
Sec. 12-3-120. Development plan requirements.

- (a) *Development requiring development plans.* All development described herein shall submit development plans that comply with requirements established in subsections (c) and (d) of this section. These development plans must comply with design standards and are encouraged to follow design guidelines as established in section 12-3-121.
- (1) Nonresidential parking in R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NCB, PR-1AAA, and PR-2 zoning districts. A development plan shall be submitted and the following process shall be used for the foregoing uses:
- A pre-application conference will be held at which time a decision will be made as to which elements of the final development plan are applicable to the review of a specific use.
 - Applicant files an application with the planning services department.
 - The planning services department must mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within 300 feet of the development, at least 15 days prior to the planning board public hearing.
 - Submit final development plan 30 days prior to the planning board public hearing.
 - Planning board conducts a public hearing and makes the final decision about the plan.
 - Any person aggrieved by a decision of the planning board may, within 15 days thereafter, apply to the city council for review of the board's decision.
- (2) New development within the: conservation, airport (except single-family in an approved subdivision), waterfront redevelopment, business, interstate corridor and the governmental center (except for single-family or duplex residential) districts; multifamily developments over 35 feet in height within the R-2A district; buildings over 45 feet in height in the R-2, R-NC, R-NCB and C-1 districts. A development plan shall be submitted and the following process shall be used for the review of these developments:
- A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final plan shall be submitted.
 - Applicant submits the preliminary plan or combined preliminary/final development plan to the planning services department 30 working days prior to the planning board meeting.
 - Planning board meeting is held.
 - The planning board will send a recommendation for the plan to city council.
 - City council holds a public hearing. If a combined preliminary/final development plan was submitted, the final decision will be made at this meeting.
 - Applicant submits final plan to the planning board.
 - A planning board meeting is held with a recommendation being forwarded to the city council.
 - City council holds a public hearing and makes the final decision about the plan.
- (3) Conditional uses, special planned developments, major revisions to SSDs and exceptions to the 4,000 square foot maximum area for a commercial use in an R-NC district shall require a development plan and the following process shall be used for the review of these developments:

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- a. A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final development plan shall be submitted.
 - b. Applicant submits the preliminary plan or combined preliminary/final development plan to the planning services department 30 days prior to the planning board meeting.
 - c. The planning services department shall notify property owners within a 500-foot radius, as identified by the current county tax roll, of the property proposed for development with a public notice at least five days prior to the board meeting. The public notice shall state the date, time and place of the board meeting. Notice shall be at the expense of the applicant.
 - d. Planning board meeting is held and the final plan is forwarded to city council for review and action.
 - e. The city council shall set a date for a public hearing.
 - f. The city shall mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within 500 feet of the development, at least 30 days prior to the city council public hearing.
 - g. A public notice shall be published in a local newspaper of general distribution stating the time, place and purpose of the hearing at least ten days prior to the public hearing.
 - h. City council conducts a public hearing and makes the final decision.
- (b) *General conditions, procedures and standards.*
- (1) *Preapplication conference.* Prior to submitting a formal application for approval of a proposed new development plan or plan for an addition to an existing development, the owners shall request a preapplication conference with city staff to review:
- a. The relationship between the proposed development plan and the surrounding land usage and the comprehensive plan of the city.
 - b. The adequacy of the existing and proposed vehicular and pedestrian right-of-way, utilities and other public facilities and services, which will serve the proposed development.
 - c. The character, design and applicability of the following factors:
 - 1. Traffic control;
 - 2. Noise reduction;
 - 3. Sign and light control;
 - 4. Preservation of open space and visual corridors;
 - 5. Police and fire protection;
 - 6. Storm drainage;
 - 7. Landscaping;
 - 8. Fencing and screening; and
 - 9. Other matters specifically relevant to the proposed development site necessary to foster desirable living and working conditions and compatibility with the existing environment.
- At the time of the preapplication conference, the developer shall provide a sketch plan indicating the location of the proposed development and its relationship to surrounding properties. The advisory meeting should provide insight to both the developer and the city staff regarding potential

development problems that might otherwise result in costly plan revisions or unnecessary delay in development. At this time a decision will be made as to whether the review process will require a separate preliminary and final plan or if they can be combined.

(2) *Preliminary development plan.*

- a. Subsequent to the preapplication conference, the owner shall submit a formal application for development plan approval along with a preliminary plan of development to the planning services department at least 30 days prior to the meeting at which it is to be considered by the planning board. This preliminary development plan must cover the entire property under consideration. Prior to the planning board meeting scheduled to consider the preliminary development plan, appropriate city departments, divisions, and utility companies shall submit written recommendations of approval or disapproval, or suggested revisions as may be deemed appropriate, and reasons therefore.
- b. The city staff shall review the preliminary plan of development with respect to its design and compatibility with surrounding uses, major thoroughfare plan, comprehensive land use plan and existing and future community services. Efforts to resolve differences between the developer's proposal and staff positions shall be made prior to submittal of the plan to the planning board.
- c. If the planning board does not approve the preliminary plan of development, it shall give the owner a reasonable period of time to make appropriate amendments to the plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within 30 days of the decision of the planning board.

(3) *Development of regional impact.*

- a. If, at the time of submission of a preliminary plan, the planning board or planning staff determines that a proposed project could constitute a development of regional impact (DRI) pursuant to F.S. § 380.06, the developer will be notified that compliance with the DRI procedure will be necessary prior to final local approval of the development. At that time, the developer will contact the Emerald Coast Regional Planning Council to apply for a binding letter of interpretation to determine the DRI status of the proposal or to initiate the DRI review process. This process shall not prohibit the concurrent review of the development plan while the determination for DRI is being made. Provided, however, no final plan approval shall be granted until a determination has been made whether or not the development has to undergo DRI review.
- b. After the planning board has reviewed the proposal that has been determined to be a DRI and makes a recommendation for approval of the preliminary plan, the developer or his or her authorized representative will be required to complete an application for DRI approval. Copies of the completed application will be filed with the city, the Emerald Coast Regional Planning Council, and the Bureau of Resource Planning and Management, Florida Department of Community Affairs.
- c. Within 30 days of receipt of the application, the Emerald Coast Regional Planning Council will determine the sufficiency of the information presented in the application. If the application is considered insufficient to complete a review, the developer will be requested to furnish the additional information requested by the planning council. When the application is considered sufficient, the regional planning council will give notice to the city to schedule a public hearing. Public notice of the hearing will then be published at least 60 days in advance of the public hearing. Development may begin 45 days after the issuance of the development order by the city council.

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- (4) *Public notification.* If public notification is required the city clerk will set a date for a public hearing to be conducted during a regularly scheduled city council meeting.
- (5) *Final development plan.*
- a. The owner shall submit to the planning services department final development plan at least 30 days prior to the meeting at which it is to be considered by the planning board. The plan will be distributed to appropriate city departments. The city shall attempt to resolve any differences between city departments and divisions and the developer prior to submittal of the final development plan to the planning board. If such differences are not resolved within 30 days of submission by the owner of a final development plan, the plan shall be submitted to the planning board at its next meeting whether or not such differences are resolved. If the planning board approves the final development plan a favorable recommendation shall be forwarded to the architectural review board (ARB), if required, as outlined in subsection (b)(4) of this section. Upon the review and approval of the ARB, the city council shall then hold a meeting for the purpose of determining whether the final plan should be approved. If the planning board does not approve the final plan of development, it shall give the owner written reasons for such action giving the owner a reasonable period of time to make appropriate amendments to the plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within 30 days of the decision of the planning board.
 - b. If the city council approves the plan of development, the original shall be filed with the city clerk, planning services department and additional copies shall be filed with the city building official and such other places as required by law.
 - c. Any plan approved and filed hereunder shall be binding upon the owner, his or her successors and assigns, and the subject property, and shall limit and control the issuance and validity of all building permits and shall restrict and limit the construction, location, use and operation of all land and structures included within the plan to all conditions and limitations set forth in the plan. Application for a building permit shall be initiated within six months from the date of approval of the final development plan. If such application has not been filed within such period, the applicant shall be required to resubmit the development plan in accordance with this subsection, prior to obtaining a building permit.
 - d. Minor changes to the final development plan may be approved by the city engineer, planning services director, and building official when, in their opinion, the changes do not violate the provisions of this title, do not make major changes in the arrangement of the buildings or other major features of the final development plan, and do not substantially conflict with action taken by the city council. Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan. The city council shall approve such modification only if the revised plan meets the requirements of this title.
 - e. A building permit may be revoked in any case where the conditions of the final development plan have not been or are not being complied with, in which case the building official shall follow permit revocation procedure.
- (6) *Review of preliminary plan by planning board.* All final development plans within the gateway redevelopment district shall be subject to review and approval by the planning board as established in chapter 12-12.
- (7) *Concurrent submission of preliminary and final development plans.* For review of specific uses and upon approval of the planning services department and the mayor for applicable new development and conditional uses, development plans may be reviewed and approved through an abbreviated procedure that provides for the submittal of both preliminary and final plan concurrently. All plan

requirements set forth in this section shall be complied with when exercising this abbreviated procedure. When this concurrent submission option is exercised, the planning board review of development plans will take place prior to city council review/approval.

(c) *Contents of the preliminary development plan.*

- (1) General information. The following information shall be provided in graphic or written form as necessary to satisfy the requirements:
 - a. Legend, including:
 1. Name of the development;
 2. Total area of the property in square feet and acres;
 3. Scale (at a minimum of 1" = 100');
 4. North arrow;
 5. Existing zoning on the property, including any overlay districts; and
 6. Date of preparation.
 - b. Vicinity map, at a scale not less than 1" = 2,000', showing the relationship of the proposed development to surrounding streets and public facilities within a one-mile radius.
- (2) Existing conditions, including:
 - a. Existing streets, both on and within 300 feet of the proposed development;
 - b. Zoning districts, major shopping areas, residential areas, public buildings, rights-of-way, public utilities and other major facilities surrounding the proposed development for a radius of 300 feet;
 - c. Existing lot lines and major easements on the property indicating the purpose of each easement;
 - d. Existing land uses and location of buildings and structures on the property;
 - e. 100-year flood elevation and limits of the 100-year floodplain;
 - f. The approximate normal high water elevations or boundaries of existing surface water bodies, wetlands, streams and canals; and
 - g. Generalized tree cover and existing vegetation cover limits.
- (3) Proposed development. Preliminary layout showing as applicable:
 - a. Location of proposed lots, land uses and building sites, including, among other things, total area in square feet and acres, number of dwelling units, dwelling unit density by land use, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;
 - b. General location of all existing and proposed off-street parking and loading areas and roadways, by type, including width of right-of-way and paved streets;
 - c. If applicable, a statement proposing how the developer plans to limit adverse effects on threatened or endangered native flora or fauna;
 - d. Location of all rights-of-way, easements, utilities and drainage facilities that are proposed for the development; and
 - e. A general statement of the proposed development schedule.

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- (d) *Contents of final development plan.* The final development plan may be on several sheets. However, in that event, an index shall be provided. For a large project, the final development plan may be submitted for approval progressively in contiguous sections satisfactory to the planning board.
- (1) *General information.* The same information as required in subsection (b)(1) of this section shall be provided in graphic or written form as necessary to satisfy the requirements.
- (2) *Existing conditions.* The same information as required in subsection (b)(2) of this section shall be provided with the addition of the following detailed information:
- a. Existing streets, both on and within 300 feet of the proposed development, shall be described including:
 - 1. Street names;
 - 2. Right-of-way width of each street;
 - 3. Driveway approaches and curb cut locations; and
 - 4. Medians and median cuts locations.
 - b. Conceptual drainage report showing direction of flow and proposed methods of stormwater retention.
 - c. The location of any geodetic information system monuments.
- (3) *Proposed development.* The same information as required in subsection (b)(3) of this section shall be provided with the addition of the following detailed information:
- a. A detailed statement of agreement, provisions, and covenants that govern the ownership, development, use maintenance, and protection of the development, in any common or open areas;
 - b. Location of existing and proposed land uses and exact locations of all existing and proposed improvements including:
 - 1. Buildings and structures;
 - 2. Curb cuts;
 - 3. Driveways and interior drives;
 - 4. Off-street parking and loading;
 - 5. Storage facilities;
 - 6. Proposed roadways, by type, including width of right-of-way and paved streets; and
 - 7. Traffic control features and signage.
 - c. Exact location of lots and building sites, including, among other things, total acreage of the proposed project; total acreage in residential use, commercial use, common open space, recreational area, parking lots; number of dwelling units broken down by type (garden apartments, single-family, etc.) and overall dwelling unit density, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;
 - d. The exact location and use of existing and proposed public, semipublic or community facilities including areas proposed to be dedicated or reserved for community or public use;

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- e. If applicable, drawings depicting general architectural features and appearance of representative building types, locations of entrances, and types of surfacing such as paving, gravel and grass, and signing and lighting devices;
 - f. Location of outdoor waste disposal facilities, if applicable;
 - g. Provisions for access by emergency vehicles, if applicable; and
 - h. A specific statement of the development schedule including, if applicable, a phasing plan.

(Code 1986, § 12-2-81; Ord. No. 6-93, § 20, 3-25-1993; Ord. No. 29-93, § 25, 11-18-1993; Ord. No. 3-94, § 8, 1-13-1994; Ord. No. 44-94, § 5, 10-13-1994; Ord. No. 15-00, §§ 2, 3, 3-23-2000; Ord. No. 12-09, § 1, 4-9-2009; Ord. No. 16-10, §§ 209, 210, 9-9-2010; Ord. No. 20-19, § 5, 9-26-2019)