

City of Anna Maria Site Development Plan

Amended March 23, 2006

Chapter 74

Article XIII. Development Review Procedures

Sec. 74-350. Site plans authorized.

(a) Certain projects, because of their character, size, potential to impact surrounding properties, or similar qualities, shall be subject to site plan review in accordance with this article. Site plan approval is based on a graphic representation of a proposed development. The graphic representation is intended to present the proposed development, its elements, and proposed improvements and its relationship with surrounding properties and uses, including public facilities such as roads, sidewalks, and similar facilities. Approval of a site plan is approval of the development as presented in the graphic and subject to any conditions or stipulations attached to the site plan and made part of the approval. Deviation from an approved site plan is not authorized except pursuant to an amendment as authorized in this Section.

(b) An applicant for approval of a site plan may request deviation from the requirements of the bulk, distance, and other spatial requirements of the zoning district in which the development is located. Deviation from such requirements shall be based on the applicant demonstrating that the deviation results in a superior design to that which would have resulted if the standard requirements had been followed. Additionally, the applicant shall demonstrate that the public concerns justifying the standard requirements of the zoning district are addressed at an equal or superior level.

Sec. 74-351. Site plan approval required.

(a) Major development. Final site plan approval by the city commission pursuant to this section is required for all major developments. The term "major development" includes any of the following:

- (1) The construction, expansion, alteration or change of any principal or accessory structure, or principal or accessory use;
 - (2) The alteration or reconstruction of any nonconforming use or nonconforming structure;
 - (3) The exterior alteration or reconstruction of any improvement, building or structure which does not have an approved final site plan;
 - (4) The subdivision of land; or
 - (5) Any change of use or intensity of use, or alteration of an improvement, building or other structure, that affects the characteristics of a lot or parcel in terms of parking, loading, access, drainage or utilities.
- (b) Upon receipt of a development application, the building official shall issue a written determination stating whether the proposed activity constitutes a major development for which site plan review is required, or a minor development for which a site plan is not required.
- (c) No building permit, and in the case of a change of use, no certificate of occupancy shall be issued by the building official for major developments until such time as a final site plan has been approved in accordance with this section. No certificate of occupancy shall be issued for such premises until all of the requirements of the final site plan, including any conditions attached thereto, have been met.
- (d) Revisions and amendments to an existing final site plan shall be subject to the same approval requirements as for a new application unless such changes are authorized to be processed in accordance with Section 74-356, below.
- (e) Continued conformance with site plan requirements, including the maintenance of all improvements, shall be a condition of the continued validity of the certificate of occupancy. Deviation from an approved final site plan shall be deemed a violation of this Code and subject to enforcement, including loss of the certificate of occupancy, referral to the Code Enforcement Board, injunctive relief in favor of the City, stop work order, or any other remedy available to the City at law or in equity.

Sec. 74-352. Site plan approval not required.

(a) Minor development. Upon a determination by the building official that a proposed alteration to or use of land, improvements, buildings or other structures is in accord with the city's comprehensive plan, the building official may deem said proposed alteration or use to be a minor development that does not require final site plan approval by the city commission. The term "minor development" includes any of the following:

- (1) The alteration or expansion of a single family or two-family dwelling or residential accessory structures;
- (2) Routine maintenance and painting of existing buildings and other improvements;
- (3) Landscaping;
- (4) The alteration and maintenance of fences;
- (5) The addition to parking spaces not to exceed 20 percent, including fractions thereof, of the total number of existing parking spaces or five spaces, whichever is the less;
- (6) The repaving of an impervious surface with a porous material;
- (7) Applications for and issuance of permits for personal wireless service facilities shall be processed in accordance with Sections 114-551 - 114-557 of this Code; or
- (8) Any change of use or intensity of use that does not affect the characteristics of a lot or parcel in terms of parking, loading, access, drainage or utilities.

(b) Upon receipt of a development application, the building official shall issue a written determination stating whether the proposed activity constitutes a minor development for which site plan review is not required.

(c) Applications for minor developments shall include a plan drawn to scale that provides, at a minimum, the following information:

(1) The location of the subject lot or parcel, and of all improvements and structures located on the lot or parcel;

(2) The location and nature of any alteration, expansion, change in use or change in intensity of use; and

(3) Any other information deemed necessary by the building official.

(d) The building official may impose such conditions or limitations on projects reviewed pursuant to this section in order to ensure compliance with all applicable code, standards and policies of the City of Anna Maria.

Sec. 74-353. Consultants may be retained by city.

The city may, if deemed necessary, retain consultants to assist in the review of an application for final site plan review. The cost of retaining the consultants shall be borne by the applicant in addition to the initial application fee. The applicant shall be responsible for making timely payment of all said consultant fees. Failure to do so will result in the city being relieved of its obligation to continue processing the application until the required payment(s) is/are made. The payment of all outstanding consultant fees shall be a condition of final and preliminary site plan approval and payment is a condition precedent to the city's obligation to issue a building permit.

Sec. 74-354. Major development approval process.

(a) Prior to commencement of any development activity, all major developments must obtain final site plan approval and a building permit from the city.

(b) To obtain final site plan approval for a major development, an applicant must first submit an application and preliminary site plan to the city. Approval of the preliminary site plan application authorizes the applicant to obtain all other governmental permits and approvals. Final site plan approval is required prior to issuance of a building permit. If a major development does not require other governmental permits and approvals, the applicant may choose to combine the preliminary and final site plan

applications into a single application. All requirements of preliminary and final site plan approval shall be addressed in the combined application. Approval of the combined application shall be through the public hearings process required for preliminary site plan approval.

(c) The following procedure shall govern preliminary site plan approval for a major development.

(1) Pre-application conference. An applicant seeking preliminary site plan approval for a major development shall request an informal conference with the city. The pre-application conference shall be informal and its purpose shall be to discuss the development proposal, views and concerns and whether additional information above that of the minimum requirements will be required.

(2) Neighborhood workshop. All applicants proposing a major development shall hold a neighborhood workshop prior to submitting the preliminary site plan application associated with the major development proposal. This workshop shall be held within the city limits and shall be held between the hours of 6:00 p.m. and 8:00 p.m., Monday through Friday, or between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. The purpose of the neighborhood workshop shall be to inform the neighboring residents and the general public of the nature of the proposal and solicit comments from those in attendance. This requirement shall not mean that all owners or tenants must attend such a meeting. This workshop shall not substitute for any required public hearings necessary for review of the major development application.

Applicants shall be responsible for providing notice of neighborhood workshops in accordance with this section. The notice shall include, at a minimum, the following information:

- a. The applicant's name and telephone number;
- b. The street address of the site with a small identification and location map;
- c. A clear explanation of what the applicant is proposing;
- d. The date, time and location of the meeting.

Notice of the neighborhood workshop shall be mailed, at the applicant's expense by certified mail at least 14 days prior to the date of the neighborhood workshop to each property owner of record within 500 feet of the property for which the major development approval is sought. Notice also shall be provided to any neighborhood associations that have registered with the city clerk prior to the date of the mailing. The mailing list shall be compiled using the most current information from the Manatee County Property Appraiser's records.

Notice of the neighborhood workshop also shall be posted at least fourteen (14) days prior to the meeting in accordance with city's notice procedures by posting the property where the major development will take place. Additional notice shall be posted at City Hall and any other place where city notices are customarily posted.

Proof of mailing along with a copy of all materials sent out shall be provided to the city with the preliminary site plan application. Accurate minutes outlining what was discussed at the neighborhood workshop shall be prepared by the applicant and provided to the city.

(3) Preliminary site plan application.

(a). An application for preliminary site plan approval shall be accompanied by the information and documentation required by applicable administrative regulations. The application shall be filed no later than sixty (60) days after the date of the neighborhood workshop. If an application is filed after this date, an additional neighborhood workshop must be conducted in accordance with this section so that a workshop will have been conducted no later than 60 days prior to application submittal. An application for preliminary site plan approval may incorporate information beyond the minimum requirements of the administrative regulations if the additional information is reasonably related to assisting the city in reviewing the application. The city is authorized to promulgate forms and procedures intended to assist an applicant in complying with the city's application procedures.

(b). Upon receipt of the preliminary site plan application, the city shall review said application for completeness with regard to the minimum submission requirements for such development. The city shall strive to complete this review within

five business days of receipt of the application, but the city shall be entitled to extend this time if necessary to provide a thorough review. Following completion of the city's review, the city shall provide a written determination of the application's sufficiency. If additional information is required, the applicant shall provide the additional information for another sufficiency review as discussed above. This process continues until the application is deemed complete or withdrawn by the applicant.

The applicant shall complete the application within 30 days of the initial submission. If the application has not been deemed complete within this time limit, it shall be deemed withdrawn. This time limit may be extended for good cause by the city.

(c) Once the application is deemed complete, the application shall be reviewed to determine compliance with city codes and regulations in accordance with the standards for review provided below. The city shall strive to prepare a written analysis within ten business days of the completeness determination, but the city shall be entitled to extend this time if necessary to provide a thorough analysis. This analysis shall explain the issues raised by the application in light of the requirements of local, state and federal laws and regulations governing the application. The analysis may contain a recommendation for approval, approval with conditions or denial.

(d) Upon completion of the written analysis, the city shall schedule a hearing on the application before the planning and zoning board for the next available hearing date. The purpose of the hearing is to review the preliminary site plan application and the written analysis. The hearing will include opportunity for public comment on the application. Following the close of the public hearing, the planning and zoning board shall determine whether the proposed development complies with the city comprehensive plan, codes, regulations and the standard for review set forth below. The planning and zoning board shall recommend approval, approval with conditions or denial of the preliminary site plan application to the city commission. The planning and zoning board shall transmit to the city commission its written recommendation including discussion of any significant issues underlying its recommendation. The planning and zoning board is authorized to continue its hearing to a time and date certain in order to prepare its written recommendation.

(e) After the planning and zoning board transmits its recommendation, a public hearing before the city commission shall be scheduled at its next available hearing date to consider the application. The city commission shall conduct a public hearing in accordance with its rules of procedure. Following the close of the public hearing, the city commission shall approve, approve with conditions or deny the application for preliminary site plan approval. The city commission's approval shall be in the form of a written order. The order shall contain any conditions attached to approval of the preliminary site plan. The order shall be issued at the close of the hearing but the Commission may continue the hearing to a time and date certain to allow for preparation of the order.

(4) Standards for review. In reaching a decision as to whether the preliminary site plan application should be approved, approved with conditions or denied, the planning and zoning board and city commission, at their respective public hearings, shall consider the extent to which the application is consistent with these regulations, any conditions imposed by approval of a rezoning or special use, generally accepted site design principles and the extent to which the development furthers the goals and purposes of these regulations.

The planning and zoning board and city commission, at their respective public hearings, shall use and be guided by the following criteria in the exercise of their discretion when evaluating a preliminary site plan application.

a. Whether the proposed development, design and layout are in keeping with the intent and specific standards and criteria prescribed in pertinent sections of the City codes and regulations;

b. Whether the proposed development, design and layout are compatible with the City's Comprehensive Plan, as amended;

c. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, architectural design, performance characteristics, parking and traffic circulation;

d. Whether there are ways in which the configuration of the development (e.g., location of use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/configuration; architecture; screening; buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; odor; and other factors of compatibility) can be changed which would mitigate or improve the impact of the development on adjoining and nearby properties and on the community;

e. Whether the proposed development, design and layout has made adequate provisions for vehicular, pedestrian and bicycle access, safety, and traffic circulation (both internal and external to the project), in addition to any concurrency requirements and Florida Accessibility Requirements.

f. Whether the proposed development, design and layout has made adequate provision for parking, loading and unloading areas, service and refuse collection areas; and

g. Whether the proposed development, design and layout has preserved the natural features and characteristics of the land; including but not limited to the regard given to existing trees, natural groves, watercourses, sand dunes and similar natural features that would protect or add attractiveness to the property and environs if they were preserved, natural drainage systems, natural buffering, and the use of other techniques for the preservation and enhancement of the physical environment.

(d) Fees. The city commission is authorized to promulgate by resolution from time to time a fee schedule for review of site plan applications.

Sec. 74-355. Final site plan approval.

(a) After receiving preliminary site plan approval from the city commission, the applicant must obtain all other permits required by other governmental agencies before receiving final site plan approval for a major development.

(b) The applicant shall have 6 months from the issuance of the order granting preliminary site plan approval to obtain the final site plan approval for the subject major development. The Commission may set additional time for compliance with this

requirement at the time of preliminary site plan approval. If final site plan approval is not obtained within the timeframe set by this section, or by the order granting preliminary site plan approval, as the case may be, the application for the proposed major development shall expire and be on no further effect. The city commission may grant an extension of this time frame for good cause. The applicant must file a request for extension of time with the city before expiration of the time granted for approval of the final site plan. The request for extension shall contain the applicant's grounds for extension. The request for extension of time shall be heard by the city commission at its next available city commission meeting. A request for extension of time properly filed with the city shall extend the validity of the preliminary site plan approval until such time as the city commission shall act on it.

(c) After receiving all necessary permits from other governmental agencies, the applicant shall submit to the city a final site plan showing all necessary changes to the development along with true and accurate copies of those other governmental permits. The city may require copies of any of the applications for other governmental permits. An applicant may choose to apply for final site plan approval prior to receipt of all other approvals, but under no circumstances shall a final site plan be approved prior to receipt of all other approvals. Additionally, all applications for final site plan approval shall be subject to revisions depending on other agency approvals, and an application for final site plan approval shall not create in an applicant any form of vested rights.

(c) Upon receipt of a final site plan application and all required permits and supporting applications, the city administration shall review the final site plan application, the other governmental permits and their applications to determine whether the final site plan is substantially in compliance with the approved preliminary site plan and complies with all city codes. If the city administration determines that the final site plan is in substantial compliance, a public hearing shall be scheduled before the city commission and duly noticed.

(d) If, after holding a duly noticed public hearing, the city commission finds that the final site plan substantially complies with the approved preliminary site plan and with all city codes, the city commission shall grant final site plan approval for the subject major development.

(e) Should the final site plan be found to not substantially comply with the approved preliminary site plan or any city code as a result of a change required by another government agency or because of a voluntary change made by the applicant, the city commission shall either deny the final site plan or refer it to the planning and zoning board for further review. If the application is referred to the planning and zoning board, the application shall be treated as if it is a new application

Section 74- 356. Building permit.

A final site plan is valid for six months, or for such other time set by the city commission at time of final site plan approval. If a building permit is not issued while the final site plan is valid, the final site plan shall expire and be on no further effect. The city commission may extend the length of time a final site plan is effective for good cause. An applicant may request an extension of time by filing an application for extension of time with the city. The request shall contain the grounds for the extension. Once it is properly filed, it shall be heard by the city commission at its next available regular meeting or at a special meeting called for that purpose. The request for extension must be filed prior to the expiration of the final site plan. A properly filed request for extension of time shall extend the validity of the final site plan until such time as the city commission has acted on the request. The major development's final site plan shall be vested for so long as an active building permit is issued and the project is proceeding forward in good faith. For purposes of this section, "good faith" shall mean that building permits have been issued while the final site plan approval is valid and substantial, meaningful work pursuant to the issued building permits is proceeding at the site. Should good faith work cease for a period of six months, the final site plan shall expire six months after cessation of good faith work and lose any vesting it may have under this section. The city commission may extend the period of time a site plan remains valid following issuance of a building permit. Any request for extension of time shall be filed with the City prior to expiration of the site plan's validity. The request for extension shall be in writing and state the applicant's good cause reasons for extension. A properly filed request for extension of time shall extend the validity of the final site plan until such time and the city commission has acted on the request. The city commission shall hear the request for extension of time at its next available regular meeting or at a special meeting called for this purpose. A final site plan shall remain valid until such time as the city commission has acted on the

request for extension. Should the final site plan expire pursuant to this paragraph, the site shall then be subject to additional review under the city ordinances and codes as they exist at that time.

Sec. 74-357. Amendment of approved final site plans

(a) Certain minor changes to approved final site plans may be approved administratively without the need for additional public hearings. An application for an administrative approval shall be presented with a letter clearly explaining the specific changes to the approved site plan, and shall include drawings and graphics sufficient to identify the amendment to the approved drawing.

(b) Any changes must be in accordance with city ordinances as they exist at time of the request for amendment.

(c) The following are presumed minor changes and may be processed in accordance with this section. The facts of any particular situation revealing that a proposed minor change is in fact major shall rebut the presumption and subject the application to non-administrative review.

i. Any change results in less than 10% increase in required parking spaces.

ii. Building or structure changes constituting less than a 10% increase in square footage of building area, and is in compliance with all setback and bulk regulations.

iii. Minor changes to comply with life safety or technical codes which do not otherwise affect the approved layout to such a degree as to adversely affect surrounding properties.

(d) Changes to approved final site plans which are unable to meet these standards shall be subject to the application and review process as for a new application but the review, including additional public hearings before the planning and zoning board and city commission, shall be focused on the changes and the impact of the changes on the approved plan.

Section 74-358. Notice of hearings

(a.) Notice for planning and zoning board hearings and city commission hearings for site plan approval pursuant to this section shall be in accordance with the following:

(1) Posting property. A property subject to either a preliminary or final site plan application which requires a public hearing for approval shall be posted a minimum of fourteen calendar days before the hearing before the planning and zoning board and a minimum of fourteen calendar days before the city commission hearing. The posted notice shall be on a form supplied by the city. The notice shall be a minimum of six square feet in size. The notice shall contain lettering of sufficient size and contrast with its background to be readable from the adjoining public way. The notice shall contain basic information on the application, including file number, public hearing location, date, and time, and a brief description of the proposed project. A city telephone number for additional information shall also be listed. The applicant shall be responsible for posting the property.

(2) Posting notice. The city shall post a notice at city hall and any other regular location advising of a public hearing on the application for approval. The notice shall follow the same time frame and contain the same language as is required in subsection (1) above.