

**ORDINANCE NO. 2016 -11**

**AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING CHAPTER 2 OF THE LAND DEVELOPMENT CODE BY ADDING A NEW SUB-SECTION THAT PROVIDES REGULATIONS FOR PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ADOPTION OF LAND DEVELOPMENT CODE SECTION 2.06.01; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA:**

**SECTION 1 - AUTHORITY.**

The authority for enactment of this Ordinance is the City Charter, Section 163, Part II and Section 166.021, Florida Statutes and the adopted Comprehensive Plan.

**SECTION 2 - PURPOSE.**

The purpose of the Ordinance is to amend the adopted Land Development Code to include provisions for Preliminary Development Order Application requirements.

**SECTION 3 - FINDINGS OF FACT.**

The City Council of the City of Mary Esther, Florida, finds the following:

- A. The current Land Development Code provides for preliminary development plan approval but does not provide requirements for an application for preliminary plans; and
- B. Providing for requirements for an application for preliminary development plan is used in many local government jurisdictions; and
- C. Use of the preliminary development plan process is more efficient than that which is currently available in the City's Land Development Code and is expected to reduce the up-front costs of development; and
- D. Public Hearings precedent to final adoption of this Ordinance have been duly noticed and conducted by the City; and
- E. This Ordinance and the amendment adopted hereby are in the best interests of the City and its citizens.

**SECTION 4 - ADOPTION OF SECTION 2.06.01 OF THE LAND DEVELOPMENT CODE.**

New section 2.06.01 of the Land Development Code as shown in Attachment "A" to this Ordinance is hereby adopted and Attachment "A" is incorporated herein by reference.

**SECTION 5 - SEVERABILITY.**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 6 - EFFECTIVE DATE.**

This Ordinance shall become effective upon adoption on second reading and execution by the Mayor.

SO DONE this 7<sup>th</sup> day of NOVEMBER 2016

By:



Chris Stein, Mayor

ATTEST:



Dana L.S. Williams, CMC  
City Clerk

First Reading: 10/3/16  
Published: 10/12/16  
LPA Review: 10/17/16  
Second Reading: 11/7/16

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**ATTACHMENT "A"**

## Section 2.06.01 Preliminary Development Order Application Requirements

A. A site plan which shows, or is accompanied by, the following:

1. A signed and sealed survey of the site with acreage or area calculations;
2. The location and density or intensity of the proposed development;
3. The location of environmentally sensitive lands (i.e. wetlands, streams, water bodies, etc.) on the site, if any. If none exist, such shall be indicated on the site plan.
4. A parking and circulation plan, including any new access points to adjacent roadways;
5. A preliminary storm water management plan with calculations if the development creates any new impervious surfaces;
6. Proposed open space and buffer space, with dimensions/calculations, and the content of the buffers;
7. The location of flood zones, if any;
8. Building setbacks and footprints of all proposed new buildings on the site;
9. Number of dwelling units, if any, and projected number of occupants and/or bedrooms;
10. Concurrency determinations for all infrastructure subject to the concurrency requirements in the Comprehensive Plan;
11. Architectural elevations and schematic design plans. Design Development or final engineered plans are not required for the preliminary Development Order, but may be submitted if the applicant chooses.
12. A completed Preliminary Development Order checklist with an explanation of any item thought to be not applicable to the proposed development.

B. All applicants for a Preliminary Development Order shall request a pre-application conference with the City. The City Manager, or designee, shall notify the applicant of the date, time and place for the conference, which shall be held as soon as practical following the request. At this conference, the City will cause the attendance of members of the Technical Review Committee and any other officers or officials (including consultants) necessary to provide the applicant with sufficient information to proceed with the formal application for a preliminary Development Order. Any costs to the City for attendance by consultants or other necessary resources shall be reimbursed by the applicant before the Preliminary Development Plan is considered by the LPA/City Council.