

All development applications shall be coordinated, as appropriate or practicable, with all appropriate entities of government. This may require coordination with the City of Lake Mary, Seminole County, the Seminole County School District, the Sanford Historic Preservation Board, the Sanford Airport Authority, the East Central Florida Regional Planning Council (ECFRPC), the St. Johns River Water Management District, as well as applicable special districts and State and Federal agencies. Consistent with [Section 166.033, Florida Statutes](#), unless a State or Federal agency has issued a final agency action that denies the State or Federal permit before City action on a City development permit, the City shall not condition its approval of a permit on any required State or Federal permit and issuance of a development permit or development order by the City does not create any right on the part of an applicant to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. The City shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable State or Federal permits be obtained before commencement of the development.

**5. Action by Administrative Official.**

**a. Not Approved/Denied.**

If the revised document(s) fail to address all listed outstanding comments, the Administrative Official shall issue a notification that the application is not approved\denied. A notification will be issued if the proposed project cannot comply with the requirements of the *LDRs* or if the project exceeds 120 or 180-calendar days with unresolved comments pursuant to [Section 166.033, Florida Statutes](#). The notification shall constitute a denial development order, which is subject to appeal by the applicant in accordance with these *LDRs*.

**1) Failure to Address Comments.**

If the Applicant fails to address the listed outstanding comments within the 120 or 180-calendar days deadline, fails to request and receive approval for a time extension from the Administrative Official, or exceeds the maximum approved time extension:

**a) Administrative Reviews.**

The application shall receive a decision of denial. A notice for failure to comply with the standards, regulations, or provisions of the *LDRs* shall be provided to the applicant.

**b) Public Hearing Reviews.**

- i. If the application has not been certified for public hearing prior to the review deadline a decision of denial shall be issued. A notice of failure to comply with the standards, regulations, or provisions of the *LDRs* shall be provided to the applicant.

- ii. If the application has been certified for public hearing prior to the review deadline it shall be placed on the next available meeting agenda for the applicable commission, pursuant to [Section 9.0](#) of this Article. The Planning and Zoning Commission shall render a decision, or a recommendation if the City Commission is the deciding authority. Decisions of the Planning and Zoning Commission shall be by means of the issuance of a development order or denial development order while recommendations shall provide the basis for the recommendation whether it be positive or negative. Minority reports shall be provided by Planning and Zoning Commission members who dissent from the action of the majority. Decisions by the City Commission shall also be by means of the issuance of a development order or denial development order although the City Commission may refer a matter back to the Planning and Zoning Commission for further consideration if it deems such action appropriate.

**2) Time Extension.**

If an application is not approved within 120 calendar days, for administrative reviews, or 180 calendar days, for public hearings reviews, from the date of sufficiency determination an applicant may submit a written request to the Administrative Official for a time extension. The request must be received by the Administrative Official before the applicable deadline. If an extension is to be granted, both the Administrative Official and the Applicant must agree to the extension of time. The maximum extension that may be granted is six months, in 30-day increments, or as determined by the Administrative Official. The extension request letter must include a justification statement explaining the necessity of the extension, the project application number, project address, and agent name. An applicant may appeal a denial of an extension request in accordance with the provisions of these *LDRs*.

**3) With or Without Prejudice.**

**a) With Prejudice.**

If an application is denied with prejudice, under the doctrine of administrative res judicata the same application for all or part of the same land shall not be considered for a period of one year after the date of denial. An application denial letter shall constitute a denial development order and must specifically state “with prejudice”. Denial with prejudice prohibits the filing of a successive application, which is not materially different as determined by the Administrative Official. An applicant may submit a waiver application to the deciding body of the denied application in accordance with [Article IV](#), Section 11.0 – Waivers, to request the reduction or full relief of the one-year time limitation.

**b) Without Prejudice.**

If an application is denied without prejudice, an application for all or part of the same land may submit a new application without any time limitation. Any denial that does not specifically identify with or without prejudice shall be considered as denied without prejudice.

**b. Approved/Certified.**

**1) Administrative Review.**

If an application, with or without resubmitted documents, satisfies all applicable requirements of the *LDRs* and addresses all PRS outstanding comments, if any, the applicant shall submit a clean set of plans and documents showing no clouds and reflecting only what has been approved at the latest submittal. The Administrative Official shall then provide a notification of the approved application with any Conditions of Approval and issue a development order, if applicable, in accordance with [Section 7.0.C.8](#) and [9](#), of this Article.

**2) Public Hearing Review.**

If the application, with or without resubmitted documents, satisfy all applicable requirements of the *LDRs* and address all PRS outstanding comments, if any, the Administrative Official shall deem the application as certified for public hearing, and place the application on the next available meeting agenda for the Planning and Zoning Commission or City Commission, in accordance with [Section 7.0.C.6](#) or [7.0.C.7](#) of this Article, whichever is applicable. If a commission approves the application, a clean set of plans and documents shall be submitted showing no clouds and reflecting only what has been approved or certified at the latest submittal or a final site or subdivision plan shall be submitted showing any modifications required by condition of approval. Then the Administrative Official shall issue the development order, if applicable, to the applicant as executed by the City. If the signature of the property owner is required on the development order, the property owner shall execute the document prior to the City's execution of the document.

**c. Suspension of Review.**

An application may be suspended during the pendency of a code enforcement proceeding or for any violation of a City code or ordinance involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the Applicant to the Administrative Official that suspension of development review processing could be averse to the public interest or has no material effect on the application submitted. This shall not apply to any application necessary to resolve the code enforcement action.

**d. Withdrawal.**

The Applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body. Requests for withdrawal received by the Administrative Official at least five days prior to a hearing date shall be granted without prejudice. If less than five days, the decision-making body, upon recommendation by the Administrative Official, may determine that the application for withdrawal is with or without prejudice. Withdrawal with prejudice prohibits the filing of a successive application, which is not materially different, for one calendar year. At any time, a property owner or authorized agent may withdraw a submitted application, and the City shall not determine conflicts between private parties relative to any contractual rights or relationships between the property owner and other parties.

**6. Action by Planning and Zoning Commission.**

The Planning and Zoning Commission shall hold a public hearing upon the application in accordance with the procedures in this Section, and controlling law, and enter its order granting or denying such application in accordance with the requirements of [Section 166.033, Florida Statutes](#), and other controlling law, by means of the issuance of an approval or denial development order. The Commission may prescribe appropriate conditions and safeguards in the development order that shall become a part of the terms under which a site development permit and certificate of completion shall be issued.

**a. Date of Hearing.**

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

**b. Notice.**

Notice of the hearing shall proceed in the following manner or as required by controlling State law, which shall prevail in the event of conflict herewith:

- 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 with such publication to be at least ten 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 public. A full legal description shall not be required as part of the notice, but shall be required as part of the application;
  - c) A brief description of the proposal being considered;
  - d) Identification of the body conducting the hearing; and
  - e) Type of application being considered.
- 2) Properties considered for public hearings shall be posted by the applicant with a sign for 15 consecutive days prior to the Planning and Zoning Commission meeting. The sign, to be provided by the Administrative Official, shall be located on the property, clearly visible from the public right-of-way.
  - 3) The Administrative Official shall also mail similar notices setting forth the time, place and purpose of the hearing to:
    - a) the applicant;
    - b) the owner of the property described in the application, if other than the applicant;
    - c) the owners of every parcel of land located within a distance of 500 feet from the property line of the property described in the application;
    - d) each homeowners association or neighborhood group relating to property which is located within the public notice area described above to the extent that a determination may be reasonably made by the Administrative Official with regard to the existence of such entities; and,
    - e) additional notices as determined by the Administrative Official in order to ensure public participation and governmental transparency.
  - 4) Affidavit proof of the required publication, mailing and posting of the notices shall be presented at or prior to the hearing by the applicant. Failure to provide proof of required notifications shall result in a public hearing being continued.
  - 5) For purposes of determining the name and address of persons entitled to notice under this Section, the owner of property shall be deemed to be the person who is so identified in the most current tax roll certified for collection and maintained in the office of the Seminole County Property Appraiser. Such notice shall be mailed at least ten days prior to the scheduled hearing date.

**c. Appearance and Argument.**

At any hearing upon any matter subject to the provisions of this Section, the applicant seeking action and any other party desiring to be heard upon the application may appear in person, by agent or by attorney. The applicant shall be entitled to make an initial presentation respecting the application and, at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal to such presentations if the applicant so desires. The Chairperson may, at the commencement of the hearing upon each application or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such presentation. The provisions of these LDRs relating to quasi-judicial proceedings shall apply.

**d. Decision by the Planning and Zoning Commission.**

Action by the Planning and Zoning Commission upon any matter subject to the provisions of this Section shall be announced by the Chairperson immediately following the vote determining such action.

**1) Approve/Approve with Conditions.**

All actions to approve or to approve with conditions shall thereafter be embodied in a written development order (DO) prepared by the Administrative Official in conjunction with the City Attorney. The Administrative Official shall provide a notification of the approved application with any conditions of approval and issue a DO, if applicable, in accordance with [Section 7.0.C.8](#) and [9](#), of this Article.

**2) Denial.**

Denials shall comply with the provisions of [Section 166.033](#), *Florida Statutes*, and other controlling law. If the application is denied the chairman may indicate if the application has been denied with prejudice.

**a) With Prejudice.**

If an application is denied with prejudice, an application for all or part of the same land shall not be considered for a period of one year after the date of denial. An application denial development order must specifically state “with prejudice”. Denial with prejudice prohibits the filing of a successive application, which is not materially different, as determined by the Administrative Official. An applicant may submit a waiver application to the deciding body of the denied application in accordance with [Article IV](#), Section 11.0 – Waivers, to request the reduction or full relief of the one-year time limitation.

**b) Without Prejudice.**

If an application is denied without prejudice, an application for all or part of the same land may submit a new application without any time limitation. Any denial that does not specifically identify with or without prejudice shall be considered as denied without prejudice.

**7. Action by City Commission.**

If required, the Planning and Zoning Commission will render a recommendation on the application. The application will then be presented to the City Commission at the next available and regularly scheduled public hearing meeting date. The Commission will review and enter its order approving, approving with conditions, or denying such application in accordance with the requirements of [Section 166.033](#), *Florida Statutes*, and other controlling law. The City Commission 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 be issued when such actions are permitted by controlling law.

**a. Date of Hearing.**

Hearings shall be held by the City Commission at a date and time fixed by the City Clerk after a request has been made by the Administrative Official.

**b. Notice.**

Notice of the hearing shall proceed in the following manner or as required by controlling law, which shall prevail in the event of conflict herewith:

- 1) Upon a determination of the meeting date, the City Clerk shall cause a notice of such hearing to be published at least once in a newspaper of general circulation in the City with such publication to be at least ten 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 public. A full legal description shall not be required as part of the notice, but shall be required as part of the application;
  - c) A brief description of the proposal being considered;
  - d) Identification of the body conducting the hearing; and
  - e) Type of application being considered.

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

**c. Appearance and Argument.**

At any hearing upon any matter subject to the provisions of this Section, the applicant seeking action and any other party desiring to be heard upon the application may appear in person, by agent or by attorney. The applicant shall be entitled to make an initial presentation respecting the application and, at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal to such presentations if the applicant so desires. The Chairperson may, at the commencement of the hearing upon each application or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed each such party within which to make such presentation. The provisions of these LDRs relating to quasi-judicial proceedings shall apply.

**d. Decision by the City Commission.**

Action by the City Commission upon any matter subject to the provisions of this Section shall be announced by the Chairperson immediately following the vote determining such action.

**1) Approve/Approve with Conditions.**

All actions to approve or to approve with conditions shall thereafter be embodied in a written development order (DO) prepared by the Administrative Official in conjunction with the City Attorney. The Administrative Official shall provide a notification of the approved application with any conditions of approval and issue a DO, if applicable, in accordance with [Section 7.0.C.8](#) and [9](#), of this Article.

**2) Denial.**

Denials shall comply with the provisions of [Section 166.033](#), *Florida Statutes*, and other controlling law. If the application is denied the chairman may indicate if the application has been denied with prejudice.

**a) With Prejudice.**

If an application is denied with prejudice, an application for all or part of the same land shall not be considered for a period of one year after the date of denial. An application denial development order must specifically state “with prejudice”. Denial with prejudice prohibits the filing of a successive application, which is not materially different, for one calendar year. An applicant may submit a waiver application to the deciding body of the denied application in accordance with [Article IV](#), Section 11.0 – Waivers, to request the reduction or full relief of the one-year time limitation.

**b) Without Prejudice.**

If an application is denied without prejudice, an application for all or part of the same land may submit a new application without any time limitation. Any denial that does not specifically identify with or without prejudice shall be considered as denied without prejudice.

**8. Conditions of Approval.**

The Administrative Official, Planning and Zoning Commission, or City Commission may attach such conditions to a use, subdivision or any other applicable approval permit as are necessary to carry out the purposes of the plan and to prevent or minimize adverse effects upon other property in the neighborhood including, but not limited to:



**a. Limitations.**

Conditions of approval shall be limited to size, bulk, and location of site elements or structures; requirements for landscaping, lighting and provision of adequate ingress and egress and off-site project-related improvements; duration of the permit; hours of operation; and mitigation of environmental impacts.

**b. Final Development Plan.**

Submission and approval of a final development plan is only necessary if a condition of approval impacts the site design that was presented to the Commission. This plan must be submitted and approved before a site development permit application may be submitted. A final site or subdivision plan shall be submitted within 15 calendar days of the public hearing date through the original application, labeled as final site or subdivision plan, whichever is applicable. It shall include only the modifications required by the Planning and Zoning Commission or City Commission that show the plan complying with their conditions of approval.

- 1) If the final site or subdivision plan is not submitted within 15 days of the hearing date the approval may be deemed as invalid, and the application will be subject to re-review through a new application and hearing process.
- 2) The final site or subdivision plan shall be limited to one resubmittal if the Administrative Official finds that the submittal did not comply with conditions of approval. If a resubmittal is required and the applicant has not provided all the information on the plan as required, the application may be deemed invalid and subject to re-review through a new application and hearing process.

**9. Development Order.**

**a. Granting of Order.**

The written order shall grant the application, in whole or in part, under such terms and conditions as are determined to be appropriate. A denial development order shall be issued in the event of a denial of an application.

**1) Public Facilities Capacity.**

A development order may only be granted for a proposed development where there is a finding that all public facilities and services have sufficient capacity at or above their adopted level-of-service (LOS) to accommodate the impacts of the development including, but not limited to, traffic impacts, or those improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined in [Schedule Q](#), Concurrency Management of these *LDRs*.

**2) Standards.**

All development orders shall be in writing and shall contain, as appropriate, the following information. The Administrative Official may require the Applicant provide a title search of the property:

- a) The name of the property owner and the name of the proposed development.
- b) The legal description of the property and, where appropriate, the street address.
- c) A precise description of the development activity being approved.
- d) Reference to the approved plans or blueprints including name of the preparer and the date of the plans.
- e) Any special conditions of the development approval.
- f) The expiration date of the development order.

**3) Intent.**

The development order shall be drafted to meet the intent established by the decision.

**b. Effect and Limitation.**

A development order granting a use, variance, site development permit or any other application process shall be applicable to the parcel for which it is granted and not to the applicant, to that end, when recorded in the Official Records of the County, shall run with the land.

- 1) No order, site development permit or certificate of completion that has been issued shall be deemed valid for any use of the premises other than that specified in the approved application. Except, permitted-by-right uses may occur in conjunction with or in place of an administrative, conditional, or exceptional use, provided there are no conditions of approval that prohibit the permitted uses from being added to the building or site that complies with the development order.
- 2) Issuance of a development order shall authorize only the particular site configuration, layout, and level of impacts that were approved pursuant to these *LDRs*.
- 3) If a development order is abandoned an instrument shall be recorded by the Administrative Official perfecting such action and all granted uses and associated approvals shall be rescinded.

**c. Recording.**

No development order approving, or approving with conditions, any development, variance, or use shall become effective until said development order is recorded in the Official Records of Seminole County along with payment of all applicable fees.

- 1) City staff shall provide the development order and recording fee to the applicant within eight working days from the date of approval. The Administrative Official shall inform the applicant when the development order is available through the electronic application portal and include the necessary recording fee amount.
- 2) If the signature of the property owner is required, the development order shall be signed by the applicant and return a hard copy with wet signature to the Planning Division within 21 calendar days of the date it is made available to the applicant through the application's electronic portal.
- 3) A development order and recording fee that is not received by the Planning Division within the 21 calendar days shall render the approval abandoned by the applicant and considered null and void.

**d. Time Limit.**

The approving body may impose specific time limits, within which actions must be taken in granting any approval. The development order shall be considered abandoned and become null and void if:

- 1) all critical infrastructure construction is not completed within three years from the effective date of the development order, as determined by the Administrative Official, unless otherwise specified in the development order; or,
- 2) the conditional actions as identified in the development order have not been accomplished to the intent of the development order, as determined by the Administrative Official.

**e. Extension.**

A development order may be extended by the Administrative Official for a period not to exceed six months if the request for the extension is made before the development order expires and is determined to be abandoned, thereby becoming null and void. Any extension beyond six months must be approved by the City Commission. A denial development order shall be summarily issued by the Administrative Official if an application for an extension is submitted after a development order has expired.

**f. Abandonment.**

A development order may also be abandoned if the property owner provides a letter informing the Administrative Official that the property owner has abandoned the development order. The Administrative Official may determine that a development order has been abandoned if significant modifications are proposed for the site that would no longer be consistent with the terms or conditions that granted the development order, or if the site approved in a development order for a non-conforming use remains vacant for a period of at least one year.

## **10. Wetland or Floodplain Management.**

The Administrative Official may require an engineering plan for wetland or floodplain mitigation prior to public hearings for a planned development project or any project located within a wetland or floodplain area or withhold a development order until there is a finding that all wetland and floodplain areas can be mitigated through an engineering plan or additional studies, unless the applicant demonstrates that such requirement would violate the provisions of [Section 166.033](#), *Florida Statutes*.

## **11. Fees.**

An application shall not be scheduled for a public hearing or receive a development order before all application or other assessed fees have been paid. Any project that maintains unpaid fees, without special approval, beyond 30 days from the date of submittal shall be considered an insufficient application and be withdrawn or denied. Any recording fees assessed shall also be paid within 21 days from the date that the applicant is notified of any such fees. If these fees are not paid within the allotted period, the City shall record a document at the expense of the applicant, indicating that the applicant has abandoned the approval and stating that the previously recorded documents are invalid, null and void and that a new approval shall be required.

## SECTION 8.0 REQUIRED DOCUMENTS BY APPLICATION TYPE

All submitted documents shall be clear, legible and accurate.

**Table 8.0 – Required Documents by Application Type**

Document	Annexation <sup>(4)</sup>	Comprehensive Plan Amendment	Planned Development Rezone	Straight Rezone	Site Development Permit	Administrative Use	Conditional Use	Exceptional Use	Development Plan	Transfer of Development Rights	Appeal	Minor Subdivision	Major Subdivision	Subdivision Improvement Plan	Final Plat	Master Plan	Variance, Type 1 and Type 2	Waivers	Zoning Site Review
Abstract Survey	*	*	✓	*		✓	✓	✓	✓	✓		✓	✓	✓		✓	✓		✓
Affidavit of Ownership/Agent Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓
Annexation Petition	✓																		
CAPP Meeting Summary		✓	✓	✓			✓	✓		✓			✓				✓		
Certified Cost Estimate of Project					✓														
Completed Utilities Review Checklist		*	*	*		✓	✓	✓	✓			*	✓	✓			*		*
Economic Impact Statement	✓	✓	✓	✓		*	✓	✓				✓	✓			✓	✓		
Environmental Impact Statement		*	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	*		*
Environmental Impact Study <sup>(2)(3)</sup>			*		*	*	*	*	*			*	*	*		*			*
Geotechnical Study Report			*	*	✓	*	*	*	✓			*	*			*	*		*
Hydrant Flow Curve Test					*	*	*	*	✓			*	*	✓		*			
Homeowners Association Document															✓				
Justification Statement	✓	✓	✓	✓		✓	✓	✓	*	✓	✓	✓	✓	*	*	✓	✓	✓	✓
Legal Description	✓	✓	✓	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	*		*
Permeability Report/Calculations			*		✓	*	*	*	✓			*	*	✓			*		*
Plan, Architectural Elevation			✓	*		*	*	*	✓			*	*	✓			*		*
Plan, Civil			*						✓					✓			*		*
Plan, Engineering			*			*	*	*	✓				*	✓		*	*		*
Plan, Landscaping			✓			✓	✓	✓	✓				✓				*		*
Plan, Lighting			*			*	*	*	✓							*	*		
Plan, Maintenance					*					✓									
Plan, Master			✓												✓				
Plan, Sign			*			*	*	*	✓				*				*		*
Plan, Site			*	*		✓	✓	✓	✓	*							*		*
Plan, Subdivision		*	*	*						*		✓	✓	✓	✓	*	*	*	*
Plan, Topography <sup>(2)</sup>			*		*	*	*	*	*			✓	✓	*		*	*	*	*
Prior Development Order			✓			✓	✓	✓	✓	✓		*	✓				✓		
Proof of Standing											✓								
Proposed Language		✓																	
TDR Supplemental Documents										✓									
Traffic Statement (ADT)			✓	*	✓	✓	✓	✓	✓			*	*			*			
Traffic Study <sup>(1)</sup>			*	*	*	*	*	*	*			*	*			*	*		*
Wetland/Floodplain Mitigation Statement <sup>(2)</sup>			*		*	*	*	*	*			*	*				*		*

### Notes

“✓” means the document is required at time of submittal.

“\*” means the document may be required depending on request. Staff will notify applicant during pre-application process or as a comment within the full review if this document must be submitted.

(1) Document shall be required if total peak trips will exceed 500 ADT’s.

(2) Document shall be required if subject property has any wetland or floodplain area per FEMA.

(3) Document shall be required if subject property has any protected species, such as Gopher Tortoise, Eagles, etc.

(4) All annexation applications and documents to be submitted and processed through the City Clerk’s office.

**SECTION 9.0 APPLICATION TYPES AND AUTHORITATIVE BODY**

The final decision on an application shall be made by the deciding body as indicated in Table 9.0.

**Table 9.0. – Application Types and Authorities**

<b>Application Type</b>	<b>Acym.</b>	<b>Process</b>	<b>Final Decision Body</b>
Annexation <sup>(3)</sup>	ANX	Legislative	City Commission
Appeals <sup>(3)</sup>	APL	Quasi-Judicial	City Commission
Certificate of Appropriateness	COA	Quasi-Judicial	Historic Board
Comprehensive Plan Amendment <sup>(3)</sup>	CP	Legislative	City Commission
Land Development Regulation Text Amendment <sup>(3)</sup>	TXA	Legislative	City Commission
Rezone, Planned Development <sup>(3)</sup>	PDR	Quasi-Judicial	City Commission
Rezone, Straight <sup>(3)</sup>	RZ	Quasi-Judicial	City Commission
Development Plan (Site and Eng. Plan) <sup>(2)(4)</sup>	DP	Administrative	Administrative Official
Site Development Permit <sup>(2)</sup>	SDP	Administrative	Administrative Official
Subdivision, Minor (3-5 Lots) <sup>(1)</sup>	MNSP	Administrative	Administrative Official
Subdivision, Major <sup>(1)</sup>	MJSP	Quasi-Judicial	City Commission
Subdivision, Improvement Plan <sup>(1)</sup>	SIP	Administrative	Administrative Official
Subdivision, Final Plat <sup>(1)</sup>	SFP	Quasi-Judicial	City Commission
Master Plan <sup>(3)</sup>	MP	Quasi-Judicial	City Commission
Transfer of Development Rights <sup>(3)</sup>	TDR	Quasi-Judicial	City Commission
Use, Administrative <sup>(2)</sup>	AU	Administrative	Administrative Official
Use, Conditional <sup>(2)</sup>	CU	Quasi-Judicial	Planning Commission
Use, Exceptional <sup>(2)</sup>	EU	Quasi-Judicial	City Commission
Variance, De Minimis/1 or 2 Family Dwellings <sup>(2)</sup>	VDM	Administrative	Administrative Official
Variance <sup>(2)</sup>	VAR	Quasi-Judicial	Planning Commission
Vacate ROW/Easement <sup>(1)</sup>	VAC	Quasi-Judicial	City Commission
Vested Rights <sup>(3)</sup>	VR	Administrative	Administrative Official
Waivers <sup>(3)</sup>	WAV	Quasi-Judicial	City Commission
Zoning and Site Review <sup>(2)</sup>	ZSR	Quasi-Judicial	City Commission
Zoning Administrative Letter <sup>(3)</sup>	ZAL	Administrative	Administrative Official
<b>Notes:</b>			
1.	Applications, plans, and review are subject to <a href="#">Article II</a> .		
2.	Applications, plans, and review are subject to <a href="#">Article III</a> .		
3.	Applications, plans, and review are subject to <a href="#">Article IV</a> .		
4.	As-of-Right use is subject to the Development Plan process of <a href="#">Article III</a> .		