

LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE

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[RESERVED]

ARTICLE 7

DEVELOPMENT APPROVAL PROCESS

7.01.00 Pre-Application Conference

A pre-application conference will be held for each new site development plan or subdivision plat submitted to the City for approval. The Chief Planning Official will conduct pre-application conferences as needed and, at his discretion, will summon various members of City staff and other persons whose expertise is relevant to a particular project.

Persons participating in pre-application conferences shall have knowledge and experience in one or more of the following areas: planning and/or zoning, public works, downtown redevelopment, law enforcement, fire/emergency services, parks and recreation, traffic engineering, environmental protection, community development, or others as appropriate

A pre-application conference will be scheduled upon submission of preliminary development plans and payment of the pre-application review fee. The applicant may waive the pre-application conference if he so chooses; however, the fee may not be waived without approval of the City Commission.

The pre-application review fee and conference shall not be required for proposals involving existing development sites and meeting the following conditions:

- (A) Site Development Plan: proposed change does not generate the need for additional parking spaces.
- (B) Subdivision Plat: proposed change does not create more than two (2) additional lots.

Such proposals shall be considered amendments to existing plans rather than new ones; however, all other provisions of this Code shall apply.

7.02.00 Comprehensive Plan Amendments

There are two general types of Plan Amendments: text amendments and map amendments (large and small scale). Except Small Scale Amendments, amendments may be submitted to the Department of Community Affairs **no more than twice yearly** for review and according to the procedures established in Chapter 163 F.S. Small Scale Amendments may be submitted at any time during the year but must not exceed a total of 80 acres in one calendar year. See Section 8.07.05 for specific regulations regarding Small Scale Amendments. Small Scale Amendments are defined by Florida Statute as:

Encompasses the use of 10 or fewer acres of any land use category;

Residential densities are limited to 10 or fewer units per acre;

Does not involve the same property more than once per year;

Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;

Does not include any text change to the Plan's goals, objectives, and policies;

Is not located within an area of critical state concern; and

The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.

7.02.01 Intent and Purpose

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated

by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

The Comprehensive Plan may only be amended twice each calendar year, however Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against the standard. The City Commission transmits approved Plan Amendments to the Florida Department of Community Affairs for review, but may adopt a Small Scale Amendment before transmission.

7.02.02 Contents of the Application for Plan Amendments

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Chief Planning Official, together with applicable fees, which shall have been established by resolution of the City Commission.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
 - (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.

- (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.
- (B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:
- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
 - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
 - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
 - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.
- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
- (1) Inventory and Analysis of Site Characteristics
 - a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
 - b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an

analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.

- c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.
 - d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grasslike plants.
- (2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.
- (3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

7.02.03 Planning Board Standards for Evaluation

The Planning Board shall review every Plan Amendment. In reviewing and formulating recommendations to the City Commission on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning Board shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Lake Alfred Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.

- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City. Said analysis must address land uses as they now exist, **and as they may exist in the future**, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.
- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Lake Alfred and also in the immediate area in Polk County or another municipality.
 - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.
 - (2) The Plan Amendment contains sufficient proof to convince the Planning Board and the City Commission that the proposed Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

7.02.04 Public Hearings

No Plan Amendment may be considered by the Planning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

7.02.05 Findings and Recommendation to Approve a Plan Amendment

The Planning Board may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is, or proposes objectives and policies, that will be consistent with the City of Lake Alfred Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within the City of Lake Alfred and also in the immediate area of Polk County.

7.02.06 Findings and Recommendation to Deny a Plan Amendment

The Planning Board may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with the City of Lake Alfred Comprehensive Plan.
- (B) The proposed Plan Amendment will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at

the proposed location.

7.02.07 Decision By City Commission

In not more than sixty (60) days of receipt of the Planning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Commissioners voting.

Plan Amendments are subject to review by the Florida Department of Community Affairs (DCA) under Chapter 163, Florida Statutes. The City Commission therefore, does not act to "adopt" a Plan Amendment, but rather to "transmit" the Plan amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00.

In the case of a Small Scale Plan Amendment, the City Commission adopts the Amendment by Ordinance but does not transmit it to DCA. Small Scale Amendment criteria is contained in Article 8, Section 8.07.05 of this Code. Rezoning may proceed at the same reading as a small scale amendment, with a companion ordinance. Small scale amendments are:

A proposed Plan Amendment for any area that is ten (10) acres or less, with a density of ten (10) units per acre or less. Small scale amendments must be map amendments only and cannot be text amendments.

[RESERVED]

7.03.00 Rezoning

7.03.01 Purpose and Intent

A rezoning may be initiated by the City, or by a property owner or agent of a property

owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives and policies of the Comprehensive Plan.

7.03.02 Contents of the Application

Rezoning requests shall be submitted to the Chief Planning Official on an application form provided by the City, together with applicable fees, which shall have been established by resolution of the City Commission. The application shall contain, at a minimum, the following information:

- (1) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property to be rezoned.
- (2) A description of the proposed rezoning, specifying the goals, objectives and policies of the Comprehensive Plan that it supports and advances.
- (3) A detailed map showing the location of the property in the City, existing land use, existing surrounding land uses; existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.
- (4) A description and generalized site plan of any proposed development including; the number of units proposed and resulting net density; number of required parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; required landscape and buffer yards; and sign locations.
- (5) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development.
- (6) The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and

estimated future daily traffic volumes.

- (7) The location of all public and private streets, driveways and utility easements within and adjacent to the site.
- (8) A description of the terrain and the vegetation on the site, including a topographic map, when available.
- (9) An inventory and description of surface water and wetlands; and any flood plains on the site.
- (10) A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- (11) A inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

7.03.03 Planning Board Standards for Evaluation

The Planning Board shall review every request for rezoning. In reviewing and formulating recommendations to the City Commission on rezoning applications, the Planning Board shall specifically consider and evaluate the proposed rezoning against the following standards.

- (A) *Consistency with the Comprehensive Plan.* The proposed rezoning is consistent with the goals of the City of Lake Alfred Comprehensive Plan.
- (B) *Concurrency Analysis.* The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.

- (C) *Impact Analysis.* The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City.
- (D) *Zoning and Use of Nearby Property.* An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created.
- (E) *Substantial Changes in Land Use Circumstances.* Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities.
- (F) *Time Vacant.* If the property (site) is vacant, an analysis of the length of the vacancy versus the present zoning classification is important. In particular, an analysis should have been done to compare the rate of land development in the vicinity of the property and the conversion of vacant land to development in the same zoning district in other parts of the City.
- (G) *Effect on Property Values.* An analysis of the effect of the proposed rezoning on property values.

7.03.04 Public Hearings

Due Public Notice. No request for rezoning may be considered by the Planning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.06.00 of this Code.

7.03.05 Findings and Recommendation to Approve a Rezoning

The Planning Board may recommend approval of an application for a rezoning only when **all** of the following conditions are met.

- (A) The proposed rezoning is consistent with the City of Lake Alfred Comprehensive Plan.
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property; **or** compatibility can be achieved by the imposition of conditions, buffers or limitations on the uses within the zone, which are specified in the Board's recommendation. By this analysis the Planning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.

7.03.06 Findings and Recommendation to Deny a Rezoning

The Planning Board may recommend denial of any application for a rezoning for one or more of the following reasons:

- (A) The proposed rezoning is inconsistent with the City of Lake Alfred Comprehensive Plan.
- (B) The proposed rezoning will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.

- (C) The Public Welfare benefits in maintaining the present zoning classification are so great, that any hardship imposed on the property owner by denying the request for rezoning, is justified.

7.03.07 Decision By City Commission

In not more than sixty (60) days of receipt of the Planning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Commissioners voting.

[RESERVED]

7.04.00 Planned Unit Development

7.04.01 Procedures for Obtaining a Planned Unit Development (PUD) Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Commission may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Chief Planning Official or the City Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may be taken into consideration by the City Commission. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) Master Development Plan. Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the City's Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.
- (B) Master Development Plan Conference. At the option of the applicant, the Chief Planning Official shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline his proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.
- (C) Requirements for Master Development Plan Review. The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning Board and City Commission concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses. In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:
 - (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative, stating which type of PUD is being proposed.
 - (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
 - a. Abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.

- b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated and maintained at general public expense.
 - c. Bind his development successors in title to any commitments made as a condition of development approval.
 - d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
- (3) A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
 - (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to filing.
 - (5) Five (5) copies of a scaled Master Development Plan of the entire proposal showing the following information:
 - a. A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in

conformity with the City of Lake Alfred Comprehensive Plan and all relevant laws, ordinances, and regulations, and the type of PUD.

- b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
- c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
- d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.
- e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
- f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Chief Planning Official's discretion).
- h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).

- i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1) Size and/or scope of development.
 - 2) Projected Population.
 - 3) Proposed timing and phases of development.
 - 4) Proposed ownership and forms of organization to maintain common open space and facilities.
- j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
- k. A map of Soil Conservation Service Soil Classification by Soil Associations.
- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.
- m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- n. The most recent aerial photograph available, with the areas to be modified delineated.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.

- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the Chief Planning Official that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Chief Planning Official shall transmit copies of relevant materials to the various City and county officials and agencies as appropriate. The Chief Planning Official shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.

When review of the proposed PUD is complete, the Chief Planning Official shall recommend approval, conditional approval, or denial to the Planning Board for its review and consideration. The Chief Planning Official shall include with his recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City officials, and any other applicable documentation or graphics.

- (D) *Planning Board Review and Recommendation.* The Planning Board shall hear the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:
 - (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
 - (2) Conformity of the proposed development with the Comprehensive Plan of the City of Lake Alfred.

- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
 - (2) Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
 - (3) The need for such instruments or for amendments in those that have been proposed.
- (E) *Action by City Commission.* Upon completion of required action by the Planning Board, the Chief Planning Official shall transmit the application to the City Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Chief Planning Official's report and recommendation, the Planning Board findings and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Commission. The City Commission may:
- (1) Deny the application.
 - (2) Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
 - (3) Modify the application so that these standards are met.

- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.

7.04.02 *Development Conditions*

Conditions placed on a request by the City Commission may include requiring the applicant, at his cost and expense, to:

- (A) Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (B) Finance or construct potable water, wastewater or drainage facilities.
- (C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

7.04.03 *Approval of a PUD*

- (A) General

Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Commission.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval under Section 7.06.00 (Subdivision Regulations) or Section 7.05.00 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

- (B) *Special Exception Uses.* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location is noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the Equivalent Zoning District for that tract. However, any use listed in the Table as a Special Exception may be denied if the City Commission determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.

7.04.04 Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall be in conformity with the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require approval according to the following:

- (1) Major Amendment. Submission for review and approval by the Planning Board and City Commission.
- (2) Minor Amendment. Submission for review and approval by the Chief Planning Official.

The Chief Planning Official shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Chief Planning Official may, at his discretion, forward any application for plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

7.04.05 Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

- (1) Developer must submit a construction schedule covering all phases of the PUD to the Chief Planning Official. This schedule may be revised from time to time as necessary.
- (2) All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.
- (3) At least thirty percent (30%) of the total acreage of each stage shall qualify as Designated Open Space, as defined in Article 2, Section 2.04.02.24 (E)(4)a. No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Article 2, Section 2.04.02.24(E)(4)b. All recreation facilities shall be completed and available for use prior to issuance of building permits.

- (4) No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

7.04.06 Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Lake Alfred for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;

- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

7.04.07 Private Roads

Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.04.06. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Lake Alfred shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all codes and standards in effect at the time of dedication.

If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be

responsible for ensuring entry to the property for emergency vehicles. The City shall have no liability for injury or loss of life resulting from restricted access to the development.

7.04.08 Bonding

Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the Chief Planning Official:

- (1) A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
- (2) A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
- (3) A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two (2) years following acceptance by the City of the final construction of said public improvements.
- (4) In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof is approved by the City Commission.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.

[RESERVED]

7.05.00 Site Development Plan

7.05.01 Intent and Purpose

The site development plan procedure shall be required for all uses designated by the letter "D" in the Table of Land Uses in Article 2.04 to ensure that site-specific development projects meet the requirements of this Code prior to the issuance of a building permit. It is the intent of this Section that the site development plan process be a part of the building permit application process, in that the site development plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and certificate of occupancy shall be issued. Site development plan approval shall be required prior to the issuance of a building permit for the following:

- (A) Division of an existing development site (such a division shall result in a new or modified site development plan for previously existing development, in addition to a separate plan for new development).
- (B) An expansion or reconfiguration of any of those types of development that are subject to site development plan requirements.

7.05.02 Site Development Plan Review

Those developments subject to site development plan review shall submit six (6) copies of the site development plan, with a completed application form, all necessary attachments and the requisite application fee to the Chief Planning Official to initiate processing of the plan. Additional plans shall be provided for review by other state, regional and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where the proposed development site is five (5) acres in size or larger, the site development plan shall be prepared by an architect or engineering professional. At the Chief Planning Official's discretion, the same requirement may be applied to sites of less than five acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance, special exception or other zoning-related applications shall not be accepted for review as a site development plan unless prepared in accordance with the guidelines of this section. In all

cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of site development plans shall be determined within five days by the Chief Planning Official, and if complete shall be scheduled for a Pre-Application Conference according to the requirements of Section 7.01.00.
- (C) *Staff Review.* The Chief Planning Official, the Planning Board's Technical Review Committee, and other appropriate City staff members shall review the site development plan with specific regard to the codes and ordinances of the City of Lake Alfred.

The staff review shall identify matters of development policy concern to which the developer shall address particular attention. Specific comments to be addressed based on staff's review of the plan shall be provided in writing. The applicant shall be permitted to respond to staff comments at this stage of review.

- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit to the Chief Planning Official revised site development plans in which all concerns of the staff have been addressed.

When the Chief Planning Official determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, state and federal regulations have been met, he shall place the plan on the agenda for the next regular meeting of the Planning Board.

7.05.03 Content of the Application

Site development plans for sites in excess of five (5) acres and those determined by the Chief Planning Official to require the detail, shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches. When more

than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site development plans respectively:

- (1) Site development plan name.
- (2) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.
- (3) The engineer's name, address, telephone number and registration number.
- (4) North arrow, scale and date prepared.
- (5) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, if available, and the accurate legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to filing.
- (6) Zoning district assigned to the property that is the subject of the site plan and to the properties contiguous thereto.
- (7) Identification of watercourses, wetlands, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
- (8) Number of units proposed, if any, and resulting net density.
- (9) Floor area of non-residential uses.
- (10) Open space expressed in square feet and as a percentage of the overall site.

- (11) Number of parking lots and spaces required and proposed.
- (12) Location of all public and private streets, driveways and utility easements, within and adjacent to the site.
- (13) The footprint of all proposed buildings and structures on the site, including setbacks.
- (14) Required landscape and buffer yards.
- (15) Sign locations.
- (16) Phase lines, if the development is constructed in phases.
- (17) Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.
- (18) Existing topography with a maximum contour interval of one foot.
- (19) Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
- (20) The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
- (21) Delineation of all environmentally sensitive areas as determined by any appropriate agency.
- (22) All existing and proposed utilities, including but not limited to:
 - a. Water and sanitary sewer pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.

b. Telephone, electric, gas and other utilities.

(23) Location of major solid waste receptacles.

7.05.04 Development Site to be Unified

When requesting site development plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted site development plan approval, shall be divided except through the site development plan modification process established in Section 7.05.08.

7.05.05 Planning Board Review and Action

The Planning Board shall review and approve or disapprove any site development plan. The Planning Board shall review and evaluate the site development plan with specific regard to the Comprehensive Plan, applicable City codes, and the advisory recommendations of City staff. The Planning Board shall approve, approve with conditions, or deny the site plan.

In the alternative, the Planning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site development plan. In the event a site development plan is denied, the reason(s) for the denial shall be noted.

(A) Where the proposed development involves only the expansion of existing structures, the Planning Board may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:

- (1) No existing structure will be expanded by more than thirty percent (30%) of its total floor area and/or seating.
 - (2) No change in the existing use of the site is proposed.
 - (3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
 - (4) The development site will not be reduced in size.
- (B) Under no circumstances shall any site development plan be approved that is inconsistent with any term contained in this development code unless a variance or waiver has been authorized in accordance with the provisions of Section 7.09.00 of this Code.

7.05.06 Approval of Site Development Plans

On approval of a site development plan, a minimum of eight (8) copies, and any additional copies as may be required by the City, of the approved site development plan shall be submitted to the Chief Planning Official prior to processing of a building permit. The Chief Planning Official shall forward copies of the plan to appropriate City staff. The City Clerk shall retain and file one copy of the site development plan to constitute a permanent record of the site development plan. A minimum of three copies of the plan shall be reserved for the applicant, two of which shall accompany the application for building permit submitted to the Building Director, and one copy to be available for inspection at the job site.

7.05.07 Effect of Site Development Plan Approval

Approved site development plans shall remain valid if a building permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Chief Planning Official for a single period up to one year from the date when a site development plan would otherwise expire. An extension may be granted

if the Official concludes that the recipient of the approved site development plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the approved site development plan stating the reason for the time extension request.

Upon approval of the site development plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting. These shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to stamped approval of a site development plan, subject to such conditions as may be established by the City relative to such pre-plan certification processing.

In such instances, no building permit will be issued until the site development plan has been stamped approved and is on file in the Building Office. All building and construction permits issued for any project requiring site development plan review shall be consistent with the stamped approved site development plan. The approval of a site development plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site development plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

7.05.08 Modification of Site Development Plans

Any modification, variation or adjustment of a stamped approved site development plan shall require approval of a site development plan amendment.

The Chief Planning Official shall determine whether a proposed site development plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in

density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Chief Planning Official may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Chief Planning Official shall forward any revisions to appropriate members of City staff, outside consultants, and schedule a hearing by the Planning Board to consider approval of the change.

7.05.09 Integration of Other Review Procedures

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the site development plan and on all subsequent site development plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development. A site development plan must be submitted for each successive phase of the development.
- (B) *Variance or Special Exception Uses.* For developments requiring approval of a Variance or a Special Exception, a request for such approval shall be submitted to the Planning Board and City Commission, and the Special Exception shall be approved prior to final approval of the site development plan. A site development plan and a Special Exception request may be processed concurrently.

7.05.10 Non-Compliance

Failure to comply with a stamped approved site development plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has

been issued pursuant to a stamped approved site development plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

7.05.11 Communications Towers and Antennas

- (A) Communications Towers and Antennas shall only be allowed only after the approval of a Site Development Plan and only in PI or M1 zoning districts, as designated in Article 2, Section 2.04.00, Table 2.04.01(A) “Table of Land Uses” of this Code.
- (B) The Site Development Plan shall be reviewed under the regulations set forth in this Section and in the regulations listed in Article 3, Section 3.08.06.

[RESERVED]

7.06.00 Subdivision Regulations

7.06.01 General

- (A) *Purpose and Intent.* The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; to further the goals and policies of the Lake Alfred Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the City. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the City, those provisions that are more restrictive and impose higher standards or requirements shall govern. Subdivision approval procedures are set forth herein as a three-step process, the concept plan review, which is optional, preliminary plat review and final plat approval. This process is intended to permit comprehensive review by the City and to benefit the developer by identifying potential problems and their solutions at appropriate times during the process. As with all stages of the development

approval process, it is the responsibility of the developer to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

- (B) *Applicability.* These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this Section are applicable to the division of a parcel of land, which is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into two or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.

- (C) *Variances.* At the preliminary plat approval stage, and subject to final approval by the City Commission, certain variances may be considered. Where the Planning Board finds that extraordinary hardships may result from the strict application of the planning and engineering standards set forth in these regulations, it may consider those variances that are recommended by the City Manager and that the Planning Board determines are necessary to ensure that substantial justice is done and the public interest is upheld. Provided however, that the effect of the variance shall not be to nullify the purposes and intent of these regulations nor the Comprehensive Plan of the City of Lake Alfred.

7.06.02 Procedure

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review (Optional)

- (B) Preliminary Subdivision Plat

(C) Construction Plans

Final Subdivision Plat. Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

7.06.03 Concept Plan Review

The developer may present a subdivision concept plan to the Chief Planning Official who shall review the plan as to its conformance to the comprehensive plan, zoning and other applicable land development regulations. The plan shall show, at the minimum:

- (A) Proposed use, and the number of acres devoted to each use.
- (B) Basic street and lot layout
- (C) Typical lot sizes
- (D) Boundaries
- (E) Significant physical conditions

The concept plan may be a sketch, but must be drawn to scale. Comments by the Chief Planning Official, City engineer, fire official and other City staff reviewing the concept plan shall be provided to the developer, and shall form the basis for preparing the preliminary plat. A fee established by resolution will be charged, and the developer may request a plan review meeting with the appropriate reviewing staff.

7.06.04 Administrative Approval of Minor Subdivisions

- (A) The intent of this division is to establish an administrative review and approval process for small scale residential development and land subdivision. To qualify as a minor subdivision, the following conditions must be met:

- (1) The approval does not result in the creation of more than four new lots.
 - (2) The approval does not create a lot, or lots, that do not meet applicable zoning district standards for width, depth, and area.
 - (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
 - (4) No extension of a public water or sewer system is needed.
 - (5) There will be no necessity for drainage facilities serving other properties to cross any lot affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.
- (B) In requesting the administrative approval of a minor subdivision, the applicant shall provide the following information:
- (1) A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
 - (2) A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
 - (3) A certified survey.
 - (4) Any established application fee plus the per lot fee for subdivision shall be charged.
- (C) In granting approval, the Chief Planning Official may impose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section. The Chief Planning Official may require any division or combination of previously platted property to comply with the complete platting process as set forth in this Section.
- (D) Upon determining that the minor subdivision complies with the conditions of approval, the Chief Planning Official shall be responsible for placing the minor subdivision plat on the City Commission agenda for approval and acceptance.

- (E) The minor subdivision plat for recording shall conform to all requirements set forth in F.S. 177, and the plat documentation requirements set forth for Final Plats in Section 7.06.07.01, Paragraph (C) of this article shall be submitted.
- (F) The Building Official, upon determination that the plat meets the conditions of a minor subdivision plat, may issue a building permit for a structure, complying with Code, on a lot to be recorded in the minor plat; however, no Certificate of Occupancy may be issued for any structure until the plat is duly recorded.
- (G) Dividing one lot of record into no more than three (3) lots of record meeting the minimum requirements of the zoning district, may be administratively approved by the Chief Planning Official and is exempt from platting as a minor subdivision, providing the above conditions and information requirements are met. In which case, the Chief Planning Official shall provide a notice of approval to the lot owner, allowing the lot split to only be recorded at the County Property Appraiser's office.

7.06.05 Preliminary Subdivision Plat

7.06.05.01 Submission of Preliminary Subdivision Plat

- (A) *Submittal.* The Preliminary Subdivision Plat review shall be initiated when the following items have been submitted:
 - (1) Completed application forms with all necessary attachments.
 - (2) The preliminary subdivision review fee, as established by resolution of the City Commission.
 - (3) A minimum of five (5) copies of the Preliminary Subdivision Plat on a 24" X 30" or larger sheet, one (1) 11"x17" electronic copy of the same and two (2) copies of a boundary survey and a topographic map.
- (B) *Required Information.* The Preliminary Subdivision Plat shall be drawn to

the appropriate scale and shall include the following:

- (1) Name, address, and telephone number of the applicant and the person preparing the plan.
- (2) A statement as to the ownership and title of the property and whether any mortgages exist on the same.
- (3) Title block identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Polk County, Florida.
- (4) Date, north arrow, and scale.
- (5) Site location block or map on the drawing showing the subdivision's relationship to City limits and major roads.
- (6) Legal description of the property, U.S. survey section, township and range lines.
- (7) Layout and dimensions of proposed lots, which meet the minimum zoning district standards for width, depth and area.
- (8) Layout of proposed streets.
- (9) Locations of adjoining subdivisions, streets, and platted rights-of-way, whether or not the platted streets have been built.
- (10) Survey or scaled drawings showing existing property lines, streets, water or drainage courses, sewers, water mains, fire hydrants and easements within the boundaries and those improvements and dedications that are adjacent to and within 500 feet of the subdivision. Scale of this drawing may be 1 inch = 400 feet.

- (11) A topographic map of the site, showing vertical elevations of not more than one-foot intervals, or at intervals deemed necessary by the City Engineer to ensure positive drainage; and the location and the elevation of all water, wetland and flood-prone areas.
- (12) All existing restrictions on the use of the land, including easements, rights-of-way, buffers, jurisdictional wetlands areas, either assumed or confirmed.
- (13) Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.
- (14) A sketch survey of all trees having a measured trunk diameter of five (5) inches or more, four (4) feet above grade.
- (15) A draft of any protective covenants proposed for the subdivision.
- (16) Zoning classification.

(C) *Procedure.*

- (1) *Planning Board Action:* At its regular monthly or a noticed monthly meeting, the Planning Board shall review exhibits, staff reports and comments by reviewing agencies and individuals and shall recommend, recommend with conditions or not recommend approval of the preliminary plat. The positive recommendation of the preliminary plat shall be deemed an expression of approval of the subdivision layout, and shall be reported to the City Commission. When approved by the City Commission, the preliminary plat shall be the guide to preparation of a final plat.

- (2) *City Commission Action:* The City Commission shall review the action of the Planning Board and take action to approve, approve with conditions or disapprove the preliminary plat. Approval of the preliminary plat authorizes the developer to prepare construction plans for public infrastructure improvements. After approval of the construction plans by the Consulting City Engineer, the developer may proceed with construction of the infrastructure improvements.

7.06.05.02 Term of Preliminary Subdivision Plat

Preliminary Subdivision Plats shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to one year from the date the plan would otherwise expire. An extension may be granted if the Planning Board concludes that the owners or successors of the preliminary subdivision plat have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application. All such requests for extensions shall be submitted in writing not less than thirty (30) days before the expiration of the preliminary subdivision plat, stating the reason for the time extension request. Upon expiration of a preliminary subdivision plat, municipal services allocated thereto shall be forfeited.

Any amendment, variation or adjustment of a Preliminary Subdivision Plat shall require approval of an amended plat. The Chief Planning Official shall determine whether a proposed modification amounts to an amendment to the Preliminary Plat. The determination shall be based on, but not limited to the following: any substantial change to the plat, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes to the plat. The proposed amendment shall, after staff review be placed on the agenda for review and approved, approved with conditions, or disapproved.

7.06.06 Construction Plans

After approval by the City Commission of the preliminary plat and prior to the review of the final plat by the Planning Board, the developer shall prepare and submit no less than four (4) sets of the construction plans to the Chief Planning Official. The purpose of the construction plans is to allow the engineer and appropriate City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

7.06.06.01 Submission of Construction Plans

- (A) *Submittal.* Construction Plans review will be initiated when the following information and the appropriate construction plan review fee, as established by resolution of the City Commission, has been provided.

- (B) *Required Information.* The construction plan shall be drawn to a scale of not more than 1 inch = 50 feet. The size of sheets shall be 24 inches by 36 inches and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
 - (1) Name, address, and seal of registered engineer and surveyor responsible for the plan and accepted data.
 - (2) Final alignments, dimensions, grades and profiles of proposed streets, utilities, drainage and other improvements to be constructed.
 - (3) Such other calculations, computation and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the Consulting City

Engineer.

- (4) Any permit or permits from an agency or agencies approving access to State, county, or local roadways.
 - (5) Any permit or permits from an agency or agencies approving the proposed stormwater management system.
 - (6) Any permits permitting agencies approving the utilities plan.
- (C) *Procedure.* Upon approval of construction plans, the applicant may proceed with permitting for installation of improvements. Improvements shall include tree removal, clearing and grubbing, installation of streets and utilities, installation of reclaimed water lines where available and installation of stormwater management systems. Stormwater management facilities shall be constructed for the entire area of the plan regardless of any phasing plans relative to final plat recording. Building permits and final certificates of occupancy for models shall not be issued until the Final Plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Polk County, and City inspections have been satisfactorily completed.

If the subdivider proceeds with permitting and installation of improvements prior to recording of the plat, a contract with the City for the construction of the required improvements, establishing a financial guarantee that all required improvements shall be constructed, shall be executed. An acceptable guarantee for required improvements shall be in an amount not less than one hundred twenty percent (120%) of the estimated cost of the improvements, as approved by the Consulting City Engineer, but may be reduced from time to time in proportion to the work completed.

7.06.06.02 Performance Bond

If at the time of application for final plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as one hundred twenty percent (120%) of the engineer certified cost of all improvements to secure to the City the satisfactory construction, installation and dedication of all required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Commission as part of the approval action on the final plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final City approval. The City Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

7.06.06.03 Construction Inspection

The City shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

(A) Procedure.

- (1) Upon written request of the developer for construction inspections to be conducted and payment of the appropriate construction inspection fee, as established by resolution of the City Commission, City Staff will schedule and carryout an On-site construction inspection. City staff responsible for conducting the on-site construction inspection shall include but not be limited to the Public Works Director or designee, Utilities Director or designee, and the City

Engineer.

- (2) Three (3) inspections are required: preliminary, secondary and final inspection. The requirements and standards for meeting requirements of each of the inspections shall be determined by staff and provided to the developer in writing, prior to commencing construction.
- (3) Building permits and final certificates of occupancy for models shall not be issued until the preliminary and secondary inspections are satisfactorily completed and the Final Plat has been accepted and/or approved by the City and recorded with the Clerk of the Circuit Court for Polk County.
- (4) As-built drawings shall be required at the time of requesting final inspection.

7.06.06.04 Engineering drawings

Except where bonded improvements have not been completed, three (3) sets of City-approved engineering as-built drawings shall be submitted with the final plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

7.06.06.05 Construction of Streets

- (A) Where streets are platted and dedicated on the periphery of a subdivision and after the street location has been approved by the City Commission, the owner or subdivider shall bear one-half the total cost of improvements so situated, and the owners of adjoining property shall bear the other one-half of the cost of such improvements abutting their property. In the event that the street location is determined by the City Commission not to be essential to the overall improvement and development of the City of Lake

Alfred, then the owner or subdivider shall pay all the cost of the improvements. All paving and drainage plans shall be approved by a registered engineer.

- (B) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (C) All subdivisions shall have streets graded to the full width of the right-of-way and paved in accordance with City-approved specifications, including the installation of curbs, gutters and storm drains where required by the City. All such improvements shall be constructed by the owner or subdivider, according to plans and specifications approved by the City Engineer.

7.06.06.06 Maintenance Guarantee

The developer shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system and the drainage system in the subdivision for a period of one (1) year after final acceptance by the Development Director. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials or workmanship. The bond shall be effective for one (1) year and in an amount set by the City Manager, in consulting with his Consulting City Engineer.

[RESERVED]

7.06.07 Final Plat

Upon the acceptance by the City Engineer of all subdivision improvements, or of a performance bond, the developer may present a final plat for approval. The intent of the

final plat is to establish a legal record of the subdivision. The Final Plat may not be approved unless it is in strict conformance to details of the preliminary plat and any changes required by, and approved by the City.

7.06.07.01 Submission of Final Plat

- (A) *Submittal.* An application for final plat approval shall be submitted with an appropriate fee established by the City and with accompanying documents as specified herein to the Chief Planning Official. The Chief Planning Official shall forward copies of the final plat and the approved preliminary plan to the City Engineer, the City attorney, and other staff, as appropriate, for their review and comments, and shall place the applications on the agenda of the Planning Board for final review and approval.
- (B) *Required Information.* Although it may constitute only that portion of the preliminary plat that the developer proposes to record and develop at the time, the final plat for recording shall be prepared in conformance with the requirements specified herein. A sufficient number of copies for review of the final plat shall be submitted including an electronic copy suitable for downloading and printing by the City. The Final Plat shall show the following:
 - (1) The final plat shall be drawn on a sheet or sheets twenty-four (24) inches wide by at least thirty (30) inches long. Preferred scale of the final plat is one inch equals one hundred feet (1" = 100'). If a different scale is used for the recorded plat, a facsimile scaled to one inch equals one hundred feet (1" = 100") on stable base film shall be provided.

The final plat to be recorded must be an original drawing made with black permanent drawing ink; or a non-adhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing must be submitted with the original drawing.

- (2) Name of plat, shown on each sheet.
- (3) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (4) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the City Engineer. The final plat shall not be approved by the Planning Board without proper submission of the final permits and approvals.
- (5) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
- (6) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
- (7) A statement shall be included on the final plat indicating the final length of roads, water and sewer lines installed.
- (8) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.

- (9) In the event the plat includes open space, clubhouses, playgrounds or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities.
 - (10) All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
 - (11) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
 - (12) City signature spaces for the Mayor, City Clerk, City Engineer, and the Chairman of the Planning Board.
 - (13) The Clerk of the Circuit Court of Polk County of the Circuit Court certificate and the land surveyor's certificate and seal.
- (C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:
- (1) The final plat for recording shall conform with all requirements set forth in Florida Statutes, Chapter 177, including dedications and reservations executed by the developer and certification by a registered land surveyor.
 - (2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or

corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.

- (3) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.
- (4) Certification that all real estate taxes have been paid.

(D) *Procedure*

- (1) **Planning Board.** The Planning Board shall review the final plat and staff comments pertaining thereto, and shall make a recommendation to the City Commission to approve or disapprove the plat. Any conditions of approval shall be stated with the motion to approve the plat and shall be made clear to the developer. The Planning Board may defer action if additional information, staff review, subdivision improvements or completion assurances are needed.
- (2) **City Commission Action.** The City Commission shall review the action of the Planning Board and take action on the final plat. Approval of the plat and acceptance of public improvements and dedications shall be by resolution and shall authorize the Mayor and City Clerk to sign the copy of the plat to be recorded.
- (3) **Recording.** Upon approval by the City Commission, the final plat shall be filed and recorded with the County Clerk. The developer shall be responsible for all costs necessary for recording the final plat. The Final Plat shall be recorded and site improvements

substantially completed, as determined by the secondary construction inspection, prior to the issuance of any building permits within the subdivision.

7.06.08 Vacating of Plats and Replats

7.06.08.01 Vacating of Plat by Owner

The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, Florida Statutes, to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the City of Lake Alfred and Polk County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, Statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the City Commission. Following review by the appropriate City departments and recommendation by the Planning Board, the petition shall be acted on by the City Commission. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Polk County.

7.06.08.02 Vacating of Plat by City

The City Commission may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

- (A) The subdivision plat was lawfully recorded not less than five (5) years before the date of such action by the City Commission; and
- (B) No more than 10 percent of the total subdivision, or part thereof, has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Commission that the proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare

will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Commission shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

7.06.09 Vacation of Streets

The Planning Board shall not recommend, and the City Commission shall not vacate, any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans adopted for the area.

7.06.10 Access to Individually Owned Parcels

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

[RESERVED]

7.07.00 Cluster/Zero Lot Line Development

The purpose of this Section is to encourage creative development design in the City of Lake Alfred and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the City's residents. It may be used in implementing various policies of the Comprehensive Plan.

Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The City Commission may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both

techniques may be authorized for use in conjunction with each other.

7.07.01 Cluster Subdivision

Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low-intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the City as a whole. Cluster subdivisions are allowed in the RE-C, R-1AAA-C, R-1AA-C, R-1A-C, R-1-C, and R-2-C. Separate standards for Residential Cluster Development for subdivisions located in the Green Swamp ACSC are set forth in Section 3.08.02.

Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:

- (A) *Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.04.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the City.
- (B) *Development Site To Be Unified.* In making application for approval of a for cluster development, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole).
- (C) *Platting.* Information supplied to the Planning Official in support of the application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of section 7.06.05. The application for a cluster/zero lot line subdivision shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been

previously approved.

The Planning Official may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads, or substantial rearrangement of lots.

- (D) *Lot Size and Lot Coverage.* The minimum residential lot size and lot coverage requirements are established for each zoning district allowing cluster subdivisions in Table 2.04.01(B).
- (E) *Common Areas.* The preliminary and final subdivision plats for the cluster subdivision shall designate a one or more specific parcels as common area tracts that will encompass the natural feature or open space area that the developer intends to preserve and/or provide an amenity. No residential, commercial, industrial, or public institutional use shall be permitted within an amenity tract.

Common areas shall consist of natural and enhanced tracts, with passive and low-intensity recreation facilities, and/or amenities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision, and shall be so dedicated by the plat either as public land or as land for use, ownership, and maintenance by a homeowners association.

The common areas shall be identified according to their permitted use as separate tracts on the preliminary and final plats as a conservation tract, passive recreation tract, or recreational amenity tract. A minimum of forty percent (40%) of the required common areas shall consist of passive recreation and/or recreational amenities tract(s).

Permitted uses by common area tract are as follows:

- Conservation Tract: wetlands, 100-year floodplains, protected or endangered habitat, native upland communities, areas containing soils considered as having “severe limitations” by Polk County Soil Conservation Service, and storm water retention areas.

Not more than sixty percent (60%) of the required common area shall be conservation tract(s).

- Passive Recreation Tract: boardwalks, nature trails, exercise trails such as jogging and bicycle paths or other pedestrian facilities; bridle paths, area between a residential lot line and a wetland line; and the area between a residential lot line and the ordinary high water line of a lake. Passive recreation tracts shall retain the natural characteristics and features of the land and shall not require off-street parking and utilities.
- Recreational Amenities Tract: Clubhouses; swimming pools; tennis courts; shuffleboard courts; picnic areas and pavilions; parks; playgrounds; golf courses; boat ramps; parking associated with the preceding areas; storage areas for boats; trailers; recreational vehicles and riding stables; and landscaped areas.

Except in RE-C districts, the minimum amount of common area shall be determined based on the difference between (reduction in) the total area of residential lots being platted in the cluster subdivision and the total area of the equivalent number of lots in the comparable, non-clustering zoning district (e.g., R-1A-C vs. R-1A) using minimum lot size. In order to calculate common area acreage, applications for cluster subdivision approval shall provide the total and average area of the residential lots. The average lot size shall be used to determine the amount of lot area reduction. [Example: R-1A minimum lot area = 10,000 sq. ft.; R-1A-C = 7,000 sq. ft.; difference = 3,000 sq. ft. per lot; for 10 lots, difference = 30,000 sq. ft to be dedicated common area within subdivision.].

Of the required minimum amount of common area not more than sixty percent (60%) shall be conservation tract(s) and not less than forty percent (40%) shall be passive recreation and/or recreational amenity tract.

RE-C shall provide a minimum common area of no less than ten (10%) percent of the total area of all platted residential lots and streets.

Prior to submitting the final subdivision plat for approval, the Planning Official shall verify that the plat includes a notation indicating the ownership and maintenance

responsibility for the common area tract, including all recreation facilities, existing or planned. No common area tracts or associated facilities shall be dedicated to the City of Lake Alfred, unless specifically accepted by the City Commission.

- (F) Impervious surfaces in common areas shall be limited by the maximum impervious surface designated for the corresponding zoning district in table 2.04.01(B), Table of Development Standards, found in Article 2.

7.07.02 Zero Lot Line Development

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.06.00.

- (A) *Lot Sizes.* The permitted lot sizes in a zero lot line development shall be those permitted for cluster/zero lot line subdivision per section 7.07.01.
- (B) *Platting.* Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.06.00 have been met.
- (C) *Building Envelope and Maintenance Easements.* All zero lot line subdivision plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common fire wall or by porches, garages or privacy fence/wall.

For each unit constructed along a side lot line, an easement five (5) feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance

easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

- (D) *Setbacks.* Each dwelling unit in a zero lot line subdivision shall be set back 15 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.

Front and rear setbacks for principal structures shall be those required by the zoning district.

Detached accessory structures shall be limited to a total of 400 square feet, regardless of their number.

[RESERVED]

7.08.00 Conditional Use Permits

7.08.01 Purpose and Intent

Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed for a particular location. As a result, a Conditional Use is subjected to the highest standard of review, and combines the analysis and considerations required for amending the Comprehensive Plan, rezoning, review of a Site Development Plan, and other standards detailed in this Article. **A Conditional Use is rezoning, and therefore may only be abandoned or revoked by amending the Comprehensive Plan, by rezoning, or by action of a Court of jurisdiction that may set the action aside.** It is the purpose of this Section to identify the uses that shall be considered Conditional, and to describe the standards and the review process for a Conditional Use.

7.08.02 Conditional Uses in the City of Lake Alfred

Uses designated as Conditional Uses are identified in the Table of Land Uses 2.04.01(A), Article 2. Conditional Uses are designated by the letter "C" and require approval of an application by the Planning Board and City Commission as outlined in the following sections. Development Standards for Conditional Uses are found in Article 3, Section 3.09.00.

7.08.03 General Standards of Review

At the time of a proposal for a particular Conditional Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed Conditional Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of;

- (A) Whether and to what extent, the Conditional Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Lake Alfred and Polk County.
- (B) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Conditional Use on the immediate vicinity and on the public health, safety, and welfare in general.
- (C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Conditional Use.
- (D) Whether and to what extent, existing zoning and land use in the vicinity of the Conditional Use require special considerations and conditions.

7.08.04 Application

All requests for Conditional Uses shall be submitted in writing to the Chief

Planning Official, together with applicable fees, which shall have been established by resolution of the City Commission.

(A) *Contents.* The application shall contain the following items, as applicable:

- (1) A legal description and street address of the property.
- (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
- (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 6 of this Code.
- (4) A detailed Site Development Plan drawn to scale showing:
 - a. The dimensions of the property;
 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (5) A tabular summary describing the proposed use of the property including:
 - a. Existing and proposed use of property;

- b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
- c. Area of the property, pervious and impervious areas, and existing and proposed structures.
- d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

7.08.05 Review Of Proposed Conditional Use

(A) *Sufficiency Review.* Within fifteen (15) working days of receipt of an application for a Conditional Use, the Chief Planning Official shall:

- (1) Determine that the plan is complete and proceed with formal review.
- (2) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies.
 - a. The developer shall submit any required information within fifteen (15) working days, or submit a letter indicating that in his/her judgement the application is complete. In the second case, the developer shall specifically request that formal review commence.
 - b. If as a result of the Chief Planning Official's comments the developer chooses to submit an amended application, he/she shall do so within sixty (60) working days without payment of an additional fee. If more than sixty (60) working days pass, the developer shall file a new application, that may be subject to additional fees.

- (B) *Report To Planning Board.* The Chief Planning Official shall submit a written report containing his/her recommendations on the proposed Conditional Use to the Planning Board prior to the meeting of the Planning Board at which the application will be heard. A copy of the report shall be made available to the applicant.
- (C) *Planning Board Hearing.* In not more than sixty (60) days of submission of the Chief Planning Official's report, the Planning Board shall hold a public hearing on the application for a Conditional Use and shall forward its recommendations to the City Commission. The Planning Board review and recommendations shall specifically address:
- (1) Concurrency management issues and considerations associated with the proposed Conditional Use, pursuant to the standards and procedures in Article 6 of this Code.
 - (2) The need to formally amend the Comprehensive Plan. Should the Planning Board find that a Plan Amendment is required, then the Plan Amendment review shall be conducted in accordance with the standards and procedures set forth in Article 7.02.00 of this Code. Depending on the nature of the Plan Amendment, further consideration of the application for a Conditional Use may be placed on hold until the amendment is adopted.
 - (3) Rezoning issues and recommended conditions for the proposed Conditional Use pursuant to Article 7.03.00 of this Code.
 - (4) Site Development Plan issues and conditions for the proposed Conditional Use pursuant to Article 7.05.00 of this Code.
- (D) *Findings and Recommendation to Approve a Conditional Use.* The Planning Board may recommend approval of an application for a Conditional Use only when all of the conditions below are met.

- (1) The proposed Conditional Use is consistent with the City of Lake Alfred Comprehensive Plan.
- (2) The proposed Conditional Use would not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan.
- (3) The proposed Conditional Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; **Either** as they now exist or as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan.
- (4) There is a community need for the proposed Conditional Use at the proposed location. This finding must be based on an analysis of existing and proposed uses of a similar nature in the area, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Lake Alfred and also in the immediate area of the proposed use. To reach a conclusion on this finding, the two standards below must be addressed in the affirmative.
 - a. The proposed Conditional Use in the proposed location will not result in either a detrimental over concentration of a particular use within the City or within the immediate area, and
 - b. The area for which the Conditional Use is proposed is not better suited for, or likely to be needed for, uses that are permitted as a matter of right within that district and are in accordance with the goals, objectives and policies of the Comprehensive Plan.

- (5) The proposed Conditional Use meets all of the standards and requirements of this Code that are applicable to it.
 - (6) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning Board and mitigate adverse impacts of the proposed Conditional Use.
- (E) *Findings and Recommendation to Deny a Conditional Use.* The Planning Board may recommend denial of any application for any Conditional Use for one or more of the following reasons:
- (1) The proposed Conditional Use is inconsistent with the City of Lake Alfred Comprehensive Plan.
 - (2) The proposed Conditional Use would degrade the Level of Service of one of more public facilities and services, and contains no commitment to make improvements to maintain acceptable Levels of Service.
 - (3) No community need can be demonstrated for the proposed Conditional Use at the proposed location.
 - (4) The proposed Conditional Use does not meet all of the standards and requirements of this Code that are applicable to it.
 - (5) The proposed Conditional Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning Board and mitigate the impact of the proposed Conditional Use.

- (F) *Decision By City Commission.* In not more than sixty (60) days of receipt of the Planning Board recommendation, the City Commission shall hold a public hearing after due public notice on all recommendations associated with a Conditional Use from the Planning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Conditional Use shall be granted unless approved by a majority of the Commissioners voting.
- (G) *Conditions And Safeguards.* The development and use of the site of an approved Conditional Use shall be in accordance with the approved Site Development Plan and application materials. The approved Site Development Plan shall be filed with the Chief Planning Official, and all development shall be in compliance with that plan. The Planning Board may recommend and the City Commission may impose on the grant of any Conditional Use any conditions or safeguards found to be necessary to ensure the compatibility of the conditional use with surrounding properties or the community in general. These may include, but are not limited to:
- (1) Requiring restrictions on hours of operation and size of buildings,
 - (2) Requiring additional landscape and buffer areas,
 - (3) Limiting vehicular access points,
 - (4) Prescribing the location of off-street parking, and
 - (5) Other conditions that are reasonable and necessary to preserve the General Welfare of the City of Lake Alfred.

Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any conditional use permit, in addition to any other remedy for such violation provided in this Code.

- (H) *Denial.* The City Commission may deny any application for conditional use, for one or more of the following reasons:
- (1) It is inconsistent with the City of Lake Alfred Comprehensive Plan.
 - (2) It would degrade the Level of Service of one of more public services and facilities and contains no commitment to make improvements to maintain acceptable concurrency management standards.
 - (3) It does not meet all of the standards and requirements of this Code that are applicable to the proposed Conditional Use.
 - (4) No reasonable conditions can be derived or agreed upon that will address the concerns of the City Commission and mitigate the impact of the proposed Conditional Use.
- (I) *Findings.* The City Commission shall make written findings of its decision, which shall be furnished to the applicant within five (5) working days of the action. Any conditions adopted as a part of the approval of a Conditional Use shall be explicitly stated in the correspondence, and shall be the basis for any subsequent Development Agreement or Development Order associated with the Conditional Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of the City of Lake Alfred.

[RESERVED]

7.09.00 Procedure for Obtaining a Special Exception

Special exceptions shall be granted only for those activities specified as Special Exception uses and identified by an "S" in the Table of Land Uses 2.04.01(A), Article 2.

The Board of Adjustment shall hear and decide applications for special exceptions authorized under this Code in the manner prescribed below.

7.09.01 Application

- (A) *Application; Fees.* All requests for special exceptions shall be submitted in writing to the Chief Planning Official, together with all applicable fees as provided by resolution.

- (B) *Contents.* The application shall contain the following items, as applicable:
 - (1) A legal description and street address of the property.

 - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.

 - (3) Site plan or sketch plan drawn to scale showing:
 - a. The dimensions of the property;

 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;

 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.

- (4) A tabular summary describing the proposed use of the property including:
 - a. Existing and proposed use of property;
 - b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
 - c. Area of the property, pervious and impervious areas, and existing and proposed structures.
 - d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

7.09.02 Review of Proposed Special Exception

- (A) *Completeness Review.* Within five (5) working days of receipt of an application for a special exception, the Chief Planning Official shall:
 - (1) Determine that the information is incomplete and inform the applicant in writing of the deficiencies.
 - (2) Determine that the plan is complete and proceed with the following procedures.
- (B) *Report to Board of Adjustment.* The Chief Planning Official shall submit a written report containing his/her recommendations on the proposed special exception to the Board of Adjustment prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Board of Adjustment review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.

- (C) *Board of Adjustment Hearing.* The Board of Adjustment shall hold a public hearing on each application.
- (D) *Conditions and Safeguards.* The development and use of the site of an approved special exception shall be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the Chief Planning Official, and all development shall be in compliance with that plan. The Board of Adjustment may recommend and may impose on the grant of any special exception any conditions or safeguards found to be necessary to ensure the compatibility of the special exception with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions. Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any special exception, in addition to any other remedy for such violation provided in this Code.
- (E) *Denial.* The Board of Adjustment may recommend denial of any application for any special exception, for one or more of the following reasons:
- (1) It is inconsistent with the City of Lake Alfred Comprehensive Plan.
 - (2) It would violate the concurrency management standards in Article 6 of this Code.
 - (3) It does not meet the requirements of the applicable special exception regulations.
- (F) *Findings.* The Board of Adjustment shall make written findings, based on one or more of the reasons listed above, in support of a denial of an

application for a special exception.

7.09.03 Expiration or Abandonment of Special Exception Use

If a special exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. Once initiated, the special exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for 180 days, it shall expire.

[RESERVED]

7.10.00 Home Occupations

Authorized home occupations shall comply with all of the following provisions:

- (A) No person other than a member of the family residing on the premises shall be employed in the home occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
- (C) No sign or display shall be provided to indicate from the exterior that the building is being used in whole or in part for any purposes other than that of a dwelling.
- (D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the principal structure.
- (E) No home occupation shall occupy more than a total of 500 square feet of floor area.

- (F) Traffic shall not be generated by the home occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 3.03.00.
- (G) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.
- (H) No articles or materials pertaining to the home occupation shall be stored on the premises, except inside the principal structure.

7.10.01 Procedure for Approval of a Home Occupation

A home occupation may be approved administratively by the Chief Building Official upon payment of a review fee established by the City Commission and submission of an application containing the following information and documentation:

- (A) Name(s) of owner(s) and a copy of the deed to the property.
- (B) Legal description of the property.
- (C) Complete written description of the activity proposed as a home occupation.
- (D) Copy of Polk County Property Appraiser's map showing subject property and all surrounding properties within a 100-foot radius of subject property's boundaries.
- (E) Certified survey of subject property (at Chief Building Official's discretion).

- (F) Signatures of all property owners within 100 feet on a petition indicating no objection to the home occupation.

The Chief Building Official may refer the matter to the Planning Board for approval if signatures from all property owners within 100 feet of the subject property cannot be obtained, or for any other reason that may justify such referral. Home occupation approvals shall be handled through the same process as a zoning district change or special exception approval.

[RESERVED]

7.11.00 Variances

Any person, firm or corporation owning property in the City of Lake Alfred may apply for a variance from specific provisions of this Code, excepting those relating to permitted land uses, concurrency and consistency with the Comprehensive Plan. Variances shall be granted only by the Board of Adjustment in a public hearing that has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.

7.11.01 Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Board of Adjustment that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in

the same land use classification.

- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Board of Adjustment shall approve, and the chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

[RESERVED]

7.12.00 Nonconformities

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful

and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

7.12.01 Nonconforming Uses

Nonconforming uses shall not be:

- (A) Enlarged, increased or expanded to occupy a greater land or floor area than at the effective date of this Code or amendment to the Code, whichever date created the nonconformity.
- (B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code.
- (C) Re-established if destroyed or if use is discontinued for 90 consecutive days.
- (D) Moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code.

Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two (2) years of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming.

7.12.02 Nonconforming Lots of Record

Lots not meeting the standards established in this Code for minimum width, depth and area but recorded in the public records of Polk County prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in size without a variance authorized by the

Board of Adjustment.

- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in size without a variance authorized by the Board of Adjustment.
- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of Adjustment.
- (E) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

7.12.03 Nonconforming Structures

Structures qualifying as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.
- (D) Rebuilt, repaired or renovated in excess of 50 percent of the assessed value of the structure, as determined by the Polk County Property Appraiser.

Structures that are nonconforming by size, but not by use, may be enlarged if the

addition will reduce a nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

7.12.04 Nonconforming Mobile Home Parks

Existing mobile home parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes. Replacement of existing mobile homes in such parks shall be prohibited.

Mobile home parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Chief Building Official may authorize additional mobile home sites in such parks upon submission of a site development plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (B) An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (C) No new mobile home will be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.

A redesign proposal that does not include the addition of new mobile home spaces shall not be subject to conditions A and B above.

7.12.05 Nonconforming Mobile Homes

The replacement of an existing mobile home on property that is not designated for mobile home use on the Official Zoning Map shall be prohibited.

7.12.06 Nonconforming Communications Towers and Antennas

- (A) *Abandonment.* In the event the use of any communications tower or communications antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. In no case shall a tower remain in the state of abandonment for more than one calendar year. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.
- (B) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Legally nonconforming communications towers or antennas that are damaged or destroyed may be rebuilt without having to first submit a Site Development Plan for review. The type, height and location of the tower on site shall be the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or said permit expires, the communications tower or antenna shall be deemed abandoned.

7.12.07 Nonconforming Signs

- (A) Nonconforming signs shall be removed or altered to reflect compliance with the land development code according to the following schedule:
- (1) Within one month. Snipe signs, portable signs, banners,

unauthorized bus bench and waste receptacle signs, traffic signs, signs not properly maintained or in hazardous condition, and other types of signs which do not comply with the terms, conditions, provisions, and intent of this section and are not specifically mentioned in the following paragraphs of this schedule.

- (2) Within three years. All nonconforming painted wall signs (except mural signs), non-illuminated wall signs, non-illuminated projecting signs, in violation of this section.
- (B) All provisions of this nonconforming Section 7.12.00 shall apply to nonconforming signs, as follows. Nonconforming signs **shall not be**:
- (1) Moved in whole or in part to another location on the same parcel or lot that it occupies;
 - (2) Transported to any other parcel of land unless such transport would render the sign conforming to all applicable provisions of this Code;
 - (3) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code; and,
 - (4) Rebuilt, repaired or renovated in excess of 50 percent of the assessed value of the sign, as determined by the City of Lake Alfred.
- (C) All nonconforming signs within the City of Lake Alfred must be registered by the owner with the City Manager or his designee within 90 days of the passage of this ordinance.
- (D) All nonconforming pole signs, ground signs, marquis signs, and wall signs, upon passage of this Section, become Special Exceptions. A special

exception is granted to a person, and not to a building or a land use. Therefore, when the business for which the nonconforming sign is used is sold, the special exception expires and the pole sign must become conforming or must be removed all together, within 30 days. The new owner may apply for a Special Exception from the Board of Adjustment of the City of Lake Alfred

- (E) All nonconforming signs, as well as nonconforming structures in general, must come into conformance upon change of use of the business for which the sign is used.

[RESERVED]