

ORDINANCE NO. 783

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DEFUNIAK SPRINGS, FLORIDA, TO ADD SECTION, 18-88, SITE PLAN REVIEW, DEFINING AND REGULATING MINOR SITE PLANS, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, PROVIDING FOR A SHORT TITLE, PROVIDING FOR FINDINGS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, Florida Statutes which required the City of DeFuniak Springs, Florida to adopt Land Development Regulations consistent with its Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted Ordinance Number 575 on October 9, 1990, which Ordinance is the City's Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted resolution Number 98-06 on April 13, 1998, which is the City's Evaluation and Appraisal Report of the Comprehensive Plan; and,

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, adopted Ordinance Number 577 on March 25, 1991, which comprises the City's Land Development Regulations; and,

WHEREAS, the City Council of DeFuniak Springs is designated as the Local Planning Agency and has responsibility for reviewing and adopting amendments to the Land Development Regulations; and,

WHEREAS, the City of DeFuniak Springs City Council has determined that in order to facilitate development review which furthers the goal of protecting the health, safety and welfare of citizens and to encourage economic development; and,

WHEREAS, a public hearing for the adoption of the Comprehensive Plan Amendment was duly advertised as required by law and notice having been published once on February 18, 2010; and,

NOW THEREFORE, be it enacted by the City Council of the City of DeFuniak Springs, Florida, that,

SECTION 1. Repeal.

Any provision that is in conflict with these provisions is hereby repealed.

SECTION 2. Short Title.

This Amendment shall be known as the Minor Site Plan Review Amendment to the City of DeFuniak Springs Land Development Regulations.

SECTION 3. Findings.

The City Council of the City of DeFuniak Springs finds that by allowing for the review of minor site plans, the development review process can be expedited without negatively affecting the goals, objectives and policies of the comprehensive plan and economic development can be encouraged by reducing the costs and burdens associated with development plans in general.

SECTION 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of this Ordinance or the City of DeFuniak Springs land Development Regulations which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. Amendment.

See Exhibit "A", Attached.

SECTION 6. Effective Date.

This Ordinance shall become effective as provided by law.

ADOPTED THIS 8th DAY OF March, 2010.

CITY COUNCIL OF THE CITY OF DEFUNIAK
SPRINGS, FLORIDA

By: C. Harold Carpenter
C. Harold Carpenter, Mayor

ATTEST:

Vanessa Mitchell
Vanessa Mitchell, Deputy City Clerk

EXHIBIT "A"

Section 18-88. Site Plan Review Criteria.

(a) Reserved.

(b) Minor Site Plan Review.

The intent of this section is to allow the planning director to accept a plan (drawn by the owner, when appropriate), notify the appropriate department heads for input, and approve a minor site plan as defined below with a minimum of paperwork, time, and inconvenience to the owner. Plans will be stamped and filed with the appropriate project file.

This provision does not apply to any single family dwelling in any district where the use of the single family dwelling is used for single family residential purposes only. And, no change of use (i.e., residential to office, office to retail, etc.), will be considered under this provision. Requests for home-based occupations (HBO) are processed using the HBO process, but any associated improvements may be considered by the planning director and processed as a minor change.

Amendments to an approved site plan (or a development that may have existed prior to any requirement for an approved site plan) of the following types may be authorized by the City Manager or designee, provided such amendments meet the requirements set forth in Appendix A, Zoning.

1. Minor adjustments or shifts in the location and siting of buildings, structures, parking bays, parking spaces, landscaped areas;
2. Changes in the location of utility tie-ins and dumpsters;
3. Reductions in the overall density or intensity of structural lot coverage of the development;
4. Changes in the location and types of landscape materials, excluding changes in location of buffers;
5. Changes in the walkway and bikeway systems;
6. The addition of non-habitable accessory structures or utility buildings of less than 288 (12' x 24') square feet;
7. The addition of paved parking spaces (including driveways, aisles and back up space) up to a maximum of 5000 square feet, or the reduction of up to one parking space for every preserved, protected tree 4" in diameter or greater as measured a 4' above grade;
8. Expansion of up to 10% of gross floor area or enlargement of building envelope which does not require the addition of more than five parking spaces.

All other amendments to an approved site plan (or development that may have existed prior to any requirement for an approved site plan) may be authorized pursuant to the requirements of Appendix A, Zoning.

An applicant for Minor Site Plan Approval shall make application for approval on forms prescribed by the planning department. Any fee set by the City Council by resolution shall be paid at the time of submitting an application.