

1 **ARTICLE XXI GENERAL SITE DEVELOPMENT PLAN REQUIREMENTS**

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26 **ARTICLE XXI GENERAL SITE DEVELOPMENT PLAN REQUIREMENTS**

27 Section 21.1 Purpose and Intent

28 The purpose and intent of this chapter is to:

- 29 1. Establish standards for site design, which will encourage the development of sound and
30 stable areas within the incorporated areas of the Town.
- 31 2. The adequate and efficient supply of utilities, streets and services to new land
32 developments
- 33 3. The prevention of traffic congestion which results from excessive ingress and egress
34 points along major traffic arteries, and the provision of safe and convenient traffic
35 circulation, both vehicular and pedestrian, in new land development
- 36 4. Promote the health and general welfare of the town
- 37 5. Minimize flooding hazards and insure proper water management
- 38 6. To coordinate land development in accordance with orderly physical patterns and
39 general plans and policies adopted by the town commission, in particular, the
40 comprehensive plan.
- 41 7. To help protect the natural and scenic resources of the town, including surface waters
42 and ground recharge areas.

43
44 Section 21.2 Administrative Site Plan Review and Approval

45 To increase business activity in abandoned and inactive buildings and to provide an abbreviated
46 review and approval process for minor redevelopment, small redevelopment projects and minor
47 expansions of existing development shall be reviewed administratively in accordance with the
48 provisions of this section. For the purposes of this section, redevelopment means a change in
49 use from nonuse or an existing use to a different permitted use in the applicable land use district.
50 Redevelopment does not include existing vacant land regardless of whether the existing vacant
51 land had building(s) or structure(s). Redevelopment means a 25 percent increase or less in the
52 square footage of any structure and/or an increase in impervious surface subject to vehicular
53 traffic of less than 4,000 square feet If the square footage of any structure on the property being
54 developed is increased by more than 25 percent or the impervious surface subject to vehicular
55 traffic is increased by 4,000 square feet or more, then the administrative site plan review option
56 will not apply and the site plan must be submitted in accordance with the other provisions of
57 these land development regulations.

58
59 The development review committee (DRC) shall have the authority to review, approve, and deny
60 administrative site plans as provided for in this section. The DRC may also grant waivers for
61 current conditions that do not conform to the Land Development Code and for code requirements
62 that cannot be reasonably accommodated on the site. All waivers must be noted on the final
63 approved plan. The minimum submittal requirements are as follows:

- 64 1. A general location map.
- 65 2. A recent aerial of the site and the surrounding area within 200 feet, noting road access
66 points, adjacent land use designations and design districts.
- 67 3. A boundary survey or scaled delineation of the property and existing structures and
68 improvements with setbacks noted.
- 69 4. Proposed redevelopment plan with land uses and structures noted, including off-street

- 70 parking, impervious coverage, designated open space, and other proposed
71 improvements.
- 72 5. Proposed landscape plan.
 - 73 6. Traffic Impact Study, when applicable.
 - 74 7. Proposed public utilities including method of providing solid waste removal, potable
75 water, and wastewater.

76
77 The Town Manager, or designee, may request additional information and/or waive
78 requirements for signed and sealed documents depending upon the size, nature, and
79 complexity of the project.

80 A decision of the DRC may be appealed to the Town commission if the applicant files a
81 request for hearing within 60 days of the DRC decision. The Town commission shall hear
82 the appeal at a public hearing within 30 days after the applicant requests the appeal. The
83 Town commission may remand the matter back to the Town Manager, or designee, with
84 instructions, may deny the proposed site plan, may approve the proposed site plan as
85 submitted, or may approve the proposed site plan with additional conditions agreed to by
86 the applicant.

87
88
89 Section 21.3 Pre-application Conference

90 Prior to filing for site plan or preliminary plat review, which is required for all nonresidential
91 development, multi-family developments, and residential subdivisions, the developer shall meet
92 with the Town Manager, or designee, to discuss the development review process.

93
94 The purpose of the conference is to acquaint the applicant with the requirements and procedures
95 of the land development code and to determine the appropriate application process as provided for
96 in this chapter.

97 The submittal requirements for the optional review by the development review committee are as
98 follows:

- 99 1. A map showing the general location of the property.
- 100 2. An aerial map of the property.
- 101 3. A boundary survey or other scaled delineation of the parcel.
- 102 4. A map of the land use designations for the site and the surrounding area within 500 feet of
103 the property.
- 104 5. A map of the design district designations for the site and the surrounding area within 500
105 feet of the property, including proposed streets.
- 106 6. A conceptual site plan (if applicable)

107
108 With the consent of the applicant, the Town Manager, or designee, can waive the pre-application
109 conference requirement, if in the director's opinion, the conference is unnecessary.

110
111 During the pre-application conference, the director may waive submittal requirements under these
112 land development regulations, if, in the director's opinion, the submittal requirements are
113 unnecessary based upon the size, nature, and complexity of the proposal.

114 No person may rely upon any comment concerning a proposed site plan, or any expression of any

115 nature about the proposal made by the participant at the pre-application conference as a
116 representation or implication that the proposal will be ultimately approved or rejected in any form.

117

118 Section 21.4 Optional Review of Concept Plan

119 After the pre-application conference, an applicant has the option to be placed on DRC agenda for
120 review of the applicants conceptual plan for proposed development.

121 The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and
122 locations of land uses may be generalized), and which shows or addresses (with supporting
123 information) the following items and matters:

124

- 125 1. All application forms submitted and relevant fees paid.
- 126 2. Generalized location and boundary map of the subject property including acreage.
- 127 3. Major natural features such as lakes, streams and conservation areas.
- 128 4. Landscape Plan (provide the option that the applicant is using if GCO applies)
- 129 5. Anticipated internal major road network.
- 130 6. Existing and proposed streets abutting the project and other major streets and
131 intersections within five hundred (500) feet of access points to the subject property.
- 132 7. Proposed land use types by acreage and their locations (land use or building bubbles are
133 acceptable).
- 134 8. Number of units and gross and net densities.
- 135 9. Minimum lot sizes.
- 136 10. Floor area for commercial or industrial.
- 137 11. Adjacent zoning.
- 138 12. Anticipated maximum building height.
- 139 13. Requested waivers (variances)
- 140 14. Anticipated phasing plan (if applicable).
- 141 15. Proposed method of providing:
 - 142 a. Water service (including fire protection and 24-hour storage volume at build-out).
 - 143 b. Sewage disposal.
 - 144 c. Reuse.
 - 145 d. Stormwater management.
 - 146 e. Open Space
 - 147 f. Parks/recreation facilities.
 - 148 g. Schools

149

150 Section 21.5 Community Meeting

151 Applicants seeking specified types of developments shall hold a community meeting to address
152 community concerns related to the proposed development prior to submittal of the application to
153 increase community awareness and participation.

154 A community meeting is required for the following proposed developments, unless specifically
155 waived by the Town Manager, or designee, based on a determination that the meeting is not
156 necessary:

- 157 1. Multi-use development
- 158 2. Conditional uses
- 159 3. Proposed commercial and industrial uses adjacent to residential land use properties
- 160 4. Any Planned Unit Development
- 161 5. Rezoning of Land
- 162 6. Comprehensive plan amendment.
- 163 7. Any other matter as determined by staff or upon request of a town commissioner.
- 164 8. The minimum submittal requirements for review at the community meeting are as follows:
 - 165 a. A map showing the general location of the property.
 - 166 b. An aerial map of the property.
 - 167 c. A boundary survey or other scaled delineation of the parcel.
 - 168 d. A map of the land use designations for the site and the surrounding area within
169 500 feet of the property.
 - 170 e. A map of the design district designations for the site and the surrounding area
171 within 500 feet of the property, including proposed streets.
 - 172 f. A conceptual site plan or lot layout that includes the following:
 - 173 g. Number and type of dwelling units and lot sizes if applicable.
 - 174 h. Total acreage.
 - 175 i. Total developable acreage (total acreage less water bodies and wetlands).
 - 176 j. Total open space and recreation required and provided.
 - 177 k. Net density calculation.
 - 178 l. Required buffers.
 - 179 m. Requested waivers.
 - 180 n. Vehicular and pedestrian connections and access points.
 - 181 o. Town staff must approve the time and location for the community meeting.
 - 182 p. The applicant is responsible for complying with the notice requirements for the
183 community meeting set forth in this section and for coordinating the time and
184 location of the meeting with Town staff.
- 185 9. Town staff shall prepare a report summarizing the attendance and discussion at the
186 community meeting within 30 days of the meeting.
- 187 10. The applicant shall include the town's report with its final application.

189 Section 21.6 Land Use Plan Requirements

190 After the pre-application conference and/or the Concept Plan has been reviewed or waived by the
191 Town Manager, or designee,, the applicant may submit detailed drawings for formal review based
192 upon the submittal requirements outlined below.

193

194 The Land Use Plan shall consist of the following parts:
195 1) A series of site and land use maps and supporting documentation, 2) a PUD zoning ordinance
196 (when applicable), 3) a Developer's Agreement (when applicable), and 4) Comprehensive Plan
197 Amendments (when applicable), 5) any additional items as outlined in the sufficiency check list,
198 and the transportation impact analysis guidelines as provided by the Town Manager, or designee,;
199

200 1. Site and Land Use Plan Maps and Documentation

201 An official application development shall be accompanied by the following:

202 a. General Information

- 203 (1) Vicinity map. A vicinity or location map drawn to a scale of one inch equals
204 2,000 feet or such other scale as approved by the Town Manager, or designee,
205 shall be submitted and shall clearly show the site in relationship to its
206 surroundings, including, as a minimum, all property and existing land uses
207 within 1,000 feet of the project boundaries.
208 (2) Name and contact information for owner, applicant, and consultant
209 (3) Project name, date, scale, north arrow, and revision dates
210 (4) *Map Scales:* All plans shall be drawn to scale, not to exceed one (1) inch equals
211 two hundred (200) feet, unless otherwise permitted

212 b. Physical Site Assessment

- 213 (1) Color Aerials: Color aerials shall be submitted indicating the location of the site
214 and surrounding area within 500' of the site.
215 (2) Property boundaries. A certified survey delineating the location and
216 dimensions of all boundary lines of the development, and of any contiguous
217 lands, including those separated only by a street, canal, or similar feature, in
218 which the developer or property owner presently has any legal interest.
219 (3) Existing conditions. The approximate location, nature, and extent of all existing
220 easements, streets and rights-of-way, buildings, historic sites, all trees greater
221 than or equal to 6 inches dbh, or approved by the DRC, environmentally
222 sensitive areas, soils, watercourses, flood hazard areas, and existing
223 topographic contours of the site at 5 ft. intervals; the names of the property
224 owners of record and existing zoning and existing land uses for all property,
225 drainage ways, utilities, exceptional land characteristics, Phase I
226 environmental assessment findings (if applicable), and similar features on-site
227 and within 500 feet of the perimeter of the site.
228 (4) Legal description. A legal description of the land comprising the proposed
229 development.
230 (5) Proof of ownership. Legal instruments acceptable to the Town Attorney which
231 clearly indicate persons having a legal and/or equitable ownership interest in
232 the subject property. Where ownership resides with a publicly held corporation
233 whose stock is traded on a nationally recognized stock exchange, the name
234 and address of the corporation and all of its principal executive officers and/or
235 registered agent will be sufficient with power of attorney. The documentation
236 shall also include an affirmation that no other persons have claims or interests
237 (known to the applicant, developer, or owners) which might affect their right to
238 develop the entire planned unit development as proposed.

- 239 (6) Land use. The total project acreage, approximate location of each land use
240 and proposed density and/or intensity, acreage by each proposed land use,
241 dwelling unit types, general types of nonresidential uses, open spaces,
242 recreational facilities, and other proposed uses, and list of prohibited uses. The
243 quantitative land use data shall be illustrated in a table which clearly depicts
244 the total number of acres allocated to each separate land use, as well as each
245 conservation use, water bodies, recreation areas, and other similar allocation.
246 The percentage land area allocated to all land use categories shall equal 100
247 percent. Land use specific development standards shall be provided as
248 follows:
- 249 i *Residential.* Maximum gross density, total number of units,
250 type of unit where feasible or necessary, minimum net lot size,
251 minimum net living floor area, building height, open space and
252 recreation area and general location.
 - 253 ii *Commercial.* Types of uses, floor area ratio, building height,
254 setbacks and open space, impervious surface and general
255 location.
 - 256 iii *Industrial.* Types of uses, gross floor area, floor area ratio,
257 impervious surface ratio, building height, setbacks, open space
258 and buffers and general location.
- 259 (7) Conceptual traffic and pedestrian circulation. All traffic and pedestrian
260 circulation facilities shall be delineated on the Land Use plan showing
261 approximate locations and types of all roads, points of access and egress,
262 proposed right-of-way widths, use of cross-easements, impacted streets,
263 parking areas, transit stops, transit shelters, pedestrian facilities, parking and
264 general landscaped areas. Any known concurrency issues surrounding
265 anticipated traffic impacts should be discussed. A traffic study may be required
266 as determined during the pre-application meeting and outlined in the Town's
267 Traffic Impact Study methodology and procedures manual.
- 268 (8) Conceptual drainage plan. A conceptual drainage plan in compliance with the
269 SJRWMD Lake Apopka rule.
- 270 (9) Trees: The proposed Land Use Plan shall be overlain on a color aerial
271 photograph at a scale of 1:100 to ascertain the general location of trees in
272 relation to the proposed development layout. The design of the Land Use Plan
273 and subsequent Development Plan shall include preservation of existing trees
274 and shall follow Article XVII, Tree Protection of the Oakland Zoning Code.
- 275 (10) Planning objectives for a PUD. A statement of planning objectives to be
276 achieved by the planned unit development through the particular approach
277 proposed by the applicant. This statement should include a description of the
278 character of the proposed development and the rationale behind the
279 assumptions and choices made by the applicant. The statement shall include
280 a proviso that provisions of the Comprehensive Plan and land development
281 regulations shall be satisfied including preserving Oakland's natural resources,
282 particularly existing trees. Urban design concepts and examples of urban
283 design features to be integrated into the plan shall be stated and/or illustrated.
284 Objectives shall include a description of how the applicant will conform to the

- 285 Gateway Corridor Overlay District design requirements and Scenic Highway
 286 initiative.
- 287 (11) Phasing and Development schedule (if applicable). A proposed development
 288 schedule indicating the approximate starting and completion dates for the
 289 entire project and any phases thereof, together with appropriate identification
 290 and conceptual description of such phases. Each phase of development must
 291 be able to exist as an independent stable unit.
- 292 (12) Environmental impact statement. A statement explaining the positive and
 293 negative environmental impacts of the proposed development on: (a)
 294 environmentally fragile lands including water bodies, wetlands, 100-year
 295 floodplain and floodways, wellfields, aquifer recharge areas, areas of known
 296 endangered or threatened species of flora or fauna, or any other known
 297 significant environmental features of the site; (b) natural vegetation, including
 298 steps to protect existing tree canopy and general tree removal estimates and
 299 locations; (c) impact of proposed grading plan and drainage system
 300 improvements; and (d) impact to the Wekiva springshed area, (e) findings of
 301 any environmental assessment for hazardous wastes, brownfield or other
 302 contamination, and (f) other significant natural features of site.
- 303 (13) Concurrency management. A preliminary assessment of the proposed
 304 development's impact on available concurrency facilities capacity shall be
 305 submitted. The assessment shall provide at a minimum for the following:
- 306 iv Water service including fire flows, 24-hour storage volume at
 307 build-out, and gallons per day.
 - 308 v Sewage disposal, plus gallons per day generated.
 - 309 vi Reuse water for lawn irrigation.
 - 310 vii Stormwater management concept.
 - 311 viii School age population and available school capacity.
 - 312 ix Parks/recreation facilities.
- 313 (14) Communication Towers: The proposed location(s) and height(s) of
 314 communication towers.
- 315 (15) Additional information. Any other additional material and information as the
 316 Administrative Official, Architectural Review Board, Planning and Zoning
 317 Board or Town Commission may reasonably require.

318
 319 **Section 21.7 Land Use Plan Review**

320 The applicant shall submit to the Planning Department, after payment of application fees, four (4)
 321 copies of the land use plan and support data. The Planning Department shall schedule the project
 322 for review by the Development Review Committee (DRC). The DRC shall review the proposed land
 323 use plan based upon review criteria outlined in this Article, and issue a written recommendation to
 324 the Planning and Zoning Board. The burden is on the applicant to demonstrate that the development
 325 is consistent with the Comprehensive Plan, and process any Comprehensive Plan amendments as
 326 necessary.

327
 328 **Section 21.8 Review and Recommendation by Town Boards**

- 329 1. Review: Upon receipt of the DRC's written recommendation, if development requires ARB

- 330 review, the ARB shall also review the Site Plan's application to ensure the application
331 meets the overall design requirements for the Town.
- 332 2. Approval: Upon receipt of the DRC's written recommendation, the Planning and Zoning
333 Board (P&Z) shall hold a public hearing to review the application and shall submit its
334 recommendation to the Town Commission for its official action.
- 335
- 336 3. Denial: If the Planning and Zoning Board denies approval of the Land Use plan, the plan
337 shall not be considered by the Town Commission unless the applicant appeals to the Town
338 Commission. Such notice of appeal shall be in writing and must be filed with the Town
339 Clerk within ten working days following action by the Planning and Zoning Board. The
340 Town Commission may then overturn the Planning and Zoning Board's denial and approve
341 the Land Use plan with or without conditions, or uphold the denial. If the P&Z decision is
342 not appealed to the Town Commission, the applicant may apply for another planned
343 development including payment of new review fees.
- 344

345 Section 21.9 Town Commission Review and Decision

346 Upon a recommendation of approval or approval with conditions from the Planning and Zoning
347 Board, the Town Commission shall consider the recommendations and comments of the Planning
348 and Zoning Board and DRC. The Town Commission may make such investigations as may be
349 deemed reasonably necessary to ensure conformity with the intent and requirements of this Article.
350 The review of such additional information shall follow the procedures applicable to the review of the
351 conceptual development plan.

- 352 1. The Town Commission shall approve, approve with modifications or conditions, or deny the
353 land use plan, or may refer the plan to the Planning and Zoning Board for further
354 consideration.
- 355 2. In approving a Land Use plan, the Town Commission may establish such conditions and
356 may require such modifications as shall ensure compliance with the planned unit
357 development standards and regulations and, further, the Town Commission may waive or
358 modify subdivision, site plan or other zoning requirements otherwise applicable to the
359 development when such waiver or modification is not in conflict with the Town's
360 Comprehensive Plan or the intent and purpose of the land development regulations.
- 361 3. The accompanying rezoning application is granted approval with the Land Use plan
362 approval. In the event that a Land Use plan is denied by the Town Commission, the
363 application for rezoning shall be denied.
- 364 4. In the event the Land Use Plan is denied by the Town Commission after DRC and Planning
365 and Zoning Board approval or approval with conditions, the Town Commission shall provide
366 the applicant with the specific reasons the Land Use Plan and rezoning were denied. The
367 applicant may resubmit the application with changes or modifications for review in
368 accordance with the Land Use Plan approval process. Only one re-submittal shall be allowed
369 without re-payment of applicable fees.
- 370

371 Section 21.10 Development Plan Review and Approval

372 The applicant shall submit to the Planning Department, after payment of the application fee, four
373 copies of the Development Plan and supporting materials. The Development Plan may cover all or

- 374 a portion of the approved Land Use Plan. The planning department shall review the plans to
375 determine if all appropriate data and information has been properly provided.
- 376 1. After the submittal has been accepted as complete by the Planning Department, the
377 Development Plan shall be reviewed by the DRC in order to determine:
 - 378 a. It substantially complies with the approved Land Use Plan;
 - 379 b. It substantially complies with all applicable ordinances, regulations, policies, and
380 the Gateway Corridor Overlay design standards, where applicable;
 - 381 c. The phase of development can exist as a stable independent unit; and
 - 382 d. Existing or proposed utility services and transportation systems are adequate for
383 the uses proposed.
 - 384 2. The DRC shall either approve the Development Plan (which may include technical
385 conditions consistent with applicable Town ordinances, regulations and policies) or deny
386 the Development Plan based upon specific findings that shall be stated. If approved, the
387 DRC shall issue a written recommendation to the Planning and Zoning Board. If denied,
388 the applicant may appeal to the Planning and Zoning Board.
 - 389 3. Upon receipt of the DRC's written recommendation, the Planning and Zoning Board shall
390 hold a public hearing to review the application and shall submit its recommendation (which
391 may include conditions of approval) to the Town Commission for Public Hearings and
392 official action.
 - 393 4. If denied, the applicant may appeal to the Town Commission as previously stated for the
394 Land Use Plan.

395

396 Section 21.11 Submittals

397 The Final Development Plan shall include the following parts: 1) Final Site and Development Plan
398 Maps and Documentation, 2) Developer's Agreement (if applicable), 3) Preliminary Subdivision
399 Plat (if applicable), 4) Covenants, Conditions & Restrictions (CCR).

400 The applicant shall submit with each Development Plan phase submittal a written compliance
401 statement indicating the Development Plan phase matches and is consistent with the approved
402 Land Use Plan. Waivers from the subdivision regulations or site development standards of the
403 PUD district shall be requested in the compliance statement. Any waivers or modifications
404 approved by the Town Commission shall be written on the appropriate map as a note comment.

405

406 Section 21.12 Final Site and Development Plan Maps and Documentation

- 407 1. Maps: Updated maps and materials required for approval of the Land Use plan shall be
408 submitted for Development Plan approval. The development plan shall include the
409 requirements of the Land Use plan together with the following:
- 410 2. Construction and maintenance bonds. In order to protect the Town of Oakland, the owner
411 (developer) shall supply and maintain at his expense property construction and
412 maintenance bonds for one year after completion on all roads, sewage lines and treatment
413 plants and water lines to points of connection to the main supply, as well as maintenance
414 of common open space and recreation areas within the area of a planned unit
415 development district.

- 416 3. Development schedule. A development schedule indicating the approximate date when
 417 construction of the planned unit development or stages of the planned unit development
 418 can be expected to begin and be completed.
- 419 4. Quantitative data.
- 420 a. Total number of dwelling units by type.
- 421 b. Total parcel size.
- 422 c. Proposed lot or building site coverage by buildings and structure.
- 423 d. Proposed lot or building site coverage by impervious surfaces.
- 424 e. Gross and net residential density and/or commercial intensity.
- 425 f. Proposed amount of open space.
- 426 g. Proposed amount of public lands including all dedicated rights-of-way, easements,
 427 and other lands dedicated for public facilities and services.
- 428 5. Updated environmental impact statement and environmental survey. A statement
 429 explaining any additional information that may have been gathered or calculated since the
 430 approval of the Land Use plan concerning any positive or negative environmental impacts
 431 that may be associated with the development.
- 432 The updated environmental impact statement shall also include an environmental survey
 433 showing the existing and proposed site conditions, including contours at two-foot intervals;
 434 water bodies; 100-year floodplain and floodways; wetlands or environmentally sensitive
 435 areas; endangered or threatened flora and fauna based on Florida Game and Freshwater
 436 Fish Commission data and field investigation; wellfields; aquifer recharge areas; other
 437 unique natural features; historic features; trees and vegetative cover shown in a tree
 438 survey and superimposed upon the Development Plan, including proposed removal or
 439 relocation of trees. The environmental survey shall address any required mitigation plans
 440 emphasizing specific mitigation measures to be employed in order to avoid adverse
 441 environmental impacts. The site plan shall also address drainage and stormwater
 442 management and the management plan shall address any measures to be used to avoid
 443 adverse offsite impacts.
- 444 6. Update public facility impact statement, including a concurrency management plan. The
 445 applicant shall submit a statement indicating the Development Plan complies with any and
 446 all concurrency management regulations. The statement shall also include all public
 447 facilities impact information that may be submitted as part of a development of regional
 448 impact (DRI) review process, as may be applicable. A concurrency management plan shall
 449 also be provided indicating how deficiencies will be met.
- 450 7. Plat. A preliminary plat, prepared by a Florida registered surveyor, and site plan shall be
 451 submitted. The preliminary plat shall be submitted in accordance with the preliminary plat
 452 provisions of the subdivision regulations and Chapter 177, Florida Statutes.
- 453 8. Site Plan: The surface water management plan shall be prepared by a Florida registered
 454 engineer. The site plan shall include maps, data and written statements necessary to show
 455 at least the following:

- 456 a. Proposed lot or building site lines with dimensions, setbacks, and landscaped
 457 yards. Location and floor area size of all existing and proposed buildings,
 458 structures, and other improvements. Designation of all dwelling unit types and
 459 number of units. Net residential density calculations. Plans for nonresidential uses
 460 shall include the square footage allocated to each respective use.
- 461 b. Location, name and dimensions of all existing and proposed dedicated public
 462 lands and the conditions of such dedication.
- 463 c. The width and location of any street or right-of-way shown upon the
 464 Comprehensive Plan within or adjacent to the planned unit development and the
 465 proposed width, location and grade of all proposed street improvements proposed
 466 on- or offsite by the applicant. Where private streets and roadways are proposed
 467 or where common areas are proposed, legal instruments running with the land
 468 shall be provided which ensure perpetual maintenance. All cross-easements shall
 469 be delineated to scale on illustrations and appropriate legal instruments of
 470 dedication shall be included with the site plan.
- 471 d. Include projected trips, trip assignments to roadway network, existing and
 472 projected levels of service on impacted linkages, and proposed traffic
 473 improvements, including new facilities, additional lanes, signalization
 474 improvements, acceleration/deceleration lanes, and related system
 475 enhancements.
- 476 e. Location of closest available public water supply system and proposed preliminary
 477 design for water service improvements, including existing and proposed level of
 478 service, fire hydrant location and fire flow specifications, location of proposed
 479 potable water and reuse storage facilities, location of facility improvements, and
 480 schematic drawings as required by the Town Engineer. The final construction
 481 drawings shall not be required prior to preliminary plat approval, but shall be
 482 required prior to commencement of the installation of such improvements.
- 483 f. Area in square feet of each lot or building site, to be indicated in a rectangle within
 484 each lot or building site.
- 485 g. Typical cross sections of proposed streets, sidewalks, curbs, curb cuts, canals and
 486 ditches and other proposed improvements.
- 487 h. Location of proposed wastewater collection system and proposed preliminary
 488 design of wastewater collection improvements, including proposed location of
 489 improvements, existing and proposed level of service, and schematic drawings as
 490 required by the Town Engineer. Final construction drawings shall not be required
 491 prior to development plan approval, but shall be required prior to commencing the
 492 installation of such facilities.
- 493 i. Location of proposed improvements for collecting, treating and discharging surface
 494 drainage and the preliminary design of such facilities, including the existing and
 495 proposed level of service, and schematic drawings as required by the Town
 496 Engineer. Final construction drawings shall not be required prior to preliminary

- 497 development plan approval, but shall be submitted prior to commencing the
 498 installation of such facilities.
- 499 j. Location and preliminary design of proposed bridges or culverts which may be
 500 required, including the type of facility and general level of service as well as
 501 schematic drawings as required by the Town Engineer. Final construction drawings
 502 shall not be required prior to preliminary development plan approval, but shall be
 503 required prior to commencing the installation of such improvements.
- 504 k. Location and width of proposed permanent utility easements. The easements shall
 505 provide satisfactory access to existing rights-of-way or other open space shown
 506 upon the preliminary plat. Permanent drainage easements shall also be shown.
- 507 l. Where the preliminary plat covers only a part of contiguous rear property owned
 508 by the applicant, a master phasing plan shall also be required unless the
 509 application certifies that the remaining real property shall be developed
 510 independently of the proposed plat.
- 511 m. The proposed treatment of the perimeter of the PUD, including material and
 512 techniques used, such as landscape, fences and walls for screening and buffering.
- 513 n. Location of wetlands and/or environmentally sensitive areas located within the site.
 514 Discuss any endangered wildlife habitats or vegetative communities, wellfields,
 515 aquifer recharge areas, or wetlands which will be impacted by construction or
 516 stormwater runoff.
- 517 9. General appearance. Graphic presentation of the general features of proposed structures,
 518 excluding single-family detached dwellings, including:
- 519 a. Floor plans and square footage of all single and multifamily and nonresidential
 520 buildings or structures.
- 521 b. Elevations, sections and/or perspectives as necessary to indicate the basic
 522 architectural intent, the height of buildings and structures, and the general window
 523 and door arrangements.
- 524 10. Dedication or reservations of land for public use. The location and size, in acres or square
 525 feet, of all areas to be conveyed, dedicated or reserved as open spaces, public parks,
 526 recreational areas, common areas, and similar public uses. The narrative shall
 527 demonstrate compliance with concurrency management requirements of Article IX.
- 528 11. Vehicular, pedestrian and bicycle circulation and parking. The existing and proposed
 529 circulation system of arterial, collector, and local streets including offstreet parking areas,
 530 service areas, loading areas, and major points of access to public rights-of-way (including
 531 major points of ingress and egress to the development). Notations of proposed ownership
 532 (public or private) shall be included where appropriate. Off-street and on-street parking
 533 requirements and all other performance criteria related to vehicular access and egress.
 534 The existing and proposed pedestrian and bicycle circulation system, including its
 535 interrelationship with the vehicular circulation system indicating proposed treatments of
 536 points of conflict.
- 537 12. Open space and landscape plan including all site amenities. A general landscape and
 538 grading plan indicating the proposed modifications in the topography and ground cover

539 together with a plan for design of open space systems and landscaping. The landscape
540 plan shall comply with open space, landscape and tree preservation requirements of the
541 Town Code. The Planning and Zoning Board and/or Town Commission may require
542 greater landscaping or waive landscaping requirements required by Code. The site plan
543 shall also include the overall design theme, including a narrative description and plan
544 illustrating site amenities.

545 13. Surrounding Property: Information concerning adjacent lands. Information on adjacent
546 areas sufficient to indicate the relations between the proposed development and the
547 adjoining areas, including:

548 a. Existing land use and designation on the Comprehensive Plan Future Land Use
549 Map (FLUM).

550 b. Zoning classification.

551 c. Circulation system.

552 d. Density.

553 e. Public facilities.

554 f. Unique natural features.

555 g. Environmentally sensitive lands.

556 14. Additional information. Any additional graphic information, documentation, or material
557 required by the Planning and Zoning Board or Town Commission which is necessary to
558 evaluate the character and impact of the proposed development.

559 Section 21.13 Developers Agreement

560 A Developer's Agreement may be required between the applicant and the Town to memorialize
561 agreed upon improvements to infrastructure, or monetary contributions in lieu of construction of
562 said improvements, responsibility for those improvements and timing of construction. If a
563 Developer's Agreement is required it must be recorded with the first preliminary plat recording.
564

565 Section 21.14 Preliminary Subdivision Plat Approval

566 No permit for construction of buildings, structures and other improvements shall be issued until the
567 preliminary plat and Final Development plan have been duly approved by the Town Commission in
568 accordance with the Town subdivision regulations. In addition, all required public improvements must
569 be constructed and approved by the Town Planner and Engineer.

570 As an alternative to requiring construction of all required subdivision improvements prior to recording
571 the final plat, the applicant may, following approval of the Land use plan and preliminary plat, post
572 performance and maintenance guarantees in accordance with the adopted subdivision regulations.
573

574 Section 21.15 Preliminary Covenants, Conditions & Restrictions (CCR)

575 The applicant shall submit a copy of the proposed Covenants, Conditions and Restrictions (CCR)
576 document for review to the Planning Department. This document must reflect the requirements and
577 conditions of the approved Land Use Plan. The CCR's shall be approved by the Town Commission
578 and recorded with the Final Plat.

579

580 Section 21.16 Final Plan

581 A copy of the recorded final plat shall be provided to the Planning Department prior to selling any
582 land and/or improvements except as provided in this Article.

583

584 Section 21.17 Alterations to Land Use and Development Plans

- 585 1. Changes to plans approved under this article may be permitted upon application and
586 payment of a fee by the petitioner, his successors in title or interest, or registered agent, and
587 shall follow the process for approval of development projects. However, there shall be no
588 requirement to amend the rezoning ordinance unless the proposed amendment would so
589 dictate. Amendments shall be evaluated to determine compatibility with the entire PUD (if
590 applicable), and/or approved Development Plan, and consistency with the Comprehensive
591 Plan. Amendments considered incompatible or conflict with the approved Land Use or
592 Development Plan or conditions of approval, will be required to uPUDate the plan and be
593 subject to a rezoning public hearing.
- 594 2. Alterations to the approved land use plan or development plan shall be classified as either
595 substantial or non-substantial amendments. The determination of a substantial or non-
596 substantial alteration shall be made by the Town Manager, or designee,. The Town
597 Manager, or designee, may opt to direct the determination be made instead by the
598 Development Review Committee (DRC).
- 599 3. The following criteria shall be used to identify a substantial amendment:
- 600 a. Addition of a land use not previously permitted under the approved PUD zoning (if
601 applicable).
- 602 b. A change which would alter a land use type adjacent to a property boundary, except
603 when it is (i) a reduction in the density or intensity of an approved land use, and ii)
604 unless the change locates a residential use adjacent to an incompatible land use.
- 605 c. The change would result in greater off-site impacts.
- 606 d. A change would require an amendment to the Town Commissions' conditions of
607 approval.
- 608 e. A change would increase the land use intensity within any development phase
609 without a corresponding decrease in some other portion of the overall development
610 or PUD (as applicable).
- 611 f. An amendment to the phasing would propose a land use in advance of the
612 development it was designed to support.
- 613 g. Any proposed change in the type, location or size (except reduction in the number
614 of units) of a multi-family land use or student housing land use in the Development
615 Plan.
- 616 4. Substantial alterations to the land use and development plans must submit plans and
617 support data (following the land use plan requirements) for review by the DRC and then
618 public hearings by the Architectural Review Board, Planning and Zoning Board and Town
619 Commission.
- 620 5. All non-substantial alterations must be submitted (including plans and support data) and
621 approved by the DRC.
- 622 6. Alterations to approved Land Use or Development Plans may be allowed according to this
623 Article with Town Commission approval.

624

625 Section 21.18 Building Permit Application

626 No building permits shall be issued for any structure until a final plat has been approved by the
627 Town Commission and the Planning Department has received a recorded copy of the final plat, or
628 the appropriate surety instruments have been approved and received by the Town.

629

630 Section 21.19 Bonds

631 The Town Commission may include in the Development Plan requirements for bonds (or
632 appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the
633 Development Plan. Performance and maintenance bonds shall be provided in accordance with the
634 adopted Subdivision Regulations.

635

636 Section 21.20 Control of Development Following Approval

- 637 1. Upon the approval of the development plan or any phase thereof, the use of land and the
638 construction or modification of any buildings or structures shall be in accordance with the
639 approved development plan, rather than with the other provisions of this chapter. However,
640 all other Town codes, ordinances, policies and resolutions shall apply to the project.
- 641 2. The Town Manager, or designee, shall be responsible for certifying that all aspects of the
642 development plan, including conditions of approval (applicable to the subject portion of the
643 project) have been satisfactorily completed prior to the issuance of a certificate of
644 completion for the project or phase.
- 645 3. After certification, no changes may be made in the approved development plan except
646 under the procedures provided below:
- 647 a. Any structural extension, alteration or modification of existing building structures
648 which are consistent with the approved development plan may be authorized by
649 the Town Manager, or designee,.
 - 650 b. Any building or structure that may be destroyed may be reconstructed only in
651 compliance with the development plan unless an amendment to the development
652 plan is approved under the provisions of this article.

653

654 Section 21.21 Phasing

655 The Town Commission may permit or require the phasing or staging of the proposed development.
656 When provisions for phasing are included in the Land Use Plan, each phase of development must
657 be so planned and so related to previous development, surrounding properties, and the available
658 public facilities and services that a failure to proceed with subsequent phases of development will
659 have no adverse impact on the completed phase(s) or surrounding properties.

660

661 Section 21.22 Development Time Limits and Reversion

- 662 1. Any Town Commission approval of a Land Use Plan shall be subject to a prescribed time
663 limit of not more than 18 months or as provided in the executed development agreement
664 for the submission and approval of a Development Plan. If the developer cannot meet this
665 requirement, the developer shall request a public hearing for purposes of demonstrating
666 why the planned unit development should not be terminated. If the developer does not

667 appear before the Town Commission to preserve the planned unit development or if the
668 developer fails to demonstrate why an extension should be granted, then the Town
669 Commission may initiate rezoning of the property to an appropriate zoning classification.
670 The prescribed time limit for the submission and approval of a Land Use plan may be
671 extended by the Town Commission, for reasonable cause, if the developer presents
672 evidence within the 1 1/2-year period which demonstrates that the developer has
673 progressed in good faith toward implementing the Land Use plan.
674 2. In addition, The Town Commission shall establish reasonable periods of time for the
675 completion of:
676 a. the total proposed development;
677 b. any development phase(s);
678 c. any dedicated public facilities which are a part of the development; and
679 d. facilities planned for common areas.
680
681