

ARTICLE 3 - DEVELOPMENT REVIEW THE PLANNING AND ZONING BOARD

IN 04.27.2011 JM
DATE INITIALS

- 10. Discussion among members of decision-making body.
- 11. Action by decision-making body and entry of specific findings.
- C. Submission of evidence. Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the body conducting the quasi-judicial proceeding shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection.



Division 4. Conditional Uses

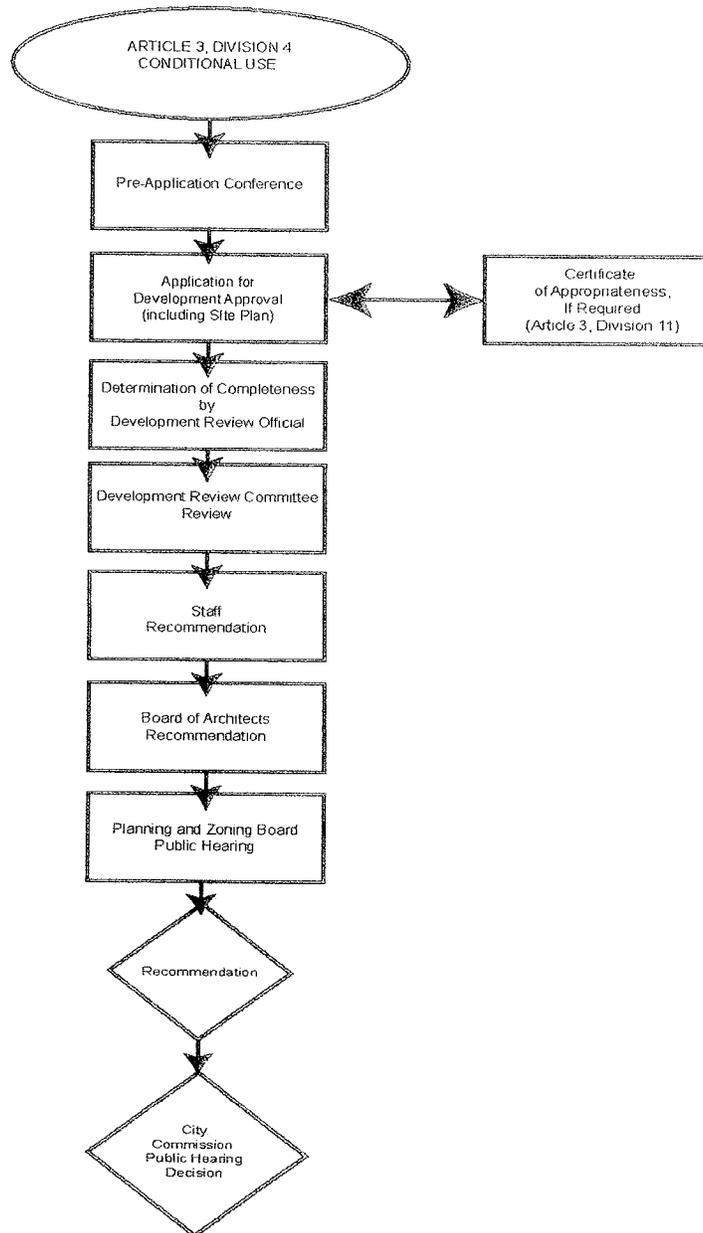
Section 3-401. Purpose and applicability.

The purpose of providing for conditional uses within each zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may, but not necessarily, have adverse effects on the environment, particularly residential areas, overburden public services, or change the desired character of an area. Individualized review of these uses is necessary due to the potential individual or cumulative impacts that they may have on the surrounding area or neighborhood. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved.

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Section 3-402. General procedures for conditional uses.

The following graphic summarizes the procedures required to obtain conditional use approval:



Section 3-403. Application.

An application for conditional use approval shall be made in writing upon form approved by the City, including a site plan, and shall be accompanied by applicable fees.

Section 3-404. Staff review, report and recommendation.

- A. City staff shall review the application for conditional use approval in accordance with the provisions of Article 3, Division 2 of these regulations and this Division. In the event that such application involves historic properties, it shall be referred to the Historic Resources Department for review and approval in accordance with Article 5, Division 11 prior to any further review under the provisions of this Division.

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- B. Upon completion of review of an application, City staff shall:
1. Provide a report that summarizes the application, including whether the application complies with each of the standards for granting conditional use approval in Section 3-408.
 2. Provide written recommended findings of fact regarding the standards for granting conditional use approval in Section 3-408.
 3. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 4. Provide the report and recommendation, with a copy to the applicant, to the Planning and Zoning Board for review.
 5. Schedule the application for hearing before the Planning and Zoning Board upon completion of the Board of Architect's review.
 6. Provide notice of the hearing of a conditional use application before the Planning and Zoning Board in accordance with the provisions of Article 3, Division 3 of these regulations.
 7. Schedule and provide notice before the City Commission of a conditional use application in accordance with the provisions of Article 3, Division 3 of these regulations.

Section 3-405. Board of Architects review and recommendation.

Upon receipt of the recommendation of City staff, the Board of Architects shall review the application and the recommendation of staff to determine if the application is consistent with the standards of these regulations and any design requirements set out in the zoning district in which the parcel is located. The Board of Architects approval is required prior to the Planning and Zoning Board's consideration of an application for conditional use approval.

Section 3-406. Planning and Zoning Board recommendation.

The Planning and Zoning Board shall review the application for conditional use approval, consider the recommendations of staff and the Board of Architects, conduct a quasi-judicial public hearing on the application and recommend to the City Commission whether they should grant the approval, grant the approval subject to specified conditions or deny the application. The Planning and Zoning Board may recommend such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.

Section 3-407. City Commission decision.

The City Commission shall review the application, the recommendations of staff, the Board of Architects and the Planning and Zoning Board, and shall conduct a quasi-judicial public hearing and grant the approval, grant the approval subject to specified conditions or deny the application. The City Commission may attach such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.

Section 3-408. Standards for review.

The Planning and Zoning Board and the City Commission shall provide findings of fact that a conditional use complies with the following standards and the criteria applicable to each conditional use:

- A. The proposed conditional use is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.
- B. The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.

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- C. The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.
- D. The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.
- E. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.
- F. The parcel proposed for development is adequate in size and shape to accommodate all development features.
- G. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.
- H. The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.
- I. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.

Section 3-409. Effect of decision.

Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued and shall entitle the recipient to apply for a certificate of use or building permit or any other approval that may be required by these regulations, the City or regional, state or federal agencies. In the event an approval of a conditional use changes the design of the proposed building, final review of the design shall be conducted by the Board of Architects.

Section 3-410. Changes to conditional use approvals.

- A. Minor revisions. The Development Review Official is authorized to allow minor revisions to an approved conditional use after receipt of comments from the Development Review Committee. A minor revision is one which:
 - 1. Does not affect the conditional use criteria applicable to the conditional use.
 - 2. Does not alter the location of any road or walkway by more than five (5) feet.
 - 3. Does not change the use.
 - 4. Does not change a condition of approval.
 - 5. Does not increase the density of the development.
 - 6. Does not increase the intensity of the development by more than ten (10%) percent.
 - 7. Does not result in a reduction of setback or previously required landscaping.
 - 8. Does not result in a substantial change to the location of a structure previously approved.
 - 9. Does not result in a material modification or the cancellation of any condition placed upon the use as originally approved.
 - 10. Does not add property to the parcel proposed for development.

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11. Does not increase the height of the buildings.
- B. Other revisions. Any other adjustments or changes not specified as “minor” shall be granted only in accordance with the procedures for original approval.

Section 3-411. Expiration of approval.

An application for a building permit shall be made within one (1) year of the date of the conditional use approval, and all required certificates of occupancy shall be obtained within one (1) year of the date of issuance of the initial building permit. Permitted time frames do not change with successive owners and an extension of time may be granted by the Development Review Official for a period not to exceed two (2) years but only within the original period of validity.

Division 5. Planned Area Development

Section 3-501. Purpose and applicability.

- A. Purpose. The purpose of this Division is to encourage the construction of Planned Area Developments (PAD) by providing greater opportunity for construction of quality development on tracts and/or parcels of land through the use of flexible guidelines which allow the integration of a variety of land uses and densities in one development. Furthermore it is the purpose of the PAD to:
1. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.
 2. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.
 3. Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.
 4. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.
 5. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.
- B. Applicability. A PAD may be approved as a conditional use in any zoning district, except single family residential, in accordance with the standards and criteria of this Division, the procedures of Article 3, Division 4 and other applicable regulations.

Section 3-502. Standards and criteria.

The City Commission may approve a conditional use for the construction of a PAD subject to compliance with the development criteria and minimum development standards set out in this Division.

- A. Uses permitted. Unless approved as a mixed use development, the uses permitted within a PAD shall be those uses specified and permitted within the underlying District in which the PAD is located.
- B. Relation to general zoning, subdivision, or other regulations. Where there are conflicts between the