

# ARTICLE 6 - PROCEDURES

## CHAPTER 6-10

### PROCEDURES: INTENT

#### Sections:

<b>6-10.1</b>	<b>Title and Purpose</b>
<b>6-10.2</b>	<b>Organization</b>

**Section 6-10.1 Title and Purpose.** Article 6 of the Land Development Regulations is entitled Procedures. The purpose of this article and the chapters within it is to specify the procedures for processing development applications, enforcing the Land Development Regulations, and amending the Comprehensive Plan and Land Development Regulations.

**Section 6-10.2 Organization.** Article 6 consists of the following chapters:

- (a) 6-10 Procedures: Intent
- (b) 6-20 Consistency Review
- (c) 6-30 Development Review
- (d) 6-40 Subdivision Review
- (e) 6-50 Specifications for Subdivision Plans and Plats
- (f) 6-60 Variances
- (g) 6-70 Review and Appeals
- (h) 6-80 Enforcement
- (i) 6-90 Amendment of Land Development Regulations
- (j) 6-100 Amendment of Comprehensive Plan
- (k) 6-110 (Section Number Reserved)
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## CHAPTER 6-20

### CONSISTENCY REVIEW

#### Sections:

6-20.1	Purpose
6-20.2	Applicability
6-20.3	Pre-Application Conference
6-20.4	Concept Plan
6-20.5	Consistency Determination
6-20.6	Record Keeping
6-20.7	Determination if Concurrency Review Required
6-20.8	Determination if Site Plan Review Required
6-20.9	Determination if Environmental Review Required
6-20.10	Appeals
6-20.11	Changes in Concept Plan

**Section 6-20.1 Purpose.** The purpose of this chapter, Chapter 6-20, Consistency Review, is to provide for an initial review of a development application to determine if the use is allowed by the Comprehensive Plan and what subsequent review process is applicable.

**Section 6-20.2 Applicability.** The provisions of this chapter shall apply to all development that requires a building permit, impacts pre-existing drainage patterns, involves the establishment or reconfiguration of parking areas, or has an area of disturbance larger than five (5) acres, but shall not apply to those projects described below except as specifically provided. The provisions of this chapter are in addition to any requirements for a permit from the SFWMD or any other county, state, or federal agency.

- (a) Totally Exempt. The following projects are exempt from the provisions of this chapter:
- (1) interior or exterior maintenance, rehabilitation, or replacement of existing facilities or structures, provided the use does not change and the size or capacity does not increase;
  - (2) relocation of temporary uses;
  - (3) wells and septic tanks;
  - (4) resurfacing of existing driveways, roads, and parking lots; and
  - (5) demolitions.
- (b) Administrative Review. The following projects are exempt from the provisions of this chapter except that they do require an administrative review of their height, size, and location by the Department of Planning and Engineering.
- (1) exterior signs;
  - (2) temporary construction trailers;
  - (3) fences and walls;
  - (4) nature trails constructed entirely in uplands; and

- (5) replacement structures for those that were destroyed or demolished, provided the use does not change and the size does not increase.

**Section 6-20.3 Pre-Application Conference.** Applicants shall meet with the Department of Planning and Engineering and other affected parties (including but not limited to representatives from Energy Services, Fire Department, Building and Safety, and Environmental Affairs) as soon as possible in the development process. The Department of Planning and Engineering may waive this meeting for projects he or she deems to be minor. No processing of permits of any type will be conducted until this meeting takes place or has been waived. The applicant shall provide a concept plan in portable document format (PDF) or five paper copies, prepared pursuant to Section 6-20.4, ten (10) days prior to the date of the meeting.

**Section 6-20.4 Concept Plan.** The concept plan shall include the information called for in this section:

- (a) Project Description. A project description that includes the following:
  - (1) Name of project;
  - (2) Name, address, and phone number and email of contact person;
  - (3) List of all proposed uses by use type;
  - (4) Approximate size and shape of all structures;
  - (5) Future land use designation from the Comprehensive Plan; and
  - (6) Size of the area of disturbance (acres).
- (b) Preliminary Site Plan. A preliminary site plan that includes the following:
  - (1) The boundaries of the area of disturbance and limits of construction shown on the Disney Grid or the State Plane Coordinate System;
  - (2) A surveyed point; and
  - (3) The approximate location of all structures and parking facilities.
- (c) **Building Program.** A building program that includes the following:
  - (1) Estimated amount of potable water consumption, including average daily demand, peak day demand, and fire flow requirement, by phase and at buildout, including all calculations;
  - (2) Estimated amount of wastewater to be generated, including average daily generation and peak day generation, by phase and at buildout, including all calculations;
  - (3) Estimated amount of solid waste to be generated, by phase and at buildout, including all calculations;
  - (4) Estimated amount of wastewater reuse consumption, including average day and peak demand, by phase and at buildout;
  - (5) Total area to be irrigated, by phase and at buildout, expressed in square feet or acres as appropriate.

- (6) Unadjusted daily and p.m. peak-hour/peak-direction trip generation characteristics at buildout;
  - (7) Total area of the development (project site) expressed in acres;
  - (8) Number of residential or guest rooms in the development; and
  - (9) Number of all required parking spaces, including disabled-person spaces.
- (d) Open Space. Development shall not intrude into Open Space as designated in the RCID Open Space Map, unless an Open Space Map revision has been reviewed and approved by the District Administrator.
  - (e) Other Information. Other information required by the District Administrator to make the determinations called for in this chapter.

**Section 6-20.5 Consistency Determination.** Within five (5) working days after the conclusion of the pre-application conference or the receipt of a complete concept plan, whichever occurs later, the District Administrator shall make a consistency determination and issue a Certificate of Consistency or a letter stating that a certificate cannot be issued. A Certificate of Consistency shall be issued if the proposed project complies with all of the criteria listed below:

- (a) The proposed project does not reduce the amount of open space below thirty (30) percent of the total acreage within the RCID, excluding the Wildlife Management and Conservation Area, as identified on the RCID Open Space Map;
- (b) The proposed uses are allowed by Chapter 2-20;
- (c) The proposed project does not exceed the growth standards in Chapter 3-20; and
- (d) The preliminary site plan is approved.

**Section 6-20.6 Record Keeping.** If a Certificate of Consistency is issued, the Department of Planning and Engineering shall enter the size of the development and its infrastructure requirements into a written or computerized record system for use in subsequent consistency determinations.

**Section 6-20.7 Determination if Concurrency Review Required.** Within fifteen (15) working days after the conclusion of the pre-application conference or the receipt of a complete concept plan, whichever occurs later, the District Administrator shall make a determination if a project requires a concurrency determination.

- (a) Traffic. A traffic concurrency review shall be required if the p.m. peak-hour, peak-direction traffic generation from the project exceeds one-tenth of one percent (0.1%) of the maximum service flow rate on any of the links to which the project has adjacent access.
- (b) Potable Water. A potable water concurrency review shall be required if the project is expected to use more than thirty thousand (30,000) gallons of potable water per day;
- (c) Wastewater. A wastewater concurrency review shall be required if the project is expected to generate more than thirty thousand (30,000) gallons of wastewater per day;
- (d) Solid Waste. A solid waste concurrency review shall be required if the project is expected to generate more than two (2) tons of solid waste per day;

- (e) Drainage. A drainage concurrency review shall be required if the project involves the disturbance of more than one (1) acre of land area;
- (f) Parks and Recreation. A parks and recreation review shall be required if the project is expected to add more than ten (10) permanent or functional residents to the District.
- (g) Scope of Determination. A concurrency review shall be conducted only for those facilities or services having infrastructure impacts that meet or exceed the standards in Subsections (a) through (f) of this section.
- (h) Submitted Projects Awaiting Approval. A concurrency review is not required for projects that meet both the following criteria:
  - (1) The project has its final discretionary approval dated prior to November 15, 1991; and
  - (2) The applicant has expended substantial sums of money or incurred substantial obligations in reliance upon the final development order.
- (i) Integrated Development Projects. A concurrency review is not required for the following projects:
  - (1) Infill projects within theme parks existing and operating on November 15, 1991 if services and facilities were originally sized for ultimate build out of the theme park; or
  - (2) Infill projects which are an integral part of a larger development project and whose traffic, water, sanitary sewer, solid waste, drainage, and parks and recreation impacts were adequately addressed in the approved plans for the larger development project.
- (j) Review Required. If a concurrency review is required, the review shall be conducted as set forth in Chapter 6-30.
- (k) Review Not Required. If a concurrency review is not required, no further action on concurrency need be taken except that the capacity used by the approved project must be subtracted from the total capacity available for future projects.

**Section 6-20.8 Determination if Site Plan Review Required.** Within fifteen (15) working days after the conclusion of the pre-application conference or the receipt of a complete concept plan, whichever occurs later, the District Administrator shall make a determination if a project requires a site plan review in order to ensure that it complies with these Land Development Regulations.

- (a) Criteria. A site plan review is required if any of the following apply:
  - (1) The project site is more than five (5) acres;
  - (2) The project is subject to concurrency review pursuant to Section 6-20.7; or
  - (3) The District Administrator determines that a proposed project has the potential of adversely impacting the environment.
- (b) Review Required. If a site plan review is required, the review shall be conducted as set forth in Chapter 6-30.

- (c) Review Not Required. If a site plan review is not required, the application shall be reviewed by the Department of Planning and Engineering to ensure that it complies with the provisions of these Land Development Regulations.

**Section 6-20.9 Determination if Environmental Review Required.** Within fifteen (15) working days after the conclusion of the pre-application conference or the receipt of a complete concept plan, whichever occurs later, the District Administrator shall make a preliminary determination on what environmental review is required pursuant to Article 5 of these Land Development Regulations. This preliminary determination may be subsequently modified as more information becomes available on the project.

**Section 6-20.10 Appeals.** Determinations by the District Administrator, made pursuant to this chapter may be appealed pursuant to Chapter 6-70.

**Section 6-20.11 Changes in Concept Plan.** If information in the concept plan changes significantly as deemed by the District Administrator for the following items, the revised plan shall be re-submitted for review and new determinations of consistency, concurrency, site plan review, and environmental review shall be conducted as necessary. Items changed which may warrant re-submittal include: the size of structures; the location of structures; projected impacts on public facilities and services; or adverse projected impacts on the environment.

## CHAPTER 6-30

### DEVELOPMENT REVIEW

#### Sections:

6-30.1	Purpose
6-30.2	Site Plan Information
6-30.3	Site Plan Review
6-30.4	Concurrency Information
6-30.5	Timing of Concurrency Review
6-30.6	Process for Concurrency Determination
6-30.7	Determination of Concurrency
6-30.8	Availability of Potable Water, Wastewater, Solid Waste, and Drainage Facilities
6-30.9	Availability of Parks and Recreation Facilities
6-30.10	Availability of Roads
6-30.11	Period of Validity
6-30.12	Changes in Project
6-30.13	Transferability
6-30.14	Semi-Annual Reports
6-30.15	Fees
6-30.16	Appeals

**Section 6-30.1 Purpose.** The purpose of this chapter, Chapter 6-30, Development Review, is to ensure that adequate road, potable water, sanitary sewer, solid waste, drainage, and park and recreation facilities and services are in place concurrent with the impacts of development projects, and that proposed projects comply with other provisions of these Land Development Regulations.

**Section 6-30.2 Site Plan Information.** If a site plan is required pursuant to Chapter 6-20, the applicant shall submit the information required by this section.

- (a) Format. All development applications shall include a site plan, signed and sealed by a professional engineer with a current license to practice in the State of Florida, on a paper copy located on the Walt Disney World Grid and on a computer readable medium as specified by the District Administrator.
- (b) Contents. The site plan shall show the following:
  - (1) Boundary of the project site;
  - (2) Indication of current land uses on adjacent properties;
  - (3) Existing condition of the project site;
  - (4) Final grading of the project site;
  - (5) Footprints of all structures;
  - (6) Location of landscaped areas, plazas, and other major design features;
  - (7) Landscaping and irrigation plans that comply with Chapter 4-50;
  - (8) Location and geometry of all existing and proposed access points;

- (9) Location and number of all required parking spaces, including disabled-person spaces;
  - (10) Location and size of road rights-of-way, fire lanes, transit corridors or facilities as may be appropriate, and pedestrian facilities;
  - (11) Location and size of all stormwater management facilities within the project site;
  - (12) Limits of the one hundred (100) year floodplain as defined by RCID;
  - (13) Most landward limits of the wetland jurisdiction of the SFWMD and the Army Corps of Engineers;
  - (14) Delineation of wetland buffers as required by Subsection (a)(2) of Section 5-20.8;
  - (15) Delineation of existing natural vegetation and ecological communities to be preserved and integrated into the landscaping plan, where appropriate and as feasible;
  - (16) Information related to on-site transit service such as circulation path of buses, necessary queuing areas for passengers and buses, and areas to be designated as bus stops and shelters.
- (c) Other Materials. The site plan shall be accompanied by the following:
- (1) Breakdown of pervious and impervious surface on the project site by phase and at buildout;
  - (2) Evidence that the soil conditions are suitable for the proposed project;
  - (3) An analysis of the aquifer recharge potential of any site larger than five (5) acres;
  - (4) Copies of potable water and wastewater permits as applicable;
  - (5) Copies of the FDEP completed NOI and acknowledgment letter for the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (also known as the CGP) for projects that are greater than one (1) acre; and
  - (6) Any updates to the information submitted pursuant to Section 6-20.7.
  - (7) Activities within a wetland buffer, as defined by Subsection (a)(2) of Section 5-20.8, or a Class I or Class II Wetland Area will require a RCID Environmental Impact Report. The report shall at a minimum describe the proposed project, identify and describe the types of impacts expected/proposed and their significance and identify conservation measures to minimize or compensate for adverse environmental impacts.
- (d) Submittal. The site plan shall be filed with the Department of Planning and Engineering. The Department shall determine if the site plan is complete within ten (10) working days after its receipt. If it is not, the applicant shall be notified immediately, and no further processing shall occur until it is made complete. This determination shall not prevent the RCID from requesting additional information if necessary to ensure that the development complies with these Land Development Regulations.

- (e) **Distribution.** Upon a finding that the site plan is complete, the Department of Planning and Engineering shall immediately transmit one copy to the Department of Building and Safety, Reedy Creek Fire Department, Department of Environmental Services, and Reedy Creek Energy Services.

**Section 6-30.3 Site Plan Review.** The site plan review shall be coordinated by the District Administrator.

- (a) **Time Period for Action.** The District Administrator shall ensure that the review is completed within thirty (30) days after the complete site plan is submitted.
- (b) **Staff Review.** The RCID staff shall review the development review application and approve, approve with conditions, modify, modify with conditions, or deny the application based on the standards set forth in Article 4 of these Land Development Regulations.
- (c) **Findings.** Prior to issuing a Site Plan Approval, the District Administrator shall find that the development meets the following criteria:
  - (1) No health or safety hazard is created on any property within or adjacent to the RCID boundary as a result of the development; and
  - (2) The development complies with the provisions of these Land Development Regulations and is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.
- (d) **Additional Reviews.** Approval of the site plan does not relieve the applicant from complying with:
  - (1) All relevant building and accessibility codes nor does it eliminate the need for the applicant to apply for and receive a building permit from the Department of Building and Safety before construction commences; or
  - (2) All relevant codes and requirements of the Reedy Creek Fire Department and Reedy Creek Energy Services.
- (e) **Period of Validity.** An approved site plan is effective for a period of two (2) years or the life of the building permit obtained following site plan approval, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction can take place unless there has been an extension approved by the District Administrator. Before an extension is granted, there must be compliance with all applicable site plan requirements in effect at the time of the extension request.

**Section 6-30.4 Concurrency Information.** If a concurrency review is required pursuant to Chapter 6-20, the applicant shall submit the information required by this section.

- (a) **Potable Water.** No information, in addition to that required by Chapter 6-20, is required for making a concurrency determination on potable water.
- (b) **Wastewater.** No information, in addition to that required by Chapter 6-20, is required for making a concurrency determination on wastewater.
- (c) **Roadway System.** In addition to the requirements of Chapter 6-20, information on traffic at times other than the p.m. peak hour is required if the RCID determines that such information is necessary.
- (d) **Solid Waste.** No information, in addition to that required by Chapter 6-20, is required for making a concurrency determination on solid waste.

- (e) Drainage. No information, in addition to that required by Chapter 6-20, is required for making a concurrency determination on drainage.

**Section 6-30.5 Timing of Concurrency Review.** The applicant may request that a final concurrency determination be completed at any time after sixty (60) days have elapsed since the complete information required by Section 6-30.4 is submitted, but prior to the issuance of any building permit for the project. No ground disturbance may be undertaken and no construction may begin before the final determination is made and a Certificate of Concurrency has been issued.

**Section 6-30.6 Process for Concurrency Determination.** The RCID Department of Planning and Engineering is responsible for conducting the concurrency determination.

- (a) Concurrent. If the application is deemed concurrent and meets the standards in this chapter, a Certificate of Concurrency shall be issued by the District Administrator.
- (b) Not Concurrent. If the application is deemed to be not concurrent, the applicant shall be notified that a Certificate of Concurrency cannot be issued. The applicant shall be provided an opportunity to modify the project, mitigate the impacts of the development upon the public services, or provide the needed capital improvements as set forth in a development agreement.
- (c) Building Permits. No building permits shall be issued for a development project requiring a concurrency review until a Certificate of Concurrency is issued.

**Section 6-30.7 Determination of Concurrency.** The concurrency determination shall comply with the provisions of this section.

- (a) General. The concurrency determination shall be made by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity shall be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined concurrency standards and subtracting any capacity committed by projects that have a vested right to proceed and projects that have previously issued Certificates of Concurrency.
- (b) Level of Service Standards. An application shall be deemed concurrent only if the proposed development does not lower the level of service for the roadway system, potable water, wastewater, solid waste, drainage, and parks and recreation below the level of service standards as set forth in Chapter 3-30.

**Section 6-30.8 Availability of Potable Water, Wastewater, Solid Waste, and Drainage Facilities.** A project shall be deemed concurrent only if the proposed development does not lower the levels of service for potable water, wastewater, solid waste, and drainage below the adopted standards as set forth in Chapter 3-30 and one of the following provisions are met:

- (a) The facilities and services necessary to achieve concurrency are in place at the time a development permit is issued;
- (b) The facilities necessary to achieve concurrency are under construction at the time a development permit is issued;
- (c) The development permit is issued subject to the condition that the facilities and services necessary to achieve concurrency will be in place concurrent with the impacts of development; or

- (d) The necessary public facilities and services necessary to achieve concurrency are guaranteed in an enforceable development agreement to be in place concurrent with the impacts of development.

**Section 6-30.9 Availability of Parks and Recreation Facilities.** A project shall be deemed concurrent for parks and recreation only if the proposed development does not lower the level of service for parks and recreation below the adopted standards as set forth in Chapter 3-30 and one of the following provisions are met:

- (a) Prior Provisions. Any of the provisions in Section 6-30.8 are met; or
- (b) Provisions. Either of the following is met:
  - (1) The facilities and services necessary to achieve concurrency are the subject of a binding contract, executed at or before the time the development permit is issued, which provided for the commencement of actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
  - (2) The facilities and services necessary to achieve concurrency are guaranteed in an enforceable development agreement which requires the commencement of actual construction of the facilities or the provision of services within one year of the issuance of the development permit.

**Section 6-30.10 Availability of Roads.** Concurrency for the roadway system shall be determined as set forth in this section.

- (a) Determination Methodology. A project shall be deemed concurrent for the roadway system only if the traffic impacts of the proposed development does not lower the level of service for any of the concurrency management roadway links identified in the RCID Transportation Concurrency Management System Manual below the level of service standards as set forth in Chapter 3-30. This determination shall be made as follows:
  - (1) The determination shall be made using the RCID Transportation Concurrency Management System (CMS) roadway network in effect at the time the application is submitted. The CMS roadway network is described in the RCID Transportation Concurrency Management System Manual.
  - (2) The CMS roadway network may include any improvements for which construction is scheduled to commence by the third year of the currently adopted RCID Capital Improvement Program and any improvements to be made by other public agencies within three years, provided the construction is included in an interlocal agreement or memorandum of understanding between the RCID and the agency.
  - (3) The determination shall evaluate the total traffic impacts of the proposed project, existing development, proposed projects that have a Certificate of Concurrency, and proposed projects that have submitted a complete concurrency application.
  - (4) The determination shall use the most recent RCID trip generation rates unless such rates are not available for the specific use(s). If RCID rates are not available, ITE (Institute of Transportation Engineers) trip generation rates will be used.

- (5) Any special distribution, routing, and internal capture factors that differ from those used in the RCID Subarea Model shall not be used unless approved by the RCID.
  - (6) The determination shall evaluate the roadway network capacity availability on a link-by-link basis using the most recent capacities for each link of the roadway network, as established by the RCID. If the traffic generated by the project does not exceed the available capacity or lower the adopted level of service standard on any RCID roadway network link, the project is deemed to be concurrent.
  - (7) If the traffic generated by the project exceeds the available capacity on any RCID roadway network link, mitigation techniques may be approved by the RCID to correct deficiencies in traffic capacity. If the traffic generated by the project, as mitigated, does not exceed the available capacity or lower the adopted level of service standard on any RCID roadway network link, the project is deemed to be concurrent.
  - (8) The RCID shall prepare a written concurrency determination report. It shall keep at least one copy in its records and provide the applicant with at least one copy.
- (b) **Plan Amendment.** If concurrency is based on Subsection (a)(2) of this section, a plan amendment shall be required to eliminate, defer, or delay construction of any facility or service needed to maintain the adopted LOS standard.

**Section 6-30.11 Period of Validity.** A Certificate of Concurrency shall be valid for the period as set forth in this section.

- (a) **General.** A Certificate of Concurrency shall remain in effect for a minimum term of thirty six (36) months. As long as both commencement of actual construction of any building structure related to the primary use of the site and continuous activity toward completion of construction occurs during such thirty-six (36) month term, the Certificate of Concurrency shall continue and remain in effect until construction is completed even if construction is not completed within such thirty-six (36) month term.
- (b) **Renewal or Extension.** If construction on a project ceases prior to completion and an applicant anticipates recommencing construction during the thirty-six (36) months following the date such construction ceases, an applicant may apply for and obtain an extension of the Certificate of Concurrency through completion of the project, so long as construction actually recommences within thirty-six (36) months following the cessation of construction and thereafter continuous activity towards completion of construction occurs. If at any time thereafter there are subsequent cessations of construction, an applicant may apply for additional extension periods which will be reviewed and granted by the District Administrator on a case by case basis with consideration of extenuating circumstances, such as without limitation, unfavorable economic conditions, changes in regulations, or other mitigating circumstances.
- (c) **Appeals.** If a Certificate of Concurrency is issued, but approval of the project is challenged in an administrative or judicial forum, the period of time in Subsection (a) of this section shall be extended for the period required to reach a final resolution on the appeal.
- (d) **Voidance.** A Certificate of Concurrency may be voided as set forth in Section 6-30.12.

**Section 6-30.12 Changes in Project.** Changes in a project shall comply with the provisions of this section.

- (a) Modified Project. If a project is modified after a Certificate of Concurrency has been issued but before construction begins, the District Administrator shall require a new concurrency determination if he or she determines that the requirements for the types of infrastructure subject to the provisions of this chapter are likely to increase by five (5) percent or greater.
- (b) Voidance. If the applicant has a change in its development program, it can request that a Certificate of Concurrency be voided for a project on which construction has not commenced.

**Section 6-30.13 Transferability.** A Certificate of Concurrency may be transferred only as provided in this section.

- (a) Another Project. A Certificate of Concurrency cannot be transferred to another development project.
- (b) Another Owner. A Certificate of Concurrency shall run with the land and shall transfer to a successor in interest to the original applicant, provided the land remains within the jurisdiction of the RCID.

**Section 6-30.14 Semi-Annual Reports.** The Department of Planning and Engineering shall prepare a concurrency status report by July 1 and January 1 of each year. This report shall list the permitting activity for the previous six (6) month period and provide the status of available capacity for those services included in the concurrency management system pursuant to this chapter. The semi-annual reports shall be used in preparing the annual updates to the Capital Improvement Element of the Comprehensive Plan and Capital Improvement Program.

**Section 6-30.15 Fees.** The fee for site plan and concurrency reviews shall be as set forth in Chapter 6-120.

**Section 6-30.16 Appeals.** The decisions of the District Administrator made pursuant to this chapter may be appealed pursuant to Chapter 6-70.

## CHAPTER 6-40

### SUBDIVISION REVIEW

#### Sections:

6-40.1	Purpose
6-40.2	Application Requirements
6-40.3	Notice
6-40.4	Review Procedures: Preliminary Subdivision Plan
6-40.5	Planning Board Action: Preliminary Subdivision Plan
6-40.6	Appeal of Denial
6-40.7	Board Action: Preliminary Subdivision Plan
6-40.8	Review Procedures: Final Subdivision Plan
6-40.9	Board Action: Final Subdivision Plan
6-40.10	Plat Approval and Recording
6-40.11	Start of Construction
6-40.12	Variances, Modifications, and Waivers
6-40.13	Vacating of Plats

**Section 6-40.1 Purpose.** The purpose of this chapter, Chapter 6-40, Subdivision Review, is to provide the process for the subdivision of land by recorded plat.

**Section 6-40.2 Application Requirements.** Subdivision applications shall comply with the provisions of this section.

- (a) Initiation of Subdivision. The Board of Supervisors or the Planning Board may initiate a subdivision of land. An owner of real property or the property owner's authorized agent may initiate a subdivision of land through an application to the District Administrator.
- (b) Pre-Application Conference. An applicant shall request a pre-application conference with the Department of Planning and Engineering to discuss subdivision review, specifications for plats and subdivision plans, and subdivision standards and improvements.
- (c) Filing of Preliminary Subdivision Plan. The subdivider shall submit a preliminary subdivision plan and appropriate documentation as specified in Chapter 6-50 to the Department of Planning and Engineering.
- (d) Filing of Final Subdivision Plan. Within one (1) year upon approval of the preliminary plan, the subdivider shall submit a final subdivision plan, as specified in Chapter 6-50, to the Department of Planning and Engineering for distribution to appropriate District offices and departments. Final subdivision plans shall conform to the preliminary plan as approved. Preliminary plan approval by the Board of Supervisors shall be automatically voided if final subdivision plans are not submitted within one (1) year.
- (e) Pre-Approval Conference. Prior to final approval of a subdivision plan, the subdivider shall schedule a conference with the Department of Planning and Engineering to review the manner in which and the extent to which streets, sidewalks, water, sewer, and other utility connections or mains, piping and any other necessary physical improvements shall be installed, and the specifications thereof.
- (f) Fees. The subdivider shall pay the fees required by Chapter 6-120 upon the filing of the preliminary subdivision plan. The date for the payment of the fee is the application date.

**Section 6-40.3 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the hearing to the following persons:
  - (1) All owners of real property subject to the subdivision of land; and
  - (2) Each property owner within three hundred (300) feet of the property subject to the subdivision of land.
- (b) **Notice in the Newspaper.** A notice setting forth the date, time, and place of the hearing shall be published approximately seven (7) days prior to the hearing date in a newspaper of general circulation in the county in which the property is located. The notice shall describe the proposed subdivision; describe the parcels, properties, or areas that are affected by the subdivision request; and provide other pertinent information in such a manner that the subdivision request and its effect(s) can be clearly identified.

**Section 6-40.4 Review Procedures: Preliminary Subdivision Plan.** Preliminary subdivision plans shall be reviewed in accordance with the provisions of this section.

- (a) **Staff Review.**
  - (1) The District Administrator shall review the plan for compliance with Chapter 6-50 and other applicable regulations and shall accept or reject the application as complete within fifteen (15) days after submittal.
  - (2) Within five (5) days after the preliminary plan has been found to be complete, the Department of Planning and Engineering shall submit the preliminary plan to Orange County or Osceola County, depending on the location of the proposed land subdivision. The Department of Planning and Engineering shall request comments from the appropriate county within fifteen (15) days after submittal.
- (b) **Staff Report.** The Department of Planning and Engineering shall prepare a staff report making recommendations to the Planning Board. The Manager shall submit the report to the Planning Board within forty-five (45) days after the preliminary plan has been found to be complete.

**Section 6-40.5 Planning Board Action: Preliminary Subdivision Plan.** The Planning Board shall take action on the preliminary subdivision map as set forth in this section.

- (a) **Hearing.** The Planning Board shall hold a public hearing within forty-five (45) days from the date the complete application was submitted to it. Failure of the Planning Board to hold a public hearing shall constitute recommendation of approval of the preliminary subdivision plan.
- (b) **Action.** The Planning Board may take action to recommend approval or deny the preliminary plan at the conclusion of the public hearing, but shall take action no later than sixty (60) days after the complete application was submitted to it. An extension of time for Planning Board action may be granted if mutually agreed upon between the applicant and the District Administrator.
- (c) **Findings.** When making its recommendation to the Board of Supervisors, for approval of a preliminary subdivision plan, the Planning Board shall, at a minimum, make the following findings of fact:

- (1) The subdivision is consistent with and promotes the intent of the Comprehensive Plan;
  - (2) The subdivision will not adversely affect other implementation programs for elements of the Comprehensive Plan; and
  - (3) The subdivision promotes the public health, safety, and welfare within the District.
- (d) Effect of Planning Board Denial. In the event the Planning Board denies a preliminary subdivision plan, that action is final unless appealed to the Board of Supervisors.
  - (e) Planning Board Report. Within fifteen (15) days of the action by the Planning Board on the subdivision application, a report describing the proposed subdivision, discussion at the public hearing, and recommendation and vote of the Planning Board shall be transmitted to the Board of Supervisors. If the Planning Board does not recommend approval, it shall state why it could not make the findings in Subsection (c) of this section.

**Section 6-40.6 Appeal of Denial.** A denial action by the Planning Board made pursuant to this chapter may be appealed pursuant to Chapter 6-70.

**Section 6-40.7 Board Action: Preliminary Subdivision Plan.** The Board of Supervisors shall review the preliminary subdivision plan in accordance with the provisions of this section.

- (a) Time Period for Hearing. The Secretary of the Board of Supervisors shall schedule a public hearing before the Board on the recommendation of approval by the Planning Board. The hearing shall be scheduled within thirty (30) days of the filing of the appeal or receipt of the Planning Board's action.
- (b) Notice. The public hearing shall be noticed as required by Section 6-40.3.
- (c) Action.
  - (1) The Board of Supervisors may take action to approve the preliminary subdivision as recommended by the Planning Board if no modification of the Planning Board's recommendation is proposed.
  - (2) If the Board of Supervisors proposes a substantial modification to the recommendation of approval from the Planning Board, the proposed modification shall be referred to the Planning Board for consideration. The Planning Board shall not be required to hold a public hearing on the modification. The Planning Board shall submit a report on the proposed modification to the Board of Supervisors within forty-five (45) days from the date of referral by the Board of Supervisors. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision on a substantially modified recommendation, the Board of Supervisors shall be required to conduct a second public hearing and notice this hearing pursuant to Section 6-40.3.
  - (3) When taking action on the Planning Board's recommendation, the Board of Supervisors shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Board's final recommendation, as well as any other findings of fact that the Board of Supervisors deems to be relevant.
- (d) Majority Vote. Action to approve the preliminary subdivision plan shall require a simple majority of the total membership of the Board.

**Section 6-40.8 Review Procedures: Final Subdivision Plan.** The District Administrator shall take action on the final subdivision plan as set forth in this section.

- (a) Final Staff Review. The Department of Planning and Engineering shall review the plan for compliance with the preliminary map.
- (b) Final Staff Report. If the final plan complies with the preliminary plan and all required public improvements have been installed or guaranteed, the Department of Planning and Engineering shall prepare a final staff report recommending approval.

**Section 6-40.9 Board Action: Final Subdivision Plan.** The Board of Supervisors shall take action on the final subdivision plan as set forth in this section.

- (a) Time Period for Hearing. The Secretary of the Board of Supervisors shall schedule a public hearing before the Board within thirty (30) days of receipt of the final staff report.
- (b) Notice. The public hearing shall be noticed as required by Section 6-40.3.
- (c) Final Action. Upon finding that all required public improvements have been installed or guaranteed and that the final plan is in compliance with the preliminary plan, the Board of Supervisors shall take final action to approve the final subdivision plan.
- (d) Majority Vote. Action to approve the final subdivision plan shall require a simple majority of the total membership of the Board.

**Section 6-40.10 Plat Approval and Recording.** All subdivisions shall be recorded as set forth in this section.

- (a) Place of Recordation. The final plat shall be recorded in the County Clerk's Office of Orange or Osceola Counties, as determined by the location of the subdivision.
- (b) Enforcement. Any final plat recorded in violation of this code shall be invalid and subject to expungement. The recording by or presentation for recording to any clerk of any circuit court of any final plat in violation of this code shall constitute a misdemeanor.

**Section 6-40.11 Start of Construction.** Construction of the subdivision prior to release of approved drawings by the District shall be limited to clearing and grubbing for construction of access areas to and within the site and to pollution control facilities required during the construction phase.

**Section 6-40.12 Variances, Modifications, and Waivers.** No variance, waiver, or modification to the subdivision regulations shall be approved except as provided in this section.

- (a) Variances. Where the Board of Supervisors finds that extraordinary hardships may result from strict compliance with the subdivision and platting regulations set forth in these Land Development Regulations, the Board may grant variances to regulations provided that such variances shall not nullify the intent and purpose of the RCID Comprehensive Plan.
- (b) Modifications. In cases of a plan and program for a new town, complete community, or a neighborhood unit, the Board of Supervisors may modify the subdivision and platting standards and requirements of these Land Development Regulations provided that such modifications shall be consistent with the RCID Comprehensive Plan.
- (c) Waivers. The Board of Supervisors may waive any or all of the subdivision regulations of these Land Development Regulations if it is determined upon reviewing the plans and data submitted by the applicant that compliance with the subdivision regulations of these

regulations is not required because the said plan or plat shall not conflict with or nullify the intent or purpose of the RCID Comprehensive Plan. If a waiver is granted, compliance with the subdivision regulations of these regulations shall not be required as long as the plan, plat, and use of the land upon which the waiver is granted shall not be altered, changed, or modified by the applicant or subsequent owner.

**Section 6-40.13 Vacating of Plats.** Plats or integrated portions or parcels of land platted within the District may be vacated in accordance with the provisions of this section.

- (a) Initiation of Vacation. The Board of Supervisors or the Planning Board may initiate a plat vacation through resolution. An owner of real property or the property owner's authorized agent may initiate a vacation through an application to the Department of Planning and Engineering.
- (b) Legal Description. The applicant shall submit a legal description of the area of vacation prepared by a licensed surveyor with an application for plat vacation.
- (c) Complete Information. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Department of Planning and Engineering. Upon acceptance of a complete application, the Department of Planning and Engineering shall submit the application and supporting documents to the Planning Board.
- (d) Recommendation by Planning Board. The Planning Board shall hold a hearing on the application after notifying the applicant as required by Section 6-40.3. The Planning Board shall make its recommendation on the application based on the provisions contained within this section. The Planning Board shall make its recommendation to the Board of Supervisors within sixty (60) days after the complete application was submitted to it. Failure of the Planning Board to make a recommendation within this time frame shall constitute a recommendation of approval.
- (e) Hearing by Board. The Board of Supervisors shall hold a public hearing on the application for vacation not less than five (5) days nor more than forty-five (45) days after the notice is first published.
- (f) Final Action by Board. If, upon public hearing, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the plat or integrated portions or parcels of land platted vacated. The Board may make the order conditional, and the order becomes effective only upon fulfillment of the conditions prescribed.
- (g) Majority Vote. Final action to approve the vacation shall require a simple majority of the total membership of the Board. Upon approval by the Board of the vacating of a plat, the approval to such vacating shall not be required by any other body, authority, or agency of Orange or Osceola County or political subdivision thereof.
- (h) Payments. In any vacation of plats or integrated portions or parcels of platted land, the Board may require the payment of all taxes and assessments and the redemption from the redemption from all outstanding sales taxes, including those within other political subdivisions (Orange and Osceola Counties).
- (i) Reservations. In any vacation of plats or integrated portions or parcels of platted land, the Board may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the District of any public utility.
- (j) Consistency with Plan. No procedures or approvals that are provided for in this section may be in contravention to the RCID Comprehensive Plan.

- (k) Reapplication. When an application for vacation has been denied, a subsequent application for the same vacation shall not be submitted for the next six (6) months commencing from the date of the final action by the Board of Supervisors.

## CHAPTER 6-50

### SPECIFICATIONS FOR SUBDIVISION PLANS AND PLATS

#### Sections:

6-50.1	Purpose
6-50.2	Land Use Category
6-50.3	Preliminary Plans: Preparation
6-50.4	Preliminary Plans: Contents
6-50.5	Final Subdivision Plans
6-50.6	Platting Requirements

**Section 6-50.1 Purpose.** The purpose of this chapter, Chapter 6-50, Specification for Subdivision Plans and Plats, is to specify the requirements regarding the approval of plans and plats.

**Section 6-50.2 Land Use Category.** All property being subdivided shall be in the appropriate land use category for the land uses being proposed.

**Section 6-50.3 Preliminary Plans: Preparation.** Two (2) copies of preliminary plans shall be submitted, drawn to minimum scale of one inch equals one hundred feet (1" = 100'). Preliminary plans shall be prepared by a registered land surveyor in accordance with Chapter 177, Florida Statutes. A registered civil engineer or landscape architect licensed to practice in the State of Florida, or a professional planner may assist in the preparation of a preliminary plans.

**Section 6-50.4 Preliminary Plans: Contents.** All preliminary subdivision plans shall include, when applicable, the information required by this section. Specific subdivision standards and improvements are set forth in Chapter 6-40. A combined site plan and preliminary plan may be submitted, provided the requirements of Section 6-30.2 and this section are met.

- (a) **General.** Proposed subdivision name and any previous or former subdivision name, north arrow, scale, date, section, township and range, and the appropriate County Property Appraiser's parcel number(s) shall be provided.
- (b) **Owner.** Name, address, and telephone number of the owner and/or developer shall be provided. Where a corporation or company is the owner, the name and address of the president and secretary shall be shown.
- (c) **Preparers.** Name, business address, and telephone number of the surveyor, engineer, and other consultants involved in plan preparation shall be provided.
- (d) **Vicinity Map.** A general vicinity map shall be included, showing the site in relation to existing roads and development.
- (e) **Legal Description.** Legal description of the tract to be subdivided, boundary survey, tract dimensions, lot and block designations, and location and description of existing and proposed permanent reference monuments shall be provided.
- (f) **Property Lines.** All existing and proposed property lines with approximate dimensions shall be included.
- (g) **Topographic Study.** A recent topographic study of existing conditions shall be provided based on United States Coast and Geodetic Survey, Mean Sea Level (MSL) Datum, National Oceanographic Survey contoured to an interval of one (1) foot. The survey shall

include the proposed plat area plus adjacent lands within a minimum of one hundred (100) feet of the boundaries thereof.

- (h) Abutting Property. Names of all adjacent subdivisions, uses on all adjacent property, and location of adjacent platted lots and parcel lines within one hundred (100) feet shall be included, including those within other political subdivisions (Orange and Osceola Counties).
- (i) Size. Area of the tract, number of lots and/or blocks, and number of dwelling units shall be included.
- (j) Uses. Amount of area devoted to and location of all existing and proposed land uses, including schools, open space, parks, recreation areas, churches, and residential and commercial uses shall be included.
- (k) Phasing. Approximate phasing of the project, if applicable, shall be provided.
- (l) Natural Resources. Location of natural water bodies, wetlands, flood plains, native vegetative communities, and wildlife habitats shall be provided.
- (m) Vegetation Removed. A plat or aerial photograph shall be provided at the same scale as the layout plan and of sufficient detail to indicate all groupings of native vegetation proposed to be removed.
- (n) Access. Location, names, and width of existing and proposed streets, accesses to the parcel, highways, easements, sidewalks/bikeways, building lines, alleys, and parks and other open public spaces shall be provided for the tract being subdivided and adjacent property.
- (o) Vacation. The location of any proposed vacations of streets, easements, public ways, or places shall be provided.
- (p) Trip Generation. The projected Average Daily Traffic (ADT) from the development shall be provided based upon trip generation rates contained in the Institute of Transportation Engineers (ITE) Manual, unless other standards are justified and approved.
- (q) Drainage. Existing and proposed major drainage patterns, drainage courses, and easements.
- (r) Drainage Documents. Legal documents shall be provided for all off-site drainage rights-of-way and easements.
- (s) Floodplain. One-hundred (100) year flood elevation data shall be provided for all subdivisions within a floodplain.
- (t) Borrow Pits. Preliminary grades and quantities shall be provided for proposed borrow operations.
- (u) Stormwater. A stormwater management plan shall be provided with a schematic diagram of the proposed stormwater collection system, method of pollution control, and stormwater retention/detention with preliminary calculations as to pond sizing. The direction of flow for all surface drainage and existing storm sewers on or abutting the tract shall be shown.

- (v) Utility Structure. The location of any underground or overhead utilities, culverts, and drains on the property to be subdivided and within two hundred (200) feet of the proposed plat boundary shall be provided.
- (w) Utility Facilities. Location of the nearest available public water supply, sewage disposal system, and the proposed tie-in points shall be provided.
- (x) Easements. The boundaries of proposed utility easements over or under private property shall be provided. Such easements shall provide satisfactory access to an existing public right-of-way or other public open space for maintenance or other activities by utility companies. Drainage easements shall also be shown.
- (y) Common-Area Documents. Preliminary drafts of any legal documents necessary to the control of ownership and maintenance of common areas.
- (z) Protective Covenants. Data on existing and proposed protective covenants shall be provided.

**Section 6-50.5 Final Subdivision Plans.** All final subdivision plans shall contain, at a minimum, the information required by this section. Final subdivision plans and supporting documents submitted to the Department of Planning and Engineering for review and approval shall bear the date, seal, and signature of the project engineer responsible for the development. A minimum of five (5) copies of the final subdivision plans and specifications for paving, drainage, utility system, and other improvements shall be submitted and approved prior to the commencement of construction.

- (a) Distribution Systems. Plan and profile of all streets, storm sewers, sanitary sewers, and outfall ditches shall be provided.
- (b) Grading Plan. Grading plan showing original and final contours at one-foot intervals shall be provided. Final contours may be omitted if sufficient information, such as pad elevations and spot elevations, is provided to show final detailed grading in all areas, with particular emphasis on the periphery of the property and areas around lakes and along water course. Pollution abatement swales shall be provided upland of streams and canals and the normal high water elevation on all lakes.
- (c) Water. Water distribution facilities, including off-site main extensions and proposed treatment plant, if applicable, shall be provided.
- (d) Sanitary Sewer. Sanitary sewage facilities, including collection systems, lift stations, and wastewater treatment plant facilities, if applicable, shall be provided.
- (e) Stormwater. Stormwater management plan that complies with Chapter 5-30 shall be provided.
- (f) Soils. Soils profiles prepared under the supervision of a registered geotechnical engineer or engineering geologist shall be provided. The soils profiles shall include soil borings along street centerlines and utility easements (for primary utilities) along with standard classifications and high/low seasonal water table elevations.
- (g) Conservation Areas. All identified conservation areas which are to be retained shall be shown as a separate tract or as an easement over affected portions of a lot and noted as a "conservation easement." Provisions are to be noted on the plat or in accompanying recorded documents delineating ownership and maintenance responsibilities. Additionally, a "dedication of development rights," which formally grants the District all future development rights on the easements and tracts, shall be provided and recorded along with the recording of the plat.

- (h) Landscape and Screening. Landscaping and screening details, if applicable, shall be provided.
- (i) Sidewalk and Bikeways. Location and width of sidewalks and bikeways, if applicable, shall be provided.
- (j) Calculations. Engineering calculations in support of proposed plans and specifications shall be provided.

**Section 6-50.6 Platting Requirements.** Final subdivision plans if platted shall comply with the provisions of this section.

- (a) General. The following provisions shall apply:
  - (1) The final subdivision plat shall be drawn with permanent black drawing ink on mylar or equally durable material, using sheet twenty-four (24) inches by thirty (30) inches;
  - (2) Plats shall meet all the requirements of F.S. Ch. 177, F.S. Sec. 472.027 and F.A.C. Ch. 5J-17, and shall be so certified by a land surveyor registered in the State;
  - (3) If previously platted lands are proposed for replatting, it will be necessary that the existing plat, or portion thereof, be vacated pursuant to Chapter 6-40, prior to or concurrent with approval of the new plat by the Board of Supervisors; and
  - (4) The requirements of this subsection also shall be met by the final subdivision plat.
- (b) Estimated Costs. A construction cost estimate shall be submitted, providing the estimated cost of installing all improvements. Such estimates shall be prepared by the project engineer and shall be based upon recent bid information. As an alternative, bids of two reputable contractors or a copy of an executed contract for the installation of the improvements may be submitted.
- (c) Surety for Improvements. When platting is proposed prior to completion of construction, the District Administrator may require subdivider to submit to the District a surety bond or cash deposits acceptable to the Board of Supervisors. The above sureties shall cover the cost of all public improvements. One (1) of the following alternatives may be used upon approval by the Board of Supervisors:
  - (1) Submit a surety bond executed by a company authorized to do business in the State that is satisfactory to the Board of Supervisors payable to the District. Such bond shall be in the penal sum of an amount equal to one hundred fifteen (115) percent of the estimated cost.
  - (2) Deposit cash in an escrow account in an amount equal to one hundred fifteen (115) percent of the estimated cost.
  - (3) Record a developer's agreement acceptable to the Board of Supervisors which commits the developer and/or financial institution to comply with these regulations.
  - (4) Submit an irrevocable letter of credit from a financial institution doing business in the State, acceptable to the Board of Supervisors. Such irrevocable letter of

credit shall be in the penal sum of one hundred fifteen (115) percent of the estimated costs.

(5) Any other alternative acceptable to the Board of Supervisors.

(d) Dedication. All dedications of land required for public purposes shall be dedicated at no cost to the District or other appropriate jurisdictional authority. If the property is encumbered by a mortgage, the owner and mortgage shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of the public property.

(e) Certificate of Payment of Taxes. Certification shall be required showing that all due taxes have been paid in full and all tax certificates against the land have been redeemed.

(f) Tax Escrow Receipt. A receipt indicating escrow of the current year's taxes shall be submitted.

(g) Certificate of Title and Encumbrances. Title certification shall be provided as required by F.S. Ch. 177, as amended.

(h) School or Other Public Site. The applicant shall provide one (1) copy of the executed deed or other conveyance documents and/or any agreements regarding the dedication or reservation of any school, park or other public site to the District.

(i) MSTU Requests. Letters requesting creation of Municipal Service Taxing Units (MSTU's) for street lights, retention ponds or other uses shall be submitted if required.

(j) Outstanding Liens. Any capital improvement liens existing on a parcel being subdivided, must be paid in full as a prerequisite of plat approval.

(k) Deed Restrictions. The subdivider shall provide one (1) copy of all deed restrictions affecting the subdivision.

## CHAPTER 6-60

### VARIANCES

#### Sections:

6-60.1	Purpose
6-60.2	Requirements for Application
6-60.3	Review Procedures
6-60.4	Notice
6-60.5	Planning Board Action
6-60.6	Appeals
6-60.7	Wait on Denials
6-60.8	Modification
6-60.9	Expiration
6-60.10	Revocation

**Section 6-60.1 Purpose.** The purpose of this chapter, Chapter 6-60, Variances, is to provide a means of altering the requirements of these Land Development Regulations in specific instances where the strict application of the requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical land use categories because of special circumstances applicable to the property involved.

**Section 6-60.2 Requirements for Application.** Variance applications shall comply with the provisions of this section.

- (a) Applicant. Applications for variances may be initiated by the property owner or a property owner's authorized agent.
- (b) Place to be Filed. Applications shall be filed with the District Administrator.
- (c) Site Description. A request for a variance shall include a site description which clearly delineates the locations and extent of the regulation to be varied.
- (d) Evidence for Findings. The applicant shall provide evidence showing how the findings required by Section 6-60.5 can be met.
- (e) Fees. A fee, as specified in Chapter 6-120, shall be required.
- (f) Completeness. No variance shall be processed until the information necessary to review and decide upon the proposed variance is deemed complete by the District Administrator.

**Section 6-60.3 Review Procedures.** The District Administrator shall review variances in accordance with the provisions of this section.

- (a) Transmittal. The Department of Planning and Engineering shall transmit the variance to other RCID departments, as appropriate.
- (b) General Provisions. The Department of Planning and Engineering shall prepare a staff report and submit it, together with the request for a variance to the Planning Board. The Planning Board shall conduct a public hearing, with notification, for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.

- (c) Concurrent Processing of Applications. If a proposed project requires a site plan review in addition to a variance, the applications shall be filed at the same time and processed concurrently. The time periods for hearings and actions shall be those for the development review.
- (d) Time Period for Hearing. The public hearing shall be held within thirty (30) days from the date of acceptance of the complete application.
- (e) Time Period for Action. The Planning Board may take action on the proposed variance at the conclusion of the public hearing, but shall take action no later than forty-five (45) days after the complete application was accepted. An extension of time for action may be granted if mutually agreed upon between the applicant and Chair of the Planning Board.

**Section 6-60.4 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
  - (1) All owners of real property subject to the variance; and
  - (2) Each property owner within three hundred (300) feet of the property subject to the variance.
- (b) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published not less than ten (10) days prior to the hearing date in a newspaper of general circulation in the county in which the property is located. The notice shall describe the proposed variance request; describe the parcels, properties, or areas that are affected by the variance request; and provide other pertinent information in such a manner that the variance request and its effect(s) can be clearly identified.

**Section 6-60.5 Planning Board Action**

- (a) Action. The Planning Board may take action to approve, approve with conditions, modify, modify with conditions, or deny the variance request.
- (b) Findings. Prior to approving an application for a variance, the Planning Board shall make written findings supporting a determination that the following are true:
  - (1) The variance does not detract from the public health, safety, and welfare within the District;
  - (2) Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical circumstances; and
  - (3) The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulations governing the property in question.
- (c) Effective Date of Action. Action on the variance application, unless otherwise specified, shall be effective upon expiration of the appeal period.

- (d) Copy of Decision. The District Administrator shall send a copy of the final decision to other RCID Departments, as appropriate, within three (3) days of the effective date of the variance.

**Section 6-60.6 Appeals.** The decision of the Planning Board may be appealed pursuant to Chapter 6-70.

**Section 6-60.7 Wait on Denials.** After the denial of a variance, no application for a variance from the same or a similar regulation may be accepted for six (6) months immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within six (6) months.

**Section 6-60.8 Modification.** Modification of the terms of the approved variance itself or the waiver or alteration of conditions imposed incident to the granting of the variance shall require a new application following the same procedure required for an initial variance.

**Section 6-60.9 Expiration.** A variance shall expire as provided in this section.

- (a) Time Period. A variance shall expire and become null and void at the time specified therein. If no time is specified, the variance shall expire and become null and void in five (5) years if any required building permit associated with the variance has not been applied for or, if applied for and issued, has lapsed and become void.
- (b) Discontinuance. A variance shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned.

**Section 6-60.10 Revocation.** Revocation of a variance shall be subject to the requirements of this section.

- (a) Initiation of Action. The District Administrator or the Planning Board may initiate an action to revoke a variance.
- (b) Grounds for Revocation. A variance may be revoked pursuant to the provisions of this section upon a findings of any one (1) or more of the following grounds:
- (1) That the variance approval was obtained or extended by fraud; or
  - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated.
- (c) Planning Board Public Hearing. The Planning Board shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with Section 6-60.4. The Planning Board shall make a decision based on any one or more of the ground listed in Subsection (b) of this section. The decision of the Planning Board may be appealed pursuant to Chapter 6-70.

## CHAPTER 6-70

### REVIEW AND APPEALS

#### Sections:

<b>6-70.1</b>	<b>Purpose</b>
<b>6-70.2</b>	<b>Administrative Review</b>
<b>6-70.3</b>	<b>Formal Appeal</b>
<b>6-70.4</b>	<b>Submittal</b>
<b>6-70.5</b>	<b>Notices</b>
<b>6-70.6</b>	<b>Public Hearing</b>

**Section 6-70.1 Purpose.** The purpose of this chapter, Chapter 6-70, Review and Appeals, is to set forth the procedure for reviewing a decision of a department manager or appealing a decision of the District Administrator or Planning Board.

**Section 6-70.2 Administrative Review.** Any person aggrieved by a decision of the Planning and Engineering Department with respect to these Land Development Regulations may request an administrative review by the District Administrator pursuant to the provisions of this section.

- (a) Time Limits. The review shall be requested within five (5) working days after the decision under consideration was made.
- (b) Review Meeting. Within fifteen (15) days after the request, the District Administrator shall convene a meeting consisting of himself or herself, manager of the department whose decision is being appealed, primary staff person on the matter, applicant, and party filing the appeal. During the meeting, the District Administrator shall offer all participants the opportunity to express their views and ask and answer questions.
- (c) Decision. Within five (5) working days after the meeting, the District Administrator shall render a decision. The original decision shall be reversed only if the District Administrator finds that it was not in accordance with the Land Development Regulations.
- (d) Effect. If the District Administrator modifies or reverses the original decision, the original decision shall be vacated and the District Administrator's decision made a part of the record.

**Section 6-70.3 Formal Appeal.** Any person aggrieved by any decision of the District Administrator or Planning Board with respect to these Land Development Regulations may file a notice of appeal to the Board of Supervisors within fifteen (15) days after such decision is rendered.

**Section 6-70.4 Submittal.** The notice of appeal shall be submitted to the District Administrator who shall process such notice.

**Section 6-70.5 Notices.** The following notice procedures shall govern an appeal:

- (a) Notice to the Board. The District Administrator shall promptly deliver a copy of the notice of appeal to the Secretary of the Board of Supervisors, and shall transmit to the Board all papers, photographs, and exhibits constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals, as the Board may elect.

- (b) Notice to other Parties. Upon the filing of the notice of appeal, the District Administrator shall promptly mail a copy of such notice by U.S. mail, postage prepaid, to the original applicant, to the owner or person having legal interest in the subject property, to the owners of abutting property whose names shall be furnished by the person who filed the original appeal, to any person requesting such notice, and to the attorney for the District.
- (c) Notice of Hearing. The District Administrator shall give to the parties in Subsection (b) of this section at least fourteen (14) days notice of the date, time, place, and purpose of the public hearing on the appeal.

#### **Section 6-70.6 Public Hearing.**

- (a) Open Meetings. Meetings of the Board of Supervisors shall be open to the public. Any party may appear in person, or by agent or attorney, to testify.
- (b) Testimony and Evidence. The Board of Supervisors shall hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may, in conformity with these regulations and rules adopted thereunder, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination.
- (c) Time Period for Decision. The Board of Supervisors shall render its decision on the appeal within thirty (30) days after the filing of the notice of appeal. For good cause, the Board of Supervisors may extend the time for holding its hearing and rendering its decision to a time certain provided notice is given to all parties to whom notice of such hearing is required pursuant to Section 6-70.4.
- (d) Stay of Proceedings. An appeal to the Board of Supervisors shall stay all proceedings concerning appeal unless the District Administrator shall certify to the Board of Supervisors that, by reason of the facts stated in the notice of appeal, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Supervisors on due cause shown.
- (e) Minutes and Records. The Board of Supervisors shall keep minutes of the hearing, showing the vote of each member, and shall file such minutes and records in the office of the District Administrator.

## CHAPTER 6-80

### ENFORCEMENT

#### Sections:

6-80.1	Purpose
6-80.2	Responsibility for Enforcement
6-80.3	Applicability
6-80.4	Enforcement Procedures
6-80.5	Immediate Threat
6-80.6	Penalties
6-80.7	Remedies

**Section 6-80.1 Purpose.** The purpose of this chapter, Chapter 6-80, Enforcement, is to provide the process for the enforcement of the Land Development Regulations.

**Section 6-80.2 Responsibility for Enforcement.** All officials charged with the issuance of licenses and permits, department managers, and the District Administrator shall enforce the provisions of the Land Development Regulations.

**Section 6-80.3 Applicability.** Any building or structure erected or maintained or any use of property contrary to the provisions of the Land Development Regulations shall be and is hereby declared to be unlawful and a public nuisance.

**Section 6-80.4 Enforcement Procedures.** The following procedures shall apply to enforce the provisions of the Land Development Regulations in those situations involving a violation, but when an immediate threat to the health, safety, and/or welfare of the public does not exist.

- (a) **Order to Comply.** In the event of a violation of the Land Development Regulations, any of the persons listed in Section 6-80.2 may deliver to the person or persons in violation of the Land Development Regulations an order to comply with the provisions of the Land Development Regulations within twenty (20) days of receipt of the order to comply.
- (b) **Failure to Comply.** Upon failure of any person in violation of the Land Development Regulations to comply, any of the persons listed in Section 6-80.2 shall notify the Board of Supervisors.
  - (1) The Board of Supervisors shall hold a public hearing with notice sent to the alleged violator by certified mail, return receipt requested, or by personal service.
  - (2) If the Board finds a violation, it shall issue an order to comply by a date certain and a fine, not to exceed two hundred fifty (250) dollars per day for each day the violation continues beyond the specified compliance date. In addition, the Board shall direct that until the violation has been corrected the violator shall not proceed on the project except to correct the violation and the RCID shall not issue any subsequent permits for the project.
  - (3) If the violation is not corrected by the specified date, the RCID may institute any appropriate civil and/or criminal action in any appropriate court to prevent a further violation, or correct or abate the violation.

**Section 6-80.5 Immediate Threat.** The following procedures shall apply to enforce the provisions of the Land Development Regulations when an immediate threat to the health, safety, and/or welfare of the public exists.

- (a) **Immediate Action.** In the event of a violation of the Land Development Regulations that is deemed by the District Administrator to be an immediate threat to the health, safety, or welfare of the public, any of the persons listed in Section 6-80.2 shall deliver to the person or persons in violation of this chapter an order to comply with the provisions of this chapter immediately. The order to comply may provide for the complete or partial cessation of activities that create the immediate threat to the health, safety, or welfare of the public.
- (b) **Enjoining Activity.** Upon failure of any person in violation of the Land Development Regulations to comply with an order issued pursuant to a finding that an immediate threat to the health, safety, or welfare of the public exists, the District Administrator may immediately request the appropriate legal authority to seek and have issued by a court of appropriate jurisdiction an order enjoining the complete or partial operation that creates the immediate threat to health, safety, or welfare of the public.

**Section 6-80.6 Penalties.** The penalties set forth in this section shall apply to violations of the Land Development Regulations.

- (a) **Misdemeanor.** Any person, whether as principal, agent, employee, or otherwise, violating any provision of the Land Development Regulations or violating or failing to comply with any other or regulation made thereunder, is guilty of a misdemeanor, and upon conviction thereof shall be subject to fine and/or imprisonment as provided by law.
- (b) **Separate Offense.** Such person as defined by Subsection (a) of this section shall be deemed guilty of a separate offense for each day during which such violation of the Land Development Regulations continues.

**Section 6-80.7 Remedies.** All remedies provided for the Land Development Regulations shall be cumulative and not exclusive. The conviction and punishment of any person shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures, or improvements nor prevent the enforced correction or removal thereof.

## CHAPTER 6-90

### AMENDMENT OF LAND DEVELOPMENT REGULATIONS

#### Sections:

6-90.1	Purpose
6-90.2	Requirements for Application
6-90.3	Review Procedures
6-90.4	Notice
6-90.5	Planning Board Action
6-90.6	Appeal of Denial
6-90.7	Action by Board
6-90.8	Effective Date
6-90.9	Wait on Denials
6-90.10	Modification

**Section 6-90.1 Purpose.** The purpose of this chapter, Chapter 6-90, Amendment of Land Development Regulations, is to provide the method for amending the RCID Land Development Regulations.

**Section 6-90.2 Requirements for Application.** Amendment applications shall comply with the provisions of this section.

- (a) Initiation of Amendment. The Board of Supervisors or the Planning Board may initiate an amendment through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application to the Planning and Engineering Department.
- (b) Description. A description of the amendment shall be included with the amendment application. Text amendments shall be shown by striking through old language and underlining new language.
- (c) Fees. A fee, as specified in Chapter 6-120, shall be required.
- (d) Completeness. No amendment to the Land Development Regulations shall be processed until the information necessary to review and decide upon the proposed amendment is deemed complete by the District Administrator.

**Section 6-90.3 Review Procedures.** The Planning Board shall review an amendment to the Land Development Regulations in accordance with the provisions of this section.

- (a) General Provisions. The District Administrator shall prepare an analysis of the proposed amendment. The Planning Board shall then conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application.
- (b) Concurrent Processing of Applications. If a proposed project requires a development review and/or variance in addition to an amendment, the applications shall be filed at the same time and processed concurrently. If more than one (1) review authority is involved, the District Administrator shall determine the sequence for action by the review authorities.

- (c) Time Period for Hearing. Public hearings conducted by the Planning Board shall be held within ninety (90) days from the date the resolution was adopted or the complete application was accepted.
- (d) Time Period for Action. The Planning Board may take action on the proposed amendment at the conclusion of the public hearing, but shall take action no later than one-hundred and twenty (120) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Board action may be granted if mutually agreed upon between the applicant and the District Administrator.

**Section 6-90.4 Notice.** Notice shall be given in accordance with the provisions of Section 166.041 Florida Statutes and other applicable state laws.

**Section 6-90.5 Planning Board Action.** The Planning Board shall take action on the amendment in accordance with the provisions of this section.

- (a) Action. The Planning Board may take action to recommend approval or deny the amendment request. A recommendation of approval of an amendment request shall be by resolution. Failure of the Planning Board to hold a public hearing or take action within the time frames provided in Subsections (c) and (d) of Section 6-90.3 shall constitute recommendation of approval of the amendment application.
- (b) Findings. When making its recommendation to the Board of Supervisors for approval of an amendment, the Planning Board shall, at a minimum, make the following findings of fact:
  - (1) The amendment is consistent with and promotes the intent of the Comprehensive Plan;
  - (2) The amendment will not adversely affect other implementation programs for elements of the Comprehensive Plan; and
  - (3) The amendment promotes the public health, safety, and welfare within the District.
- (c) Effect of Planning Board Denial. In the event the Planning Board denies an amendment application, that action is final unless appealed to the Board of Supervisors.
- (d) Planning Board Report. Within fourteen (14) days of the action by the Planning Board on the amendment, a report describing the amendment, discussion at the public hearing, and recommendation and vote of the Planning Board shall be transmitted to the Board of Supervisors. If the Planning Board does not recommend approval, it shall state why it could not make the findings in Subsection (b) of this section.

**Section 6-90.6 Appeal of Denial.** A denial action of the Planning Board made pursuant to this chapter may be appealed pursuant to Chapter 6-70.

**Section 6-90.7 Action by Board.** If the Planning Board has recommended approval, the Board of Supervisors shall review the amendment in accordance with the provisions of this section.

- (a) Time Period for Hearing. The Secretary of the Board of Supervisors shall schedule two (2) public hearings before the Board on the recommendation of approval by the Planning Board. The first shall be scheduled within forty-five (45) days of the filing of the appeal or receipt of the Planning Board's action, and the second shall be scheduled at least ten (10) days following the first hearing.

- (b) Time of Hearings. The public hearings shall be held at the time set by the majority of the members of the Board of Supervisors plus one.
- (c) Notice of Hearings. The public hearings shall be noticed as required by Section 6-90.4.
- (d) Final Action.
  - (1) The Board of Supervisors may take final action after the second hearing to adopt the amendment as recommended by the Planning Board if no modification of the Planning Board's recommendation is proposed.
  - (2) If the Board of Supervisors proposes a substantial modification to the recommendation of approval from the Planning Board, the proposed modification shall be referred to the Planning Board for consideration. The Planning Board shall not be required to hold a public hearing on the modification. The Planning Board shall submit a report on the proposed modification to the Board of Supervisors within sixty (60) days from the date of referral by the Board of Supervisors. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of Supervisors shall be required to conduct a public hearing and notice this hearing pursuant to Section 6-90.4.
  - (3) When taking final action on the Planning Board's recommendation, the Board of Supervisors shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Board's final recommendation, as well as any other findings of fact that the Board of Supervisors deems to be relevant.
- (e) Majority Vote. A majority of the members of the Board shall institute a quorum. Final action to approve the amendment shall require a simple majority of the quorum.

**Section 6-90.8 Effective Date.** An amendment of the Land Development Regulations shall become effective immediately upon approval by resolution of the Board of Supervisors.

**Section 6-90.9 Wait on Denials.** After the denial of an amendment to the Land Development Regulations by the Planning Board or Board of Supervisors, no application for the same or a similar amendment may be accepted for six (6) months immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within six (6) months.

**Section 6-90.10 Modification.** Proposed modifications of approved amendment to the Land Development Regulations shall require a new application following the same procedure required for an initial application.

## CHAPTER 6-100

### AMENDMENT OF COMPREHENSIVE PLAN

#### Sections:

6-100.1	Purpose
6-100.2	Frequency of Amendments
6-100.3	Requirements for Application
6-100.4	Review Procedures
6-100.5	Notice
6-100.6	Planning Board Action
6-100.7	Appeal of Denial
6-100.8	Action by Board
6-100.9	Transmittal of Proposed Amendment
6-100.10	Transmittal Package
6-100.11	Adoption of Amendment
6-100.12	Effective Date
6-100.13	Submittal of Adopted Amendment
6-100.14	Amendment Not in Compliance
6-100.15	Amendment Not Adopted
6-100.16	Amendments Not Subject to Compliance Review
6-100.17	Small-Scale Development
6-100.18	Wait on Denials
6-100.19	Modification
6-100.20	Amendments to Land Development Regulations
6-100.21	Changes in Jurisdictional Boundaries

**Section 6-100.1 Purpose.** The purpose of this chapter, Chapter 6-100, Amendment of Comprehensive Plan, is to provide the method for amending the RCID Comprehensive Plan.

**Section 6-100.2 Frequency of Amendments.** Amendments to comprehensive plans adopted pursuant to this chapter may be made not more than two (2) times during any calendar year, except as provided in Section 163.3187(1) Florida Statutes.

**Section 6-100.3 Requirements for Application.** Plan amendment applications shall comply with the provisions of this section.

- (a) **Initiation of Amendment.** The Board of Supervisors or the Planning Board may initiate an amendment through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application to the Planning and Engineering Department. The District Administrator may initiate amendments pursuant to Section 6-100.21.
- (b) **Description.** A description of the amendment shall be included with the amendment application. Text amendments shall be shown by striking through old language and underlining new language. Map amendments shall clearly identify the exact changes proposed.
- (c) **Ordinance Amendments.** A list and description of the provisions of the Land Development Regulations that would require modification if the proposed plan amendment was adopted shall be included with the amendment application.
- (d) **Fees.** A fee, as specified in Chapter 6-120, shall be required.

- (e) Completeness. No amendment to the Comprehensive Plan shall be processed until the information necessary to review and decide upon the proposed amendment is deemed complete by the District Administrator.

**Section 6-100.4 Review Procedures.** The Planning Board shall review an amendment to the Comprehensive Plan in accordance with the provisions of this section.

- (a) General Provisions. The District Administrator shall prepare an analysis of the proposed amendment. The Planning Board shall then conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application.
- (b) Concurrent Processing of Applications. If the proposed plan amendment is part of a package of other actions such as an amendment to the Land Development Regulations, development review, and/or variance, the applications shall be filed at the same time and processed concurrently. If more than one (1) review authority is involved, the District Administrator shall determine the sequence for action by the review authorities, provided however, that no final action shall be taken on the other applications until the plan amendment is adopted.
- (c) Time Period for Hearing. Public hearings conducted by the Planning Board shall be held within ninety (90) days from the date the resolution was adopted or the complete application was accepted.
- (d) Time Period for Action. The Planning Board may take action on the proposed amendment at the conclusion of the public hearing, but shall take action no later than one hundred and twenty (120) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Board action may be granted if mutually agreed upon between the applicant and the District Administrator.
- (e) Day of Hearing. All hearings shall be held on a weekday.

**Section 6-100.5 Notice.** Notice shall be given in accordance with the provisions of Section 163.3184(15) Florida Statutes and other applicable state laws.

**Section 6-100.6 Planning Board Action.** The Planning Board shall take action on the Comprehensive Plan amendment in accordance with the provisions of this section.

- (a) Action. The Planning Board may take action to recommend approval or deny the amendment request. A recommendation of approval of an amendment request shall be by resolution. Failure of the Planning Board to hold a public hearing or take action within the timeframes provided in Subsections (c) and (d) of Section 6-100.4 shall constitute recommendation of approval of the amendment application.
- (b) Findings. When making a recommendation to the Board of Supervisors for approval of an amendment, the Planning Board shall, at a minimum, make the following findings of fact:
  - (1) The amendment preserves the internal consistency of the Comprehensive Plan; and
  - (2) The amendment promotes the public health, safety, and welfare within the District.

- (c) Effect of Planning Board Denial. In the event the Planning Board denies an amendment application, that action is final unless appealed to the Board of Supervisors.
- (d) Planning Board Report. Within fourteen (14) days of the action by the Planning Board on the amendment, a report describing the amendment, the discussion at the public hearing, and recommendation and vote of the Planning Board shall be transmitted to the Board of Supervisors. If the Planning Board does not recommend approval, it shall state why it could not make the findings in Subsection (b) of this section.

**Section 6-100.7 Appeal of Denial.** A denial action of the Planning Board made pursuant to this chapter may be appealed pursuant to Chapter 6-70.

**Section 6-100.8 Action by Board.** If the Planning Board has recommended approval, the Board of Supervisors and the City Councils of the City of Bay Lake and the City of Lake Buena Vista (City Councils) shall review the amendment in accordance with the provisions of this section.

- (a) Time Period for Hearing. Within sixty (60) days of receipt of the Planning Board's recommendation for approval public hearings shall be scheduled before the Board of Supervisors and the City Councils.
- (b) Notice of Hearing. The public hearing shall be noticed as required by Section 6-100.5.
- (c) Action to be Taken. The Board of Supervisors and the City Councils shall take action on the proposed amendment as follows:
  - (1) For all amendments except those that meet the requirements of Section 6-100.16, the Board and City Councils shall ensure that an announcement is made before the conclusion of the public hearing of its intention to hold and advertise a second public hearing to adopt the amendment. At the conclusion of the first hearing, the Board shall transmit the amendment to the Department of Community Affairs, reject the amendment, or refer the amendment back to the Planning Board.
  - (2) For all amendments that meet the requirements of Section 6-100.16, the Board and City Councils shall adopt the amendment, reject the amendment, or refer the amendment back to the Planning Board.
  - (3) For all amendments that meet the requirements of Section 6-100.17, the Board and City Councils have the option of taking action pursuant to Subsection (c)(1) or Subsection (c)(2) of this section. If it takes action pursuant to Subsection (c)(2), the adopted amendment shall be forwarded immediately to the Department of Community Affairs pursuant to Section 6-100.13.
- (d) Action to Transmit Amendment
  - (1) The Board of Supervisors and City Councils may take action to transmit or adopt the amendment as recommended by the Planning Board if no modification of the Planning Board's recommendation is proposed.
  - (2) If the Board of Supervisors or City Councils proposes a substantial modification to the recommendation of approval from the Planning Board, the proposed modification shall be referred to the Planning Board for consideration. The Planning Board shall not be required to hold a public hearing on the modification. The Planning Board shall submit a report on the proposed modification to the Board of Supervisors and City Councils within sixty (60) days from the date of referral by the Board of Supervisors or City Councils. Failure to report shall be

deemed a recommendation of approval. Prior to making a final decision, the Board of Supervisors and City Councils shall be required to conduct public hearings and notice these hearings pursuant to Section 6-100.5.

- (3) When taking action on the Planning Board's recommendation, the Board of Supervisors and City Councils shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Board's final recommendation, as well as any other findings of fact that the Board of Supervisors or City Councils deems to be relevant.

- (e) Majority Vote. Action to transmit or adopt the amendment shall require a simple majority of a quorum.

**Section 6-100.9 Transmittal of Proposed Amendment.** All proposed amendments, except those subject to the provisions of Section 6-100.16 or Section 6-100.17, shall be transmitted to the Department of Community Affairs as set forth in Section 163.3184, F.S. and/or Chapter 9J-11, F.A.C., as applicable.

**Section 6-100.10 Adoption of Amendment.** As soon as possible after receipt of the written comments from the Department of Community Affairs, the final proposed amendment shall be submitted to the Planning Board for their review and the Board of Supervisors and City Councils for their adoption. Both actions shall require a public hearing with notice as provided by Section 6-100.5, except that the hearing shall be held approximately five (5) days after the notice was published. The Comprehensive Plan amendment shall be adopted by ordinance/resolution. Action to adopt the amendment shall require a simple majority of a quorum.

**Section 6-100.11 Effective Date.** An amendment of the Comprehensive Plan shall not become effective until the Florida Department of Community Affairs or Administration Commission issues a final order determining the adopted amendment to be in compliance with applicable state law.

**Section 6-100.12 Submittal of Adopted Amendment.** The adopted amendment shall be submitted to the state as set forth in Section 163.3184, F.S. and/or Chapter 9J-11, F.A.C., as applicable.

**Section 6-100.13 Amendment Not in Compliance.** If the Department of Community Affairs issues a notice of intent to find the plan amendment not in compliance, the process in Sections 163.3184(10), (11), and (16) Florida Statutes shall apply.

**Section 6-100.14 Amendment Not Adopted.** If the RCID does not adopt the amendment that was transmitted to the Department of Community Affairs pursuant to Section 6-100.9, the Planning and Engineering Department shall so notify the Department by letter. The letter shall include a list of findings, if any, which provided the basis for the determination not to adopt the proposed plan amendment.

**Section 6-100.15 Amendments Not Subject to Compliance Review.** Amendments listed in this section are not subject to compliance review. Final action of these amendments shall be taken at the hearing described in Section 6-100.8, and these amendments shall become effective immediately upon approval.

- (a) Capital Improvements Element. Correction, updates, and modifications to the Capital Improvements Element regarding costs, revenue sources, acceptance of facilities, or facility construction dates; and
- (b) Other Elements. Corrections, updates, and modifications to other elements of the Comprehensive Plan regarding current costs.

**Section 6-100.16 Small-Scale Development.** Small-scale development activities may be subject to an abbreviated review process pursuant to Section 163.3187(1)(c) Florida Statutes.

**Section 6-100.17 Wait on Denials.** After the denial of an amendment to the Comprehensive Plan by the Planning Board or Board of Supervisors, no application for the same or a similar amendment may be accepted for six (6) months immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within six (6) months.

**Section 6-100.18 Modification.** Proposed modifications of approved amendment to the Comprehensive Plan shall require a new application following the same procedure required for an initial application.

**Section 6-100.19 Amendments to Land Development Regulations.** If the adopted amendments to the Comprehensive Plan require amendments to be made to the Land Development Regulations, the proposed amendments to the Land Development Regulations shall be submitted to the Planning Commission not later than sixty (60) days after the effective date of the plan amendments. The amendments to the Land Development Regulations shall be processed pursuant to Chapter 6-90. During the interim period before adoption of the regulatory amendments, the adopted plan amendments shall govern any action taken in regard to a development order.

**Section 6-100.20 Changes in Jurisdictional Boundaries.** When property is annexed to or de-annexed from the District, the District Administrator shall initiate a plan amendment to be adopted as a part of the next set of plan amendments, but in no case less than nine (9) months after the annexation or deannexation.

## CHAPTER 6-120

### FEES

#### Sections:

6-120.1	Purpose
6-120.2	Fee Schedule
6-120.3	Exempt Entities
6-120.4	Simultaneous Applications
6-120.5	Expired Approval
6-120.6	Amendment to Approval
6-120.7	Reinitiation of Withdrawn Applications
6-120.8	Specialists

**Section 6-120.1 Purpose.** The purpose of this chapter, Chapter 6-120, Fees, is to provide for the collection of fees for processing applications pursuant to these Land Development Regulations.

**Section 6-120.2 Fee Schedule.** The Board of Supervisors may adopt a fee schedule by resolution to cover the costs of processing applications submitted pursuant to these Land Development Regulations.

**Section 6-120.3 Exempt Entities.** No fees shall be required pursuant to this article of the following:

- (a) A governmental entity or agency thereof; or
- (b) A nonprofit corporation organized solely for educational, religious, medical, scientific, or charitable purposes, or a combination of those purposes.

**Section 6-120.4 Simultaneous Applications.** If an applicant simultaneously makes more than one (1) type of application for a single project, the total fee for all such applications shall be the following:

- (a) If two (2) applications are made, the fee shall be the sum of the fees divided by two (2); or
- (b) If three (3) or more applications are made, the fee shall be the sum of the fees divided by three (3).

**Section 6-120.5 Expired Approval.** If an application is made for an approval that was granted but has expired, the fee shall be twenty-five (25) percent of the permit application fee.

**Section 6-120.6 Amendment to Approval.** If an application is made to amend a previously granted approval, the fee shall be fifty (50) percent of the permit application fee.

**Section 6-120.7 Reinitiation of Withdrawn Applications.** At the discretion of the District Administrator, an application that has been withdrawn may be reinitiated with no fee requirements if the following requirements are met:

- (a) The new application is substantially the same as the withdrawn application;
- (b) Processing of the new application will generally proceed from the point processing stopped on the withdrawn application;
- (c) Less than one (1) year has elapsed since the application was withdrawn; and

- (d) The application is consistent with current provisions of these Land Development Regulations.

**Section 6-120.8 Specialists.** Whenever evaluation of any development application requires the use of professional assistance not available within the RCID staff, processing of the application may be conditioned upon payment by the applicant of the reasonable cost of obtaining such assistance.