

ORDINANCE
No. 2017-06

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE X. SIGNS AND SECTION 10.13 ALLOWED SIGNS THAT DO NOT REQUIRE SIGN PERMITS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held a duly noticed public hearing on _____, 2017, made a finding that the changes to the Land Development Code as set forth in Exhibit "A" attached hereto and by this reference made a part hereof, were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code and recommended that the City Council approve the changes; and

WHEREAS, the City Council held duly advertised public hearings, made a finding that the changes to the Land Development Code as set forth in Exhibit "A" were consistent with the Comprehensive Plan and applicable provisions of the Land Development Code; and

WHEREAS, the City Council has determined that the changes made to the Land Development Code as set forth in Exhibit "A" are in the best interest of the public health, safety, environmental and general welfare of the residents of the City and that it is appropriate to adopt these amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislation findings of the City Council.

SECTION 2. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The amendments to Article X. Signs of the Land Development Code as set forth in Exhibit "A" are consistent with the Comprehensive Plan and applicable provisions of the Land Development Code of the City of Fellsmere. The following findings of facts are made:

1. The amendments are not in conflict with any applicable portions of the Land Development Code;

2. The amendments are consistent with all elements of the City of Fellsmere Comprehensive Plan;
3. The amendments are consistent with existing and proposed land uses within the City;
4. The changing conditions within the City will support the amendments;
5. The amendments will not result in excessive demands on public facilities, and the amendments will not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit and emergency medical facilities;
6. The amendments will not result in significant adverse impacts on the natural environment;
7. The amendments will result in an orderly and logical development pattern for the City;
8. The amendments will not be in conflict with the public interest, and are in harmony with the purpose and interest of the Land Development Code.

SECTION 3. AMENDMENT. That Article X. Signs of the City of Fellsmere Land Development Code is hereby amended to read as set forth in Exhibit “A” attached hereto and by this reference made a part hereof, and all of such revised, amended and new provisions are hereby adopted.

SECTION 4. AUTHORIZATION TO INCLUDE IN THE CODE. The revised, amended and new provisions of Article X. Signs as set forth in Exhibit “A” shall be included and incorporated in the City of Fellsmere Land Development Code and to the extent necessary shall be numbered and titled in accordance with the numbering and titling system of the Land Development Code.

SECTION 5. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

SECTION 6. CONFLICT. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Gerald J. Piper	_____
Council Member Sara J. Savage	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Ordinance fully passed and adopted this _____ day of _____, 2017.

CITY OF FELLOSMERE, FLORIDA

ATTEST:

Joel Tyson, Mayor

Deborah C. Krages, CMC, City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the _____ day of _____, 2017, and the first reading was held on the _____ day of _____, 2017, and the public hearing was held on the _____ day of _____, 2017, and the second and final reading and public hearing was held on the _____ day of _____, 2017.

Deborah C. Krages, CMC, City Clerk
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Sec. 10.13. - Allowed signs that do not require sign permits.

The regulations in this section apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified below in this section; however the city council may at its discretion regulate temporary signs further by resolution by requiring a permit, fees or any other regulations it deems appropriate.

- A. *Street address signs and residential mailboxes.* For each parcel within the city, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in nonresidential use, the street address sign shall not exceed four square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.
- B. *Nameplate or occupant identification signs.* For each residence, business or other occupancy within the city, one attached wall nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed four square feet in sign area.
- C. *Noncommercial onsite parking space signs.* Noncommercial onsite parking space number or identification signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six feet unless otherwise required by applicable law.
- D. *Free expression signs.* For each parcel within the city, one free expression sign not exceeding three square feet in sign area may be displayed on each frontage per parcel of land. The free expression sign may be displayed as an A-frame, wire frame or stick sign, window sign, or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district.
- E. *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed on each frontage per parcel of land. An election sign may be displayed as an A-frame sign, wire frame or stick sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area, and if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in nonresidential use, the election sign shall not exceed 16 square feet in sign area, and if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. An election sign shall be removed within seven calendar days following the election to which it pertains and shall not be erected sooner than 30 days prior to the election.
- F. *Artwork.* Artwork is allowed in all districts. However, art work that exceeds the height limit for signs within the zoning district in which it is located or covers an area of 100 square feet of more land area shall be approved by the City Manager. The City Manager's review shall be limited to impacts to adjacent properties due to height, mass, location, and impervious surface coverage and shall not address the content of the artistic work.
- G. *Flagpoles.* One flagpole is allowed for each parcel in the city unless approval is granted by the City Council. Flagpoles in residential districts shall not exceed 25 feet in height and flagpoles in nonresidential districts shall not exceed 35 feet in height.
- H. *Flags.* For each detached dwelling unit in a residential district, two flags not greater than 15 square feet in sign area (each) may be displayed. For each parcel in a multi-family residential district and in a nonresidential district, three flags not greater than 24 square feet in sign area (each) may be displayed. Additional flags or flag size must be approved by City Council.
- I. *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be six feet unless otherwise required by applicable law.
- J. *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
- K. *Temporary construction signs.* One temporary construction sign shall be allowed on each parcel within the city. Temporary construction signs shall not exceed three square feet in sign area, three

feet in height for residential properties, or 16 square feet in sign area and six feet in height for nonresidential properties and may be installed upon application for a development permit and must be removed within 30 days of project completion or expiration of the development approval.

- L. *Temporary real estate signs.* For each parcel within the city, one temporary real estate sign may be displayed on each frontage per parcel of land. However, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, lease, or rent, there shall only be one temporary window or attached real estate sign for each such unit or space that is separately owned. Temporary real estate signs shall not exceed three square feet in sign area, three feet in height for residential properties, or 12 square feet in sign area and five feet in height for nonresidential properties and may be A-frame sign, wire frame or stick sign, or free-standing sign. The temporary real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
- M. *Temporary garage-yard sale signs.* For each parcel within the city, one temporary garage-yard sale sign may be displayed on each frontage per parcel of land and may be A-frame sign, wire frame or stick sign, or free-standing sign.. However, the sign shall only be displayed on the parcel of land upon which the garage sale is taking place. A temporary garage-yard sale sign shall not exceed three square feet in sign area and three feet in height. No more than 5 temporary off-premise garage-yard sale signs are allowed within City rights-of-way upon notification to the Community Development Department of the time and location for the placement of the signs. A temporary garage-yard sale sign may not be displayed for a period longer than seven days during any calendar month and shall be removed upon the conclusion of the sale.
- N. *Temporary window signs.* For each parcel within the city, one or more temporary window signs may be displayed on the inside of the window. On parcels that are in residential use, the temporary window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of 16 square feet in sign area. Temporary window signs shall not cover more than 35 percent of any window surface.
- O. *Temporary holiday and seasonal decorations.* Temporary holiday and seasonal decorations shall be allowed in all districts.
- P. *Temporary valet parking station signs.* One temporary valet parking station sign, no more than three square feet in sign area and not more than three feet in height, shall be allowed on each parcel where the valet station is located and may be A-frame sign, wire frame or stick sign, or free-standing sign.. The temporary valet parking station sign shall only be visible during hours that the valet is operating and shall be located on the same parcel as the valet station.
- Q. *Bus stop informational signs.* Bus stop informational signs up to three square feet in area shall be allowed in all districts and may be A-frame sign or free-standing sign. If freestanding, these signs shall have a maximum height of six feet unless otherwise required by applicable law.
- R. *Temporary banner signs pennants, marquees, banners, streamers, balloons, wind activated banners, cold air inflatables and other fixed aerial signage.* Temporary banner signs, pennants, marquees, banners, streamers, balloons, wind activated banners, cold air inflatables and other fixed aerial signage may be allowed only as part of a temporary ~~special event approved by the City Council in conjunction with an application for special event or by the City Manager for special events that are related to a temporary sign only such as a grand opening, seasonal sale, or similar event.~~ The total cumulative temporary signs and/or features shall not exceed 15 square feet in a residential zone and 48 square feet in a commercial zone. Approval of temporary signs and/or features in excess of these limits shall only be approved by the City Council. The ~~City Manager may approve the~~ temporary displays are authorized herein for any one business or residence no more than four times per year and up to a maximum of ~~7~~14 days per occurrence, with a minimum of 45 days between each occurrence.
- S. A-frame signs unless such signs are displayed within a public right-of-way.

Section 14.0 Purpose and Intent.

The purpose of this section is to establish review and evaluation procedures by the City Manager, Technical Review Committee, Planning and Zoning Commission and City Council for preliminary and final site plans for the development projects defined below. The review shall focus on permitting a desirable living environment for the residents of proposed subdivisions and multiple-family zoning districts; ~~to provide~~ providing timely and logical ~~large-scale~~ commercial and industrial development; and ~~to encourage~~ encouraging a harmonious relationship with surrounding developments. Procedures for review and approval of subdivisions plats are contained within Article 15 of this Code. Prior to approval of a subdivision plat, a project must first have obtained approval of a site plan as set forth herein.

Section 14.1 Applicability.

All development defined below not otherwise processed as a Planned Development or Conditional Use shall be subject to the requirements of this Article. The following table sets forth review and approval authority for specific development types.

~~A permit for building or building expansion of the following types of development shall not be issued prior to following the appropriate city approval process listed below.~~

Proposed Use	<u>Technical Review Committee</u>	<u>Technical Review Committee City Manager Approval</u>	<u>P&Z Commission Approval</u>	<u>City Council Approval</u>
Commercial buildings	<u>Review all projects</u>	2,500sf or less on 1 acre or less site area	<u>Review of all projects greater than 2,500sf or on greater than 1 acre site area</u>	<u>Appeals of City Manager TRC; Approval for all others</u>
Industrial buildings	<u>Review all projects</u>	5,000sf or less on 2 acres or less site area	<u>Review of all projects greater than 5,000sf or on greater than 2 acres site area</u>	<u>Appeals of City Manager TRC; Approval for all others</u>
<u>Subdivisions</u>	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
Multifamily developments	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
Mobile home parks	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
New development in the downtown redevelopment area*	<u>Review all projects</u>	Old Town Projects less than one acre	<u>Old Town Projects equal to or greater than one acre</u>	<u>Appeals of City Manager; 1-acre or more Approval for all others</u>
Institutional developments	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
Conditional uses	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
Planned Developments (and Districts)	<u>Review all projects</u>		<u>Review all projects</u>	<u>All</u>
<u>Economic Development Projects</u>	<u>Review all projects</u>	<u>All</u>	<u>All – designation as an Economic Development</u>	<u>All – designation Appeals - staff site plan approvals</u>

			<u>Project pursuant to Sec. 17.26</u>	
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*For the purposes of this section the term "new development in the downtown redevelopment area" shall include renovation of any facility requiring-having an increase of fifty (50) per cent or more of the gross square footage of the floor area.

14.2 Required Plan.

- A. Preliminary Site Plan. For single phase projects, a preliminary site plan is not mandatory but may be sought by an Applicant to obtain preliminary approval of a general plan of development. For phased projects, a preliminary plan is required to set forth both phasing and general plan of development. Approval of a preliminary plan, whether phased or not, does not vest a property with any specific development rights. Except as otherwise set forth herein, a concurrency determination is not required at time of approval of a preliminary development plan.
- B. Final Site Plan. A final site plan is required for all developments outlined in Section 14.1. Approval of a site construction plan, if required, a final plat or a building permit or development order shall not be issued prior to approval of a final site plan.

Section 14.3 Preliminary Site Plan Submittal Requirements.

The following must be submitted to the City:

- A. Completed application form and fee as set by resolution.
- B. An authorization letter with form and content as set by Section 1.17 of the Code if the Applicant is not the Owner.
- C. A statement describing the general character of the intended development.
- D. A reproducible scaled and dimensioned preliminary site plan drawn to a scale not to exceed one hundred (100) feet to one (1) inch or other scale as approved by the Community Development Director. The identification "Preliminary Site Plan", the date, scale, revision date (if any), development name and other such information shall be shown in a convenient grouping in the lower right hand corner of every sheet in a conventional title block. The preliminary site plan shall include:
 - 1. Proposed name or title of project.
 - 2. The name of the surveyor, engineer and developer.
 - 3. North arrow, scale, graphic, and date of plan preparation with adequate space for revision notes.
 - 4. Tabulated site data including the following:
 - a. Building height and size.
 - b. Property size.
 - c. Property frontage.
 - d. Building setbacks.
 - e. Number of gross acres in the project.
 - f. Proposed development standards such as impervious coverage, minimum living area, and floor area ratio.
 - g. Acreage and percentage of land to be devoted to each of the residential and non-residential uses, including open space.
 - h. Proposed density/intensity of development.
 - i. Total number of dwelling units by type (single-family attached/detached, duplexes, townhouses, apartments, condominiums, etc).
 - j. Total square footage of commercial, industrial, or office space.
 - 5. General location of primary and secondary uses within site.
 - 6. Vehicular and pedestrian circulation systems.
 - 7. Proposed parks, school sites, or other public or private facilities.
 - 8. Proposed common open space.
 - 9. Proposed improvements/amenities and any complementary structures (e.g. conceptual lighting, facade materials, street furniture) and open space accessories.

10. The proposed method of dedication and administration of proposed common open space.
11. Preliminary development schedule delineating proposed dates for development phases.
12. General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity.
13. Conceptual building elevations indicating style(s) and materials to be used within the development.
14. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties.
15. Future land use and zoning of the subject property and all adjacent properties.
16. Location of all property lines, existing streets, easements, and utilities on site and within fifty (50) feet of the subject property.
17. Location of all buffers, green spaces and environmentally sensitive land.
18. A list of all jurisdictional agency permits required for the proposed development.
19. Proposed phases of the project, if applicable.
20. "Not Included" parcels, if any.
21. Projected use of building(s), if applicable.
22. Gross residential density or nonresidential intensity of the project, as applicable.
23. If the proposed project will involve the subdivision of land, the preliminary development plan shall also show proposed lot lines (with dimensions), number of lots, approximate area of the lots, and yard assignments specifying front, side and rear yard classifications.
24. Parks and public recreation areas, existing and proposed.
25. Such additional information as may be necessary to ensure that the project complies with the Land Development Code.

E. An AutoCAD compatible digital version of the site plan.

F. Adequacy of School Facilities. Submission of a Conditional School Concurrency Availability Determination for residential projects.

G. Existing Conditions. An exhibit showing the following information:

1. Canals and waterways (existing and proposed)
2. Watercourses and all free-flowing wells
3. All water bodies showing the approximate mean high waterline
4. Drainage pattern on-site and within two hundred (200) feet of the site boundary
5. Identify existing trees or tree groupings, as applicable per the tree preservation article
6. Floodplain data on-site and within two hundred (200) feet of the subject site
7. Water management or utility facilities
8. Location of all parks, public spaces, green spaces, and natural areas on site and within two hundred (200) feet of the site boundary.

The information required above may be reflected on a separate exhibit or contained within the preliminary site plan or required survey.

H. Preliminary Environmental Statement. The preliminary environmental statement shall reflect for the site and immediately adjacent sites the general extent and approximate acreage of all native upland and wetland systems; a description of the vegetation and wildlife common on the site; all endangered and threatened plants or animals or archeological resources and a general plan of preservation or mitigation.

I. Traffic Impact Statement. A traffic impact statement presenting the anticipated trips that may be generated from the proposed development for projects that generate 100 daily trips or more.

J. One (1) aerial of the site with overlay of project showing the surrounding three hundred (300) feet of adjacent properties

K. Written information and other materials required:

1. A statement acknowledging that submittal of incorrect and erroneous information may result in a change of recommendations or requirements to be applied.
2. Two (2) sealed surveys.
3. Two (2) copies of the owner's deed.

4. If an agent is used, a letter from the property owner authorizing the agent to act on his behalf and agreeing to be bound by the acts of his agent.
5. Title search prepared by an Attorney or Title Insurance Company within 60 days of submittal of an application.

Section 14.2.4 ~~Formal-Final~~ Site Plan Submittal Requirements.

The following must be submitted to the City:

- A. Completed application form and fee as set by resolution.
- B. An authorization letter with form and content as set by Section 1.17 of the Code if the Applicant is not the Owner.
- ~~BC.~~ A statement describing the general character of the intended development and the proposed method of preserving and maintaining open space shall accompany the required number of copies of the ~~preliminary or~~ final site plan.
- ~~CD.~~ A reproducible scaled and dimensioned site plan drawn to a scale not to exceed fifty (50) feet to one (1) inch or other scale as approved by the Community Development Director. The identification "Final Site Plan", the date, scale, revision date (if any), development name and other such information shall be shown in a convenient grouping in the lower right hand corner of every sheet in a conventional title block. The site plan shall include:
 1. Name of the proposed project, location (including a vicinity map), owner and all designers of the proposed development (architects, engineers, surveyor, traffic professionals, etc.).
 2. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
 3. Tabulated site data including the following in relation to minimum or maximum code allowances, where applicable:
 - a. Building height and size.
 - b. Property size.
 - c. Property frontage.
 - d. Building setbacks.
 - e. Number of gross acres in the project.
 - f. Proposed development standards such as impervious coverage, minimum living area, and floor area ratio.
 - g. Acreage and percentage of land to be devoted to each of the residential and non-residential uses, including open space.
 - h. Proposed density/intensity of development.
 - i. Total number of dwelling units by type (single-family attached/detached, duplexes, townhouses, apartments, condominiums, etc).
 - j. Total square footage of commercial, industrial, or office space.
 - ~~3.4.~~ Future land use and zoning of the subject property and all adjacent properties.
 - ~~4.5.~~ Date, north arrow and graphic scaleNorth arrow, graphic scale, and date of plan preparation with adequate space for revision notes.
 - ~~5.6.~~ Property size, legal description and parcel identification information.
 7. Location of all property lines, existing streets, easements, and utilities on site and within fifty (50) feet of the subject property.
 - ~~6.8.~~ Specific site layout, as well as including, but not limited to, proposed drainage structures and culverts, and proposed streets, driveways, pedestrian and bicycle ways, and buildings or structures and general site layout.
 - ~~7.9.~~ Location of all trash receptacles.
 - ~~8.10.~~ All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property or lot lines and building height.
 - ~~9.11.~~ A rendering, elevation or photo of the proposed development.
 12. Generalized sign plan addressing the requirements of Article X Signs.

- 13. A generalized landscaping plan addressing the requirements of Article XI Landscaping and showing the location of all buffers, green spaces and environmentally sensitive land.
- 14. A list of all jurisdictional agency permits required for the proposed development.
- 15. Proposed phases of the project, if applicable.
- 16. "Not Included" parcels, if any.
- 17. Projected use of building(s) and actual building size and type, if applicable.
- 18. Gross residential density or nonresidential intensity of the project, as applicable.
- 19. Proposed stormwater management plan and control facilities and general grading plan;
- 20. Utility sources, distribution and collection lines, if available (including but not limited to water, sewer, natural gas, fire hydrants, electricity, cable television and telephone);
- 21. Proposed locations of street lights, sidewalks and bike paths, if any.
- 22. Typical cross section of the typical construction type, dimensions and size of proposed streets, water retention areas, berms, sidewalks, swales, walls and other required and proposed site improvements.
- 23. If the proposed project will involve the subdivision of land, the following additional information shall be shown on the preliminary or final site plan:
 - a. Lot lines (with dimensions);
 - b. Number of lots;
 - c. Area of the lots;
 - d. Yard assignments, specifying front, side and rear yard classifications must be noted on all irregularly shaped lots and lots fronting on cul-de-sacs, curves, and more than one (1) street.
- 24. Parks and public recreation areas, existing and proposed.
- 25. Such additional information as may be necessary to ensure that the project complies with the Land Development Code.

40. Fire Lanes:

- ~~a. Fire Lanes shall be required as set forth in the Florida Fire Prevention Code, for all buildings that are set back more than one hundred and fifty (150) feet from any roadway (public or private) or any structure more than thirty feet (30) in height, which is setback fifty feet (50) or more feet from any roadway. Variations to this requirement may only be approved by the Indian River County Emergency Services.~~
- ~~a. All fire lanes shall be a minimum of twenty (20) feet in width and shall be located a minimum of ten (10) feet from any exterior building wall.~~
- ~~a. All fire lanes shall be appropriately marked and shall be posted as no parking areas.~~
- ~~a. Dead end fire lanes exceeding three hundred (300) feet or more shall be provided with a cul-de-sac, to the requirements of the Indian River County Emergency Services.~~

DE. Adequacy of Public Facilities. The proposed building or use complies with the standards of section 17.24.

EF. A digital version of the site plan.

FG. Adequacy of Fire Protection. The applicant shall demonstrate by substantial credible evidence that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

GH. Adequacy of School Facilities. The proposed building or use will be served by adequate school facilities, consistent with the City's Comprehensive Plan and Concurrency Management System and the Interlocal Agreement entered into between the City and Indian River County School Board.

HJ. Existing Conditions. A survey of the exiting site certified by a registered land surveyor indicating that the survey meets the minimum technical standards for land surveying in Florida pursuant to Section 472.027 F.S., as amended, and Chapter 21HH-6.01, Florida Administrative Code, as amended, with contour lines at one-foot intervals showing the following information:

- 1. One (1) aerial of the site with overlay of project showing the surrounding three hundred (300) feet of adjacent~~An aerial photograph of the property on which the development activity is to take place. The aerial photograph used to satisfy this requirement may be obtained from the Indian River County Property Appraiser.~~

2. Canals and waterways (existing and proposed)
3. Watercourses and all free-flowing wells
4. All water bodies showing the approximate mean high waterline
5. All environmentally sensitive land as defined by the City of Fellsmere Comprehensive Plan
6. All endangered and threatened plants or animals or archeological resources
7. Soil conditions and analysis
8. Groundwater table
9. Drainage pattern on-site and within two hundred (200) feet of the site boundary
10. The extent, area and type of all native vegetation communities of the subject site and immediately adjacent properties
11. Identify existing trees or tree groupings, as applicable per the tree preservation article, wetlands and other natural vegetation to be retained. Explain or illustrate methods to preserve such features both during and after construction. Identify such features to be removed and state reasons and/or justification for removal;
12. Floodplain data on-site and within two hundred (200) feet of the subject site
13. Water management or utility facilities

I.J. Environmental Impact Report.

1. Applicability
 - a. Whenever a submission of a site plan is required, an environmental impact report shall be provided if the proposed development meets any of the following:
 - 1) The property is ten (10) acres or over;
 - 2) The property is identified on any applicable "Inventory of Native Ecosystems"; or
 - 3) The proposed development is located in whole or part within the One Hundred (100) Year Flood Plain.
 - b. The Community Development Director may authorize total or partial relief from the requirement of an environmental impact report if ~~he finds~~, after receiving the recommendation of the Technical Review Committee and based on conditions peculiar to the proposed development, ~~that~~ the information foregone by such relief is not needed to determine the environmental impact of the proposed development.
2. Contents. The environmental impact study shall contain the following information:
 - a. A vegetation and substrate survey including:
 - 1) Extent and acreage of all native upland and wetland systems.
 - 2) The required first floor elevation, and whether all floor elevations will be above this level.
 - 3) An assessment of the impacts upon onsite vegetation and wildlife, a description of the planned approach that will be used to minimize these impacts and an explanation of any mitigation that will be provided.

I.K. Traffic Impact ~~Statement~~Analysis. A traffic impact ~~statement~~analysis shall be provided for all proposed projects that generate 100 daily trips or more.

I.L. Implementation Plan pursuant to Section 14.6 of this Code.

M. Written information and other materials required:

1. A timetable for commencement and completion of the project for all phases;
2. A statement acknowledging that submittal of incorrect and erroneous information may result in a change of recommendations or requirements to be applied.
3. Two (2) copies of the owner's deed.
4. If an agent is used, a letter from the property owner authorizing the agent to function on his behalf.

Section 14.3-5 ~~Formal~~ Site Plan Review Procedures.

A. Site plans shall be reviewed and processed as provided for in Article XVII, Section 17.20 A and B.

B. Preliminary Engineering Drawings. Preliminary Engineering drawings of the following proposed utility system improvements must be presented to the Community Development Department for review and

approval, prior to the final development plan being presented to the planning and zoning commission.

Preliminary Engineering drawings must include:

1. Water;
2. Sanitary sewer;
3. Storm sewer;
4. Bulkheads;
5. Sidewalks and bicycle paths;
6. Streets;
7. Lot grading plan;
8. Existing and proposed Rights-of-way;
9. Required off-site improvements;
10. Drainage; and
11. Lighting.

Section 14.4-6 Final Approval and Modifications to Approved Site Plans.

Upon the formal site plan being approved, the development shall be built substantially in accordance with the site plan and, if applicable, the plans and specifications more specifically set forth in the improvement site construction plan. If after such approval should the owner/applicant or his successors desire to make any changes to said site plan, such changes shall first be submitted to the City Manager or designee to determine if the change can be approved by staff, or if it requires another hearing before the Planning and Zoning Commission and City Council. In determining whether a change qualifies for administrative or Council approval, criteria set forth in Section 17.20.E shall prevail. Modifications that do not meet such criteria need to be processed for reconsideration of the new development plan. Any proposed modifications to a site plan shall not violate any other provisions of this Code and the City's Comprehensive Plan.

Section 14.5-7 Phased Developments.

- A. All phases shall be shown to stand alone, according to the development requirements of this Code.
- B. If a development that is to be built in phases or stages includes improvements that are designed to, related to, benefit, or are to be used by the entire development (such as a swimming pool or tennis courts in a residential development) then as part of the application for site plan approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the development order by the order issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the development order.
- ~~C. Notwithstanding the provisions of this subsection, a formal site plan that includes more than one (1) principal structure shall expire if certificates of occupancy for all principal structures have not been issued within five (5) years after formal site plan approval unless the development order sets forth a certificate of occupancy phasing plan with a different timeframe. In no case shall a timeframe for a development order containing phases extend beyond ten years.~~
- DC. Formal Site plan approval expiration. All preliminary site plan approvals, unless otherwise noted, shall expire automatically five (5) years after the issuance of approval unless an application for a final site plan approval has been submitted and found to be complete by the City. All final site plan approvals, unless otherwise noted, shall expire automatically three (3) years after the issuance of approval unless an application for site construction~~an implementation~~ plan approval has been submitted and found to be complete by the City.

1. Phase Approvals. A preliminary site plan that includes more than one (1) principal structure shall expire if a certificate of completion for all required infrastructure has not been issued within five (5) years after preliminary site plan approval unless the

development order sets forth a phasing plan with a different timeframe. In no case shall a timeframe for a development order containing phases extend beyond ten years.

- 4.2. Approval extension. If application for the next required development approval is not filed and found to be complete within ~~three (3) years after the date the site plan received approval~~ the required timeframe set forth herein, a two (2) year extension may be granted. In order to obtain an extension, the applicant must make the request in writing to the Community Development Department and will subsequently be placed on the City Council agenda. Only one (1) extension may be granted. If no extension is granted and/or construction is not commenced within the initial timeframe, or if no construction is commenced within the timeframe granted by extension, the site plan shall immediately become null and void, and no construction shall be permitted until a new site plan application has been submitted and approved. Such application shall meet all of the requirements and be in accordance with the procedure hereinabove set forth.

Section 14.6-8 Improvement Site Construction Plans.

The applicant shall initiate engineering and construction plan (~~improvement site construction~~ plan) review procedures as set forth in this section along with or after approval of a final site plan. However, the City Manager or designee may waive the review procedures set forth in this Section if a determination is made that the health, safety and welfare of the citizenry has been assured through receipt of a permit from a regulatory agency other than the City or a modification to a permit previously issued by a regulatory agency other than the City. If the City Manager or designee makes a determination that an ~~implementation site construction~~ plan is not required, a Final Site Plan approval shall serve as the development permit for the project and building permits for construction may be issued. Approval of site construction plans shall not occur until after approval of the associated final site plan. All site construction plans and required supplementary material shall address the entire parcel covered by the final site plan or particular phase of a final site plan, as applicable, and all required supporting off-site infrastructure modifications, if any.

- A. Application for Approval. For approval of a site construction plan, the applicant shall submit at least five (5) copies of the site construction plan, the supplementary materials required to accompany such plan and the fee as established by resolution, to the City Manager or designee. The proposed site construction plan and supplementary materials shall be in the form prescribed in this Section. No application shall be deemed accepted unless it is complete. Acceptance shall not mean approval. The City Manager or designee shall advise the applicant of whether the proposed site construction plan is accepted or not accepted within a period of ten (10) working days from the date of submission. If the proposed site construction plan is not accepted, the City Manager or designee shall inform the applicant in writing of the reason(s) for denial or acceptance of such site construction plan. The applicant may submit a revised application within 365 calendar days without payment of any additional processing fee. Failure by the City Manager or designee to specify the reason(s) for denying the acceptance of a proposed site construction plan shall not preclude such reason(s) being specified in denying any reapplication for such plan.
- B. Referral to Technical Review Committee. Upon acceptance of the proposed site construction plan, the City Manager or designee shall distribute copies of the proposed site construction plan to the Technical Review Committee. Within thirty (30) working days of acceptance of the proposed site construction plan, the collective findings of the Technical Review Committee and their collective recommendation respecting approval, disapproval or necessary modification thereof shall be transmitted in writing to the City Manager or designee.
- C. Referral to City Attorney. The City Manager or designee shall transmit a copy of any proposed legal instrument or agreement included in or required in support of the proposed site construction plan to the City Attorney for review and approval for legal sufficiency.

- D. Administrative Official's Action. Upon receipt of the written and collective recommendation of the Technical Review Committee and any comments or opinions of the City Attorney and the City Manager or designee, in accordance with such recommendation, shall enter an order:
1. Approving such proposed site construction plan subject to any conditions, modifications and specific time limits prescribed by the City Council respecting the final site plan for the parcel in question;
 2. Disapproving such proposed site construction plan, or;
 3. Approving such site construction plan subject to any modifications and conditions as the recommendation of the Technical Review Committee and City Attorney may have prescribed and further subject to such conditions, modifications and specific phasing time limits prescribed by the City Council respecting the final site plan for the parcel in question.
 4. If the proposed site construction plan is approved, the City Manager or designee shall indicate such approval by signing his/her name on at least one (1) copy of the site construction plan indicating the date of such approval. The approved and signed site construction plan, and required supplementary materials, shall then be filed in the Community Development Department and shall constitute the site construction plan for the parcel in question and a construction site development permit shall be issued.
 5. If the proposed site construction plan is disapproved or approved subject to modification, the City Manager or designee shall return one (1) copy of the site construction plan and required supplementary materials to the applicant along with a copy of his order respecting the same.
- E. Reapplication. If the City Manager or designee enters his/her order disapproving a proposed site construction plan or approving the same subject to modification, the applicant may at any time within three hundred sixty five (365) calendar days following the date of such order file an amended site construction plan and supplementary material whereupon the same shall be received, reviewed and acted upon in the same manner as hereinabove provided for original applications for approval of an site construction plan, provided that no additional fee for such application shall be required. After three hundred sixty five (365) calendar days, a new application and fee will be required and the process starts over. An Applicant may extend the reapplication period by requesting same and providing a fee as set by resolution. The City Manager may extend the reapplication period by up to one calendar year. One further extension may be granted by the City Council upon due cause for up to one additional calendar year. The Applicant shall be required to comply with all changes to rules or regulations of the City of other permitting agencies as of the date of any approved extension.
- F. General Site Construction Plan Requirements. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. In general, site construction plans shall be suitable for contracting and construction purposes. The site construction plan shall show those improvements that are assured through an improvement agreement with security, and which must be satisfactorily completed before the security or escrow is released. The City may prescribe appropriate conditions and safeguards which relate to the City's code and the effect the project will have on the community and which are necessary to protect the health, safety or welfare of the residents of the City of Fellsmere and surrounding communities.
- G. Site Construction Plan Sheet Data, Size and Scale. Site construction plans shall be drawn at a scale of one (1) inch to fifty (50) feet or larger. Sheet size for site construction plans shall be twenty-four (24) inches by thirty-six (36) inches or thirty-six (36) inches by forty-eight (48) inches. Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes.

1. The identification "site construction plan", the date, scale, revision date (if any), development name and other such information shall be shown in a convenient grouping in the lower right hand corner of every sheet in a conventional title block.
2. Each copy of a site improvement plan required to be submitted to the City Manager or designee shall bear the original signature of an engineer licensed as a professional engineer by the State of Florida and authorized by the applicant who shall also certify that the drawing was prepared at his instruction and that the information shown is correct.

H. Site Construction Plan Required Information.

1. A cover sheet, including a location map;
2. Complete details including water, sewer, and storm drainage system. The proposed general location of wells and septic tanks (if any) shall be in conformity with the requirements of the Indian River County Health Department and all state and local ordinances;
3. A master stormwater management and flood protection plan, including location of flood plains, stormwater retention and detention areas, and complete calculations and exhibits as required by Article VII;
4. Construction details showing compliance with City standards or alternate design as approved by the City's engineer;
5. Special profile sheets, if necessary, showing special or unique situations;
6. Benchmark location, based on National Geodetic Vertical Data (N.G.V.D.);
7. Soil analysis, showing the locations and results of test borings of the subsurface condition of the tract to be developed, when required by the City. At least one (1) such test shall be provided every three hundred (300) feet of road construction. Soil conservation service information may be used when available. Where impervious soils or muck are encountered, the plans shall reflect a satisfactory design to cope with such conditions;
8. Special conditions and specifications in note form on the plans including but not limited to:
 - a. Compliance with the subdivision requirements;
 - b. Where applicable, compliance with state standards as currently adopted and in use;
 - c. Minimum standards for materials;
 - d. Test requirements for stabilization, base and backfill
 - e. Source of water and sewer services;
 - f. Traffic-control devices and pavement markings.
9. The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (indicating the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (50) feet beyond the tract boundary) with tentative finished grades indicated, and lot grading plan and including easement or tract work, clearing and grubbing, and structural details of facilities in the rights-of-way;
10. A typical cross-section of each type of proposed street or bikeway, showing the width of pavements, the location and width of sidewalks, where required, and rights-of-way;
11. Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction;
12. Plans for street lighting, landscaping, parks, green space, buffers, recreational areas and parking areas. All required landscape buffers will be in separate tracts. Storm water retention areas and rights-of-way are not to be included in this calculation;
13. The plans shall have applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction;
14. Provide a landscape and tree protection plan. Identify material specifications, planting/removal/relocation and instructions and irrigation system location and specifications;
15. Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer;
16. A certificate from a surveyor registered in the State of Florida that a permanent or temporary reference marker has been located in the public right-of-way at a corner point of the subdivision

near the entrance way of the proposed subdivision. The reference marker shall be identified on the plat of the subdivision and shall be used to establish the grade level for all improvements in the subdivision;

17. Where the design includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate;
18. All bulkhead lines (if any);
 - a. Details of bulkhead construction (if any);
 - b. Detailed cross-sections showing existing and proposed depths; and
 - c. Location of hard pan, muck or other unique soil conditions.
19. The developer shall submit copies of the applications to or permits from all other permitting agencies that are applicable to the project;
20. Indicate fire hydrant locations and type of internal fire protection systems, if any, to serve the buildings;
21. A detailed statement of the method of assuring the perpetual ownership and maintenance of permanent open space, recreational facilities or other common purposes and/or improvements shall, when utilized, include draft copies of covenants, agreements, dedications, stipulations, common vehicular access agreements, property owner association articles and other applicable documents or legal instruments for review and approval for legal sufficiency of the City Attorney. Every subdivision, residential or commercial, shall have an incorporated association responsible for the operation and maintenance of the subdivision, and it shall own the common areas, unless they are owned by a governmental agency.
22. The impact on the level of service to the following:
 - a. Traffic circulation, thoroughfares, transportation routes including bicycle and pedestrian ways;
 - b. Sanitary sewer, solid waste, drainage, potable water, natural ground water and discharges to surface areas;
 - c. Environmental impacts affecting natural resources in the area including air, water, recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, floodplains, rivers, bays, lakes, harbors, forest, fisheries and wildlife, marine habitat, minerals and other natural and environmental resources;
 - d. Recreational areas either public or private, including but not limited to parks, playgrounds, parkways, natural reservations, beaches, open spaces and other recreational facilities;
 - e. Housing within area of property including low-income and moderate income families, mobile homes, group home facilities and foster care facilities;
 - f. Any required elements of the City's Comprehensive Plan not covered above in this subsection.

~~The procedure for review of the improvement plans shall be as follows.~~

- ~~A. Timing of Application. Improvement Plans will be accepted by the City for review concurrent with or after submittal of any development application. Approval of implementation plans shall not occur until after approval of the associated development application or plat.~~
- ~~B. Application for Approval. For approval of an improvement plan, the applicant shall submit at least five (5) copies of the improvement plan, the supplementary materials required to accompany such plan and the fee as established by resolution, to the City Manager or designee. The proposed improvement plan and supplementary materials shall be in the form prescribed in Section 15.6. No application shall be deemed accepted unless it is complete. Acceptance shall not mean approval. The City Manager or designee shall advise the applicant of whether the proposed improvement plan is accepted or not accepted within a period of ten (10) working days from the date of submission. If the proposed improvement plan is not accepted, the City Manager or designee shall inform the applicant in writing of the reason(s) for denial or acceptance of such improvement plan. Failure by the City Manager or designee to specify the reason(s) for denying the acceptance of a proposed improvement plan shall not preclude such reason(s) being specified in denying any reapplication for such plan.~~

- ~~C. Referral to Technical Review Committee. Upon acceptance of the proposed improvement plan, the City Manager or designee shall distribute copies of the proposed improvement plan to the technical Review Committee. Within thirty (30) working days of acceptance of the proposed improvement plan, the collective findings of the Technical Review Committee and their collective recommendation respecting approval, disapproval or necessary modification thereof shall be transmitted in writing to the City Manager or designee.~~
- ~~D. Referral to City Attorney. The City Manager or designee shall transmit a copy of any proposed legal instrument or agreement included in the proposed improvement plan to the City Attorney for review and opinion.~~
- ~~E. Administrative Official's Action. Upon receipt of the written and collective recommendation of the Technical Review Committee and any comments or opinions of the City Attorney and the City Manager or designee, in accordance with such recommendation, shall enter an order:~~
- ~~0. Approving such proposed improvement plan subject to any conditions, modifications and specific time limits prescribed by the City Council respecting the site plan for the parcel in question;~~
- ~~0. Disapproving such proposed improvement plan, or;~~
- ~~0. Approving such improvement plan subject to any modifications and conditions as the recommendation of the Technical Review Committee and City Attorney may have prescribed and further subject to such conditions, modifications and specific phasing time limits prescribed by the City Council respecting the site plan for the parcel in question, if any.~~
- ~~0. If the proposed improvement plan is approved, the City Manager or designee shall indicate such approval by signing his/her name on at least one (1) copy of the improvement plan indicating the date of such approval. The approved and signed improvement plan, and required supplementary materials, shall then be filed in the Community Development Department and shall constitute the improvement plan for the parcel in question and a construction site development permit shall be issued.~~
- ~~0. If the proposed improvement plan is disapproved or approved subject to modification, the City Manager or designee shall return one (1) copy of the improvement plan and required supplementary materials to the applicant along with a copy of his order respecting the same.~~
- ~~F. Reapplication. If the City Manager or designee enters his/her order disapproving a proposed improvement plan or approving the same subject to modification, the applicant may at any time within one year following the date of such order file an amended improvement plan and supplementary material whereupon the same shall be received, reviewed and acted upon in the same manner as hereinabove provided for original applications for approval of an improvement plan, provided that no additional fee for such application shall be required for the first resubmittal. After one year or for additional resubmittals beyond the first resubmittal, a new application and fee will be required and the process starts over.~~
- I. Required Improvements. All required improvements, to the extent that such improvements are a part of the improvement site construction plans, shall be required as set forth in Section 15.10 of this Code below.
1. Streets. All streets shall be paved and meet AASHTO specifications. The pattern of streets shall provide for the continuation of existing or proposed streets from adjoining areas. Extensions of existing public roads may be required to provide adequate access and circulation, and/or to mitigate against the negative impacts of developments having lengthy dead-ended streets or closed street systems.
 2. Easements
 3. Utilities Systems
 4. Erosion control provisions
 5. Permanent Control Points
 6. Street signs and traffic control markings and signs. All traffic control devices shall be designed to be in conformance with the Manual of Uniform Traffic Control Devices, FHWA;

- 7. Rights-of-way. All rights-of-way will be dedicated without compensation to the City, County or to a property owners' association, and no variance will be granted on minimum right-of-way widths for public streets
- 8. Conservation areas, if applicable
- 9. Stormwater and floodwater management systems
- 10. Sidewalks shall be provided on at least one (1) side of all roads within residential projects unless all lot sizes are one (1) acres or more
- 11. Buffers
- 12. Common green space
- 13. Bikeways and Sidewalks
- 14. Fire hydrant systems
- 15. Parks and recreational areas and facilities
- 16. Curbing (such as mountable, non-mountable, Miami gutter) is required along both sides of all roads within subdivisions having individual lots of 1.5 acres or less
- 17. Streetlights
- 18. Traffic system improvements, including control devices as necessary, both onsite and off-site
- 19. Emergency access
- 20. Filing and drainage as necessary
- 21. Bridges and culverts when necessary
- 22. Alleys
- 23. Any other improvements deemed necessary by the City Council for the health, safety and welfare of the City of Fellsmere.

G.

H.J. Discontinue or stoppage in work. After the first year of approval of a ~~site construction~~ improvement plan, the ~~site construction~~ improvement plan approval shall expire automatically if during any twelve-month period less than twenty-five (25) per cent of the total remaining cost of construction, erection, alteration, excavation demolition or similar work on any ~~site~~ development authorized by the ~~building permit~~ site construction plan has been completed on the site. However, a six-month extension of the ~~improvement~~ site construction plan approval may be approved by the City Manager provided that a written request is submitted sixty (60) days prior to improvement plan expiration. Consideration of an extension shall only be considered if the site has been properly maintained during construction and all required inspections have been performed and approved. The City Council may grant one (1) additional extension of one (1) year to extend the validity of the ~~improvement~~ site construction plan, provided that the applicant shall apply to the City Council for such extension at least sixty (60) days prior to ~~improvement~~ site construction plan expiration. The City Council may attach conditions to any extension approval.

I.K. ~~Formal improvement~~ Site construction plan approval time limitations. All ~~improvement~~ site construction plan approvals, unless otherwise noted, shall expire automatically one (1) year after the issuance of approval if ~~a certificate of completion of the required infrastructure~~ the use authorized by a development approval has not ~~been granted by the city~~ commenced, or where no substantial construction, erection, alteration, excavation, demolition, or similar work ~~has commenced~~ is necessary before commencement of such use, or when an application for the next required development approval has not been filed. An Applicant may extend the approval time limitation by requesting same and providing a fee as set by resolution. The City Manager may extend the approval time limitation by up to six months. One further extension may be granted by the City Council upon due cause for up to one additional calendar year. The Applicant shall be required to comply with all changes to rules or regulations of the City of other permitting agencies as of the date of any approved extension.

L. Approval of a site construction plan shall not be issued without proof of permit issuance or exemption by St. Johns River Water Management District, Florida Department of Environmental Regulations, Florida Department of Transportation, U.S. Army Corps of Engineers, Florida Department of Health and Rehabilitative Services, Florida Department of Natural Resources and/or other appropriate

agencies if applicable. The requirements for the applicant to obtain permit issuance or notice of exemption shall be noted on plan.

- M. No construction may begin until a land development permit is issued as a result of the approval of a site construction plan. No building permit shall be issued by the city until a final development plan has been approved as provided in this Article and a site construction plan including detailed final engineering plans has been approved by the City Manager or his/her designee.
- N. All building permits associated with a proposed development shall be issued within ten years of the issuance of a certificate of completion of the required infrastructure by the city.
 - 1. Where building permits have not been issued within the required timeframe, the City, at its sole discretion, may require, prior to release of such building permits, modification of the site elements to accommodate revised land development code provisions adopted after the date of the certificate of completion.