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GENERAL PROVISIONS
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**ARTICLE I
GENERAL PROVISIONS**

1.00.00 TITLE

This Code shall be entitled the "Land DevelopmentCode" and maybe referred to herein as the "Code."

1.01.00 AUTHORITY

This Land Development Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter effective 1952, and the general powers in Chapter 166/125, Florida Statutes .

1.02.00 APPLICABILITY

1.02.01 General Applicability

Except as specifically provided below, the provisions of this Code shall apply to all development in the city and no development shall be undertaken without prior authorization pursuant to this Code.

1.02.02 Exceptions

A. Previously Issued Development Permits

The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months of issuance of the building permit; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only

the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

C. Consistency With Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the Town of Bronson comprehensive plan.

1.03.00 GUIDE FOR USERS

1.03.01 *The Integration Of Land Development Regulations*

This integrated land development code was enacted to replace the land development regulations that had been adopted piecemeal over the years and were thus scattered throughout the local code of ordinances. These scattered regulations lacked coordination and were difficult to find, administer and understand. The replacement of these scattered regulations with an integrated land development code should greatly enhance the efficiency and effectiveness of land development regulation by the Town.

An integrated code, such as this one, may appear to be missing certain parts. For example, there is not a separate part of the Code labeled "Subdivision Regulations." That is because the regulations relating to subdivisions are essentially the same as those relating to other developments. Thus, stormwater requirements for all development, including subdivisions, are found in the part labeled "Stormwater Management;" tree planting requirements are found in the "Landscaping" part, and so forth.

Likewise, there is no part labeled "Planned Unit Development." The distinction between P.U.D. developments and others may be eliminated in an integrated land development code. Under this Code, all development is treated as only Planned Unit Developments were in the past. Thus, all commercial development, and all residential development except the building of a dwelling on a lot of record, must go through a review process similar to that used for Planned Unit Developments. Also, the flexible site design criteria formerly reserved for Planned Unit Developments are now applied to all developments.

In short, this Code establishes a single set of site design criteria and development review procedures. This integration results in a different layout and an unfamiliar table of contents, but should, as familiarity with the code increases, result in a much more streamlined and effective land development regulatory system.

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**1.03.02 Checklist For Preparation And Review Of
Development Proposals**

Every attempt has been made to make this Code as easy as possible for interested citizens, developers, and local government staff to use. The Articles are arranged in an order that reflects the process by which a developer would start with a parcel of land and conclude with an approved development. This same ordering provides a checklist approach for interested citizens and staff who are reviewing a proposed development for compliance with code requirements. The ordering and checklist are as follows:

ARTICLE I GENERAL PROVISIONS

This Article contains general provisions necessary to determine the applicability of the Code, and to ensure the Code's legal validity. Part 1.02.00 above, "Applicability," establishes which development must comply with the requirements of this Code. Certain development activities are not covered if they are authorized by previously approved development plans. Thus, an initial question is whether proposed development activity is covered by this Code or by rules in effect prior to the adoption of this Code.

Once a determination is made that this Code applies, this User's Guide should be reviewed in order to gain an understanding of how the Code works. The remainder of Article I need not be reviewed unless a question of intent, interpretation or validity of a regulation arises.

ARTICLE II LAND USE: TYPE, DENSITY AND INTENSITY

The first question regarding the development of any site is what use, and what density or intensity of that use, is allowed on the site. Article II provides the answer to this question. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ In what land use district is the development site located. See Part 2.01.00.

_____ What uses are allowed in that district. See Sections 2.02.01 - 2.02.03.

_____ If a residential development is to be proposed, what is the allowable density (dwelling units per acre). See Section 2.02.04.

_____ If a commercial development is to be proposed, what is the allowable intensity (floor area ratio) of the development. See Section 2.02.03

ARTICLE IV CONSISTENCY AND CONCURRENCY DETERMINATIONS

The final question to be answered with regard to whether the use, and density or intensity of that use, is appropriate for the site is whether the consistency and concurrency requirements are met. The purpose of Article IV is to ensure that proposed development is consistent with the local comprehensive plan.

The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is the development (except for concurrency) consistent with the comprehensive plan? See Part 4.01.00.

_____ Is the general concurrency requirement met? See Part 4.02.00. Specifically:

_____ Will the proposed development use potable water? See Section 4.03.01.

_____ Will the proposed development create wastewater? See Section 4.03.02.

_____ Will the proposed development increase traffic on surrounding streets? See Sections 4.03.03 and 4.03.07.

_____ Will the proposed development change the amount, nature, or patterns of stormwater runoff? See Section 4.03.04.

_____ Will the proposed development create solid waste? See Section 4.03.05.

_____ Will the proposed development create a need for public recreation? See Section 4.03.06.

ARTICLE V. RESOURCE PROTECTION STANDARDS

Once the use, and the density and intensity of that use, is determined for a site, the next question is whether any portions of the site must remain totally or partially free of development activity. Article V prescribes those areas and the restrictions that apply within them. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Does the site contain protected trees, or a Canopy Road, as defined in the Code? See Part 5.01.00.

_____ Does the site contain wetlands, or other environmentally sensitive lands described in the comprehensive plan? See Part 5.02.00.

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- _____ Is the site near a major wellhead as defined in the Code?
See Part 5.03.00.
- _____ Does the site contain habitat of threatened or endangered
species? See Part 5.04.00.
- _____ Does the site contain land in the 100-year flood plain?
See Part 5.05.00.

ARTICLE VI. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Once the developable portions of the site have been determined, the next question is how the actual development will be designed and what improvements will be required. Article V contains standards, which have been made as flexible as possible, for controlling the design of the development so that maximum public benefit is realized. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Will the development involve the subdivision of land?
See Section 6.01.01 for minimum lot area requirements and
Section 12.02.12 for platting procedures.
- _____ Will the development contain buildings or other
impervious surfaces? See Section 6.01.02 for impervious
surface coverage requirements.
- _____ Will the development contain buildings or other
structures? See Section 6.01.03 for building setback
requirements.
- _____ Will the development contain streets, parking or other
vehicle use areas?
 - _____ See Section 6.02.02, 6.02.03, and 6.02.04 for
street layout, design and right of way
requirements.
 - _____ See Section 6.02.05 transit stop requirements.
 - _____ See Section 6.02.06 for sidewalk and bikeway
requirements.
 - _____ See Section 6.02.07 for access requirements.
 - _____ See Section 6.02.08 for standards relating to
drive-up facilities.
 - _____ See Part 6.03.00 for off-street parking and
loading requirements.

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See Part 6.06.00 for landscaping requirements.

Will the development involve the installation of utilities? See Part 6.04.00 for installation and design standards.

Will the development affect the quality or quantity of stormwater runoff from the site? See Part 6.05.00 for stormwater management requirements.

Is the development adjacent to a street or use such that a buffer must be provided? See Section 6.06.02 for buffer requirements.

Does the development involve a use requiring conformance with supplemental development design standards?

See Section 6.07.02 for supplemental standards relating to recreational vehicle parks.

See Section 6.07.03 for supplemental standards relating to junkyards.

ARTICLE VII. ACCESSORY STRUCTURES AND USES

Article VII creates the standards for the creation, placement and construction of accessory structures or uses. The following is a checklist of provisions that should be consulted with regard to a development proposal:

Is a satellite dish antenna to be installed? See Section 7.01.02.

Is a storage building, utility building, or greenhouse to be installed? See Section 7.01.03.

Is a swimming pool, hot tub or similar structure to be installed? See Section 7.01.04.

Is a fence to be installed? See Section 7.01.05.

Is an accessory apartment or guest house to be created? See Section 7.02.01

Is a home occupation to be started? See Section 7.02.02.

Is a recreation center or other such amenity to be included as part of the development? See Section 7.02.03.

ARTICLE VIII. SIGNS

Article VIII provides standards and prohibitions relating to signs. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Exempt signs are listed at Part 8.01.00.
- _____ Prohibited signs are listed at Section 8.02.00.
- _____ Regulations relating to temporary signs are at Part 8.03.00.
- _____ Regulations relating to permanent accessory signs are at Part 8.04.00.
- _____ Regulations relating to outdoor advertising signs are at Part 8.05.00.
- _____ The way in which measurement determinations, e.g. sign height and size, are made is covered in Part 8.06.00.
- _____ Regulations relating to the design, construction and location of signs are in Part 8.07.00.

ARTICLE IX. OPERATIONAL PERFORMANCE STANDARDS

Article IX provides standards governing certain potentially noxious aspects of the ongoing use of development. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Will the development create an exceptional amount of noise? See Part 9.01.00.
- _____ Will the development create an exceptional amount of vibration? See Part 9.02.00.
- _____ Will the development create air pollution? See Section 9.03.00.
- _____ Will the development create an exceptional amount of odor? See Part 9.04.00.
- _____ Will the development create a risk of fire or explosion? See Section 9.05.00.
- _____ Will the development create a risk of electromagnetic interference? See Section 9.06.00.

Section 1.08.11**ARTICLE X. HARDSHIP RELIEF**

Article X provides several avenues for seeking relief from requirements in this Code that create an undue hardship. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Is the development an existing development that does not conform to the use regulations in Article II and/or the development design and improvement standards in Article VI? See Section Part 10.01.00.
- _____ With regard to proposed development, is relief sought from the strict application of a development design standard? See Part 10.02.00.
- _____ With regard to proposed development, is relief sought from the resource protection standards through the use of clustering? See 10.03.02.
- _____ With regard to proposed development, is relief sought from the resource protection standards through the use of transferable development rights? See Section 10.03.03.

1.03.03 Description Of Development Review Procedures

The development review process is that process by which the design of the development is reviewed to determine whether it complies with the requirements of the Code. Development plan review is required for virtually all development activity, except the construction of a dwelling on a lot of record, and other very minor development activity such as the installation of a sign or the removal of a protected tree. There are five basic steps in the development plan review process: Pre-Application Conference, Concept Review, Preliminary Development Plan Review, Final Development Plan Review and issuance of Construction (Development) Permits. As shown in the flow charts below, some of the steps are optional for Minor Development, but all are mandatory for Major Development.

The Town of Bronson is responsible for the Pre-Application, Concept Review and Plan Review process and has contracted with Levy County for construction permits and building code enforcement. A Zoning Compliance and any conditional standards must be provided by the Town before the county will authorize construction.

Section 1.08.11**FLOW CHART FOR MAJOR DEVELOPMENT PLAN REVIEW**

**Pre-Application
Conference**

--Developer
--Staff of Town

Concept Review

--Developer
--Staff of Town
--Town Council
--Citizens

**Preliminary
Development Plan
Review**

--Developer
--Staff of Town
--Town Council
--Citizens

**Final Development
Plan Review**

--Developer
--Staff of Town
--Town Council
--Citizens

**Construction
Permit**

--Developer
--Staff of Town
--Town Council
--Citizens

**FLOW CHART FOR MINOR
DEVELOPMENT PLAN REVIEW
(Minimum Mandatory Path)**

**Pre-Application
Conference**

--Developer
--Staff of Town

**Final Development
Plan Review**

--Developer
--Staff of Town

**Construction
Permit**

--Developer
--Staff of Town
--County

1.04.00 FINDINGS**1.04.01 General Findings****A. Statutory Requirement**

Chapter 163, Florida Statutes, requires each Florida local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the Town.

B. General Public Need

Controlling the location, design and construction of development within the Town is necessary to maintain and improve the quality of life in the Town as more fully described below.

1.04.02 Specific Findings Relating To The Various Subject Areas Of This Code

With regard to the following specific subject areas of this Code, the Town Council finds:

A. Administration And Enforcement

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
2. All development proposals should undergo a development review process to assure compliance with the requirements of this Code.
3. A mandatory pre-application conference requirement enhances communication and understanding between the Department and the Developer thereby improving the efficiency of the development review process.
4. Concept review allows developers to modify proposals in response to early citizen and staff comment.
5. Developments of large potential impact on the community should go through a more rigorous review process than others.
6. Review of planning decisions should be independent of review of land development decisions to avoid ad hoc planning on a site-by-site basis.

7. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
8. A quick, efficient and non-political avenue of appeal should be available for all ministerial and administrative decisions.
9. Enforcement of development orders and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

B. Signs

1. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.
2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.
3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.
4. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.
5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

C. Landscaping and Tree Protection

1. Landscaping and buffering development with trees and other vegetation promotes the health, safety and welfare of the community to such an extent as to justify the imposition of landscaping and buffering requirements.
2. Trees and landscaping benefit the community by:
 - a. Absorbing carbon dioxide and returning oxygen to the atmosphere;

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- b. Precipitating dust and other particulates from the air;
 - c. Providing wildlife habitat, particularly for birds which in turn help control insects;
 - d. Providing soil stabilization which reduces erosion and mitigates the effect of flooding;
 - e. Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during the warm months;
 - f. Making the built environment more attractive by adding a variety of color, shape and pattern and thus increasing community pride and the value of property;
 - g. Providing attractive buffering between incompatible land uses; and
 - h. Abating noise.
3. Because native vegetation is adapted to local diseases, pests, soil and climate, it is generally more economical and desirable than exotic species which require more pesticide, fertilizer and water.
4. Exotic vegetation can crowd out native vegetation, use more water, and damage the environment from increased use of fertilizers and pesticides.
5. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.
6. Mangrove trees are especially valuable in stabilizing, building and protecting the shoreline, providing for spawning and breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to seventy (70) to ninety (90) percent of those species considered important from a recreational and/or commercial standpoint.

D. Off-Street Parking And Loading

- 1. Off-street parking and loading of vehicles promotes the public safety and welfare by reducing traffic congestion.
- 2. Well-designed off-street parking and loading areas promote the safe and efficient storage, loading and

circulation of vehicles.

3. Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and taking into account public demand and the size of vehicles to be parked, conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.
4. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling storm water runoff.

E. Stormwater Management

1. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.
2. Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.
3. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.
4. Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.
5. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.
6. Improperly managed stormwater runoff alters the salinity of estuarine areas and diminishes their biological productivity.
7. Degradation of ground and surface waters imposes economic costs on the community.
8. Eighty to ninety-five percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch of rainfall ("first flush"), and carried off-site in the first one-half inch of runoff.
9. Improperly managed stormwater adversely affects the drainage of off-site property.

F. Floodplain Protection

1. Flooding is a natural, recurring phenomenon in the city.
2. Naturally flood-prone lands serve the following important functions in the regional hydrologic cycle and ecological system:
 - a. They provide natural storage and conveyance of flood waters.
 - b. They facilitate groundwater recharge.
 - c. They provide temporary storage of surface waters that moderates flood elevations and the timing, velocity and rate of flood discharges.
 - d. They reduce erosion, and filter nutrients, sediments, and other pollutants from flood waters.
 - e. They export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.
3. Naturally occurring flooding may provide recharge to groundwater and a basic source of flow to surface waters.
4. The uncontrolled development of flood-prone lands substantially degrades the health, safety and welfare of the community in the following ways:
 - a. The owners, residents, customers, guests, and employees occupying homes, businesses and other structures located in flood-prone areas are placed at unreasonable risk of personal injury and property damage.
 - b. Expensive and dangerous search, rescue and disaster relief operations may be necessary when developed properties are flooded.
 - c. Roads, public facilities, and utilities associated with development may be damaged by flooding at great expense to taxpayers and rate payers.
 - d. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control flood waters.
 - e. Normally flood-free lands are placed at risk of flooding when flood waters on natural flood-prone

areas are obstructed, diverted, displaced or channelized by development.

- f. Water quality is degraded, the supply of freshwater to estuaries is disrupted and habitat is lost.
- g. Property values are lowered and economic activity is disrupted by damaging floods.

G. Protection Of Environmentally Sensitive Lands

1. Protection of environmentally sensitive lands described or mapped in the Conservation Element of the Comprehensive Plan promotes the well being of the people of the city as described below and in the Conservation Element.
2. Wetlands serve the following beneficial functions:
 - a. Wetlands provide natural storage and conveyance of flood waters, and minimize erosion and sedimentation by reducing flood flows and the velocity of flood waters.
 - b. Coastal wetlands, and inland wetlands adjoining larger lakes and rivers, protect wildlife and the shoreline from destructive wave action.
 - c. Wetlands filter and help decompose sediments, nutrients, and other natural and man-made pollutants that would otherwise degrade surface and ground waters.
 - d. Wetlands support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic life.
 - e. Wetlands provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals, and reptiles.
 - f. Wetlands recharge ground and surface water.
3. Shorelines serve the following beneficial functions:
 - a. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provides essential habitat for many plant and animal species, including species that are endangered, threatened, or of special concern.

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- b. Submergent, transitional, and upland vegetation zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland dependent wildlife.
 - c. Submergent, transitional, and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients, and other substances.
 - d. Submergent, transitional, and upland vegetation zones reduce predation by domestic pets on wetland and wetland dependent wildlife species.
- 4. Agricultural and development activities have destroyed or impaired the beneficial functions of many environmentally sensitive lands in the Town.
 - 5. Federal and state regulations do not adequately protect environmentally sensitive lands, thus making local regulation necessary.

1.05.00 INTENT**1.05.01 General Intent**

With regard to this Land Development Code in general, it's provisions shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the Town.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the Town in accordance with the Comprehensive Plan.
- C. To adopt a development review process that is:
 - 1. Efficient, in terms of time and expense;
 - 2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and
 - 3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the Town.
- D. To implement the Town Comprehensive Plan as required by the

"Local Government Comprehensive Planning and Land Development Regulation Act".

- E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

1.05.02 Specific Intent Relating To The Various Subject Areas Of This Code

The provisions of this Code dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

A. Administration And Enforcement

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Code, the Town Comprehensive Plan, and other applicable Town regulations.
2. To promote efficiency, predictability and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Code through rigorous but fair enforcement actions.

B. Signs

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.
2. To permit signs that are:
 - a. Compatible with their surroundings.
 - b. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
 - c. Appropriate to the type of activity to which they pertain.
 - d. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and

small enough to satisfy the needs for regulation.

- e. Reflective of the identity and creativity of individual occupants.
- 3. To promote the economic health of the community through increased tourism and property values.

C. Landscaping and Tree Protection

- 1. To enhance the attractiveness of the community.
- 2. To conserve energy through the cooling and shading effects of trees.
- 3. To abate nuisances such as noise, glare, heat, air pollution and stormwater runoff.
- 4. To mitigate conflicts between adjoining land uses;
- 5. To preserve the environmental and ecological benefits of existing native trees and vegetation.
- 6. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:
 - a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
 - b. Limiting physical site access to established points of ingress and egress; and
 - c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.
- 7. To preserve the community's irreplaceable natural heritage for existing and future generations.

D. Parking And Loading

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles.

E. Stormwater Management

- 1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.

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2. To prevent activities which adversely affect ground and surface waters.
3. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.
4. To protect natural drainage systems.
5. To minimize runoff pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To protect and maintain natural salinity levels in estuarine areas.
8. To minimize erosion and sedimentation.
9. To prevent damage to wetlands.
10. To protect, maintain, and restore the habitat of fish and wildlife.

F. Floodplain Protection

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.
4. To minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.
5. To maintain a stable tax base by providing for the sound use and development of flood-prone areas.
6. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
8. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.
9. To limit filling, grading, dredging and other development which may increase erosion, sedimentation, or flood damage.

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10. To prevent unnatural diversion of flood water to lands that are normally flood free.
11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality, and the natural hydrological and ecological functions of wetlands and other flood prone lands.
12. To avoid the need of costly and environmentally disruptive flood management structures.
13. To encourage the use of flood-prone lands as open space.
14. To make the Town eligible for participation in the National Flood Insurance Program.

G. Protection Of Environmentally Sensitive Lands

1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
2. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.
3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
4. To maintain recharge for groundwater aquifers.
5. To prohibit certain uses that are detrimental to environmentally sensitive areas.
6. To protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping, and other uses.
7. To protect the public's rights in navigable waters.
8. To protect aesthetic and property values.

1.06.00 RELATIONSHIP TO COMPREHENSIVE PLAN**1.06.01 Generally**

The adoption of a unified land development code implements the goals, policies and objectives of the Comprehensive Plan:

1.07.00 INCORPORATION BY REFERENCE**1.07.01 Technical Construction Standards Manual****1.07.02 Maps****1.07.03 Other Materials****1.08.00 RULES OF INTERPRETATION****1.08.01 Generally**

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the Town and deemed neither to limit nor repeal any other powers granted under state statutes.

1.08.02 Responsibility For Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Council shall be responsible for interpretation and shall look to the Town Comprehensive Plan for guidance. Responsibility for interpretation shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

1.08.03 Computation Of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.08.04 Delegation Of Authority

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Section 1.08.11

1.08.05 Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.08.06 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

1.08.07 Shall, May

The word "shall" is mandatory; "may" is permissive.

1.08.08 Written or In Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.08.09 Year

The word "year" shall mean a calendar year, unless otherwise indicated.

1.08.10 Day

The word "day" shall mean a working day, unless a calendar day is indicated.

1.08.11 Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

- A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following natural features shall be construed as following such features.

1.08.12 Relationship Of Specific To General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.09.00 REPEAL OF PRIOR PROVISIONS

1.10.00 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the Town.

1.11.00 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.12.00 EFFECTIVE DATE

These regulations shall be effective on final adoption by the Town Council.

ARTICLE II

LAND USE:

TYPE, DENSITY, INTENSITY

OUTLINE

2.00.00 GENERALLY

2.00.01 Purpose

2.00.02 Definitions

2.01.00 LAND USE DISTRICTS

2.01.01 Generally

2.02.00 USES ALLOWED IN LAND USE DISTRICTS

2.02.01 Generally

2.02.02 Types Of Uses

2.02.03 Floor Area Ratio

2.02.04 Area, Yard and Height Requirements

ARTICLE II

LAND USE:

TYPE, DENSITY, INTENSITY

2.00.00 GENERALLY

2.00.01 Purpose

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts in the land use element of the comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of Town as expressed in the Town Comprehensive Plan.

2.00.02 Definitions

Abut

To physically touch or border upon, or to share a common property line.

Accessory Use

A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Adult Congregate Living Facility (ACLF)

A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Agricultural Activity

Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Density or Gross Density

The total number of dwelling units divided by the total site area, less public right-of-way.

Dwelling Unit

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent

provisions for living, sleeping, eating, cooking and sanitation.

Junkyard

Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

Lot

A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Manufactured Housing

Manufactured housing has the following features or characteristics. It is:

- (1) Mass produced in a factory;
- (2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
- (3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

Multi-Family Dwelling

Any residential structure containing two (2) or more separate dwelling units.

Parcel

A unit of land within legally established property lines.

Recreation Vehicle

A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

Section 2.03.03

Single-Family Dwelling

A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code.

2.01.00 LAND USE DISTRICTS**2.01.01 Generally**

Land use districts for the Town are established in the Comprehensive Plan, Future Land Use Element, including a map series (atlas). The land use districts and classifications defined in the Future Land Use Element of the Town Comprehensive Plan and delineated on the Future Land Use Map Atlas shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category.

2.02.00 USES ALLOWED IN LAND USE DISTRICTS**2.02.01 Generally**

This Part defines and prescribes the specific uses allowed within each land use district described in the Comprehensive Plan and this Code.

2.02.02 TYPES OF USES

SEE CHART NEXT PAGE

2.02.03 Floor Area Ratio**A. Generally**

A floor area ratio is a measurement of the intensity of development on a site. For purposes of this Code, floor area ratios (FAR) are provided only for non-residential development.

B. Calculating Floor Area Ratio

The floor area ratio is the relationship between the total floor area on a site and the gross site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area.

Section 2.03.03**2.02.02 TYPES OF USES**RESIDENTIAL**R-1 SINGLE FAMILY**

Site Built Homes
 Manufactured Homes
 (except mobile homes)
 Golf Courses under 40 acres
 Public Utilities
 Signs **(See Signs)**
 Accessory Buildings
 (See Accessory Uses)
 Non Commercial Greenhouse
 Home Occupations
 (See Accessory Uses)

R-2 MULTI-FAMILY R-3 (FUTURE)

All R-1 Use
PLUS
 Mobile Homes
 Duplexes
 Apartment Buildings

COMMERCIAL**C-1**

Residential - one per site
 Any Retail Business
 Professional & Financial
 Services
 Theaters
 Hotels, Motels
 Printing & Publishing
 Auto & Other Repairs
 (in enclosed buildings)

 Eating & Drinking Places
 Sign **(See Signs)**

C-2

All C-1 Use
PLUS
 Mobile Home Sales/Repair
 Food Processing & Production
 Laundries
 Mortuaries
 Car Washes
 Storage Facilities
 (in enclosed buildings)
 Truck Terminals

INDUSTRIAL

All C-2

PLUS

Manufacturing / SIC Uses
 (See "Product Index" NEC)
 Auto & Other Repairs

Mining
 Junkyards
 Warehousing/Storage

Section 2.03.03

(unenclosed building)
2.02.02 TYPES OF USES

(unenclosed)

AGRICULTURE

Residential (one per site)
Timber and Related Processes
Animal Hospitals
Fairgrounds

Crop Farming
Roadside Produce Sales
Commercial Greenhouses
Signs (**See Signs**)

TIMBER

All A Uses

PLUS

Silviculture and related processes (including sawmills,
woodchippers, etc)
Signs (**See Signs**)

PUBLIC & RELATED USES

Government Buildings & Facilities
Schools
Well Sites
Signs (**See Signs**)

Churches
Parks & Recreation
Streets & Roads

Section 2.03.03

2.02.04 AREA, YARD AND HEIGHT REQUIREMENTS

R-1 SINGLE-FAMILY
R-2 SINGLE-FAMILY
C-1 COMMERCIAL
C-2 COMMERCIAL

I INDUSTRIAL
A AGRICULTURE
T TIMBER
P PARKS, PUBLIC BUILDINGS, CHURCHES
& CEMETERIES

*Changed
see 2.03.03*

	R-1	R-2	C-1	C-2	I	A	T	P
MINIMUM LOT AREA	21,780 SQ. FT	21,780 SQ. FT	21,780 SQ. FT	21,780 SQ. FT	21,780 SQ. FT	10 ACRES	10 ACRES	NONE
MINIMUM LOT DIMENSION	100 FEET	65 FEET	50 FEET	100 FEET	100 FEET	NONE	NONE	50 FEET
MINIMUM FRONT YARD	15 FEET	15 FEET	NONE	NONE	NONE	NONE	NONE	NONE
MINIMUM SIDE YARD	20 FEET	<i>10 Feet</i> 20 FEET	NONE	NONE	NONE	NONE	NONE	NONE
MINIMUM REAR YARD	20 FEET	20 FEET	NONE	NONE	NONE	NONE	NONE	NONE
MAXIMUM HEIGHT	35 FEET	35 FEET	<i>35ft</i> NONE	<i>35ft</i> NONE	<i>35ft</i> NONE	<i>35ft</i> NONE	<i>35ft</i> NONE	NONE
MINIMUM BUILDING SIZE	900 SQ. FT	600 SQ. FT	NONE	NONE	NONE	NONE	NONE	NONE
MAXIMUM NET DENSITY	2 UNITS PER ACRE	2 UNITS PER ACRE	.40 FAR	.40 FAR	.40 FAR	.40 FAR	.40 FAR	.40 FAR

ARTICLE III
OVERLAY AND FLOATING ZONES
OUTLINE

- 3.00.00 PURPOSE**
- 3.02.00 INFILL DEVELOPMENT**
 - 3.01.01 Generally*
 - 3.01.02 Development Standards*
- 3.02.00 TRADITIONAL NEIGHBORHOOD DEVELOPMENT**
 - 3.02.01 Generally*
 - 3.02.02 Land Use*
 - 3.02.03 Land Allocation*
 - 3.02.04 Lots; Buildings*
 - 3.02.05 Streets; Alleys*
 - 3.02.06 Parking*

ARTICLE III

OVERLAY AND FLOATING ZONES

3.00.00 PURPOSE

The purpose of this part is to describe certain overlay and floating zones used to impose special development restrictions on identified areas. The location of overlay zones is established by the city based on the need for special protective measures in that area. The underlying uses in the area, as determined in Article II of this Code, remain undisturbed by the creation of the overlay zone. The overlay zone merely imposes additional or different development standards than those that would otherwise apply.

The location of a floating zone, by contrast, is determined by the developer. The purpose of a floating zone is to allow the developer to choose to follow a set of development standards different from the general standards in the Code. The Traditional Neighborhood Development provisions may be used as a floating zone, or in some cases may be imposed by the city as an overlay district.

3.01.00 INFILL DEVELOPMENT

3.01.01 *Generally*

A. Purpose

It is the intent of this Section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of this Code.

B. Definitions

Abut

To physically touch or border upon; or to share a common property line.

Infill Development

Construction on vacant lots within previously established or approved developments that have one or more vacant lots available for the construction of new structures.

Lot

A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

3.02.02 Development Standards

- A.** For a structure in a development with a final development order, an application for building and/or other necessary permits shall be filed pursuant to the Development Permit provisions of ARTICLE XII of this Code. However, if the request involves two or more lots, requires platting, re-platting, or any deviation from the infill standards as established below, the development shall apply for development plan review pursuant to the provisions of ARTICLE XII of this Code.
- B.** Proposed structures shall conform to those standards or regulations in force at the time of development approval for the lot and its surrounding area.
- C.** Determination of standards in effect at the time of approval shall include, but may not be limited to the following:
 - 1. Recorded subdivision plats, provided that the approval of the plat constitutes a final development order.
 - 2. Approved master plans or site plans which have received a final development order from the governing board.
 - 3. The Town Zoning Ordinance in effect at the time of development approval may be used to specify appropriate standards.
 - 4. Unrecorded subdivision plats, lawfully established pursuant to town ordinances prior to the adoption of this Code.
- D.** Applicable development standards include those imposed upon the initial development except standards for development in a floodplain and standards for stormwater management. The following initial development standards shall be followed if contained in the original approval:
 - 1. Minimum lot dimensions and area.
 - 2. Minimum building size (gross floor area and building height).
 - 3. Minimum yard setbacks on all sides.
 - 4. Accessory uses, such as storage buildings or swimming pools.
 - 5. Off-street parking requirements.
 - 6. Dwelling unit type (single-family, duplex, manufactured home, etc.).
 - 7. Dedication or reservation of easements, rights-of-way, or parkland.

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8. Landscaping and sight barriers.
 9. Sidewalks.
 10. Other standards not relating to stormwater or floodplain management.
- E. Where no documentation is available concerning the standards in effect at the time of initial development, the following procedures shall be used:
1. All developed lots that abut the lot proposed for development shall be considered in determining the standards for development.
 2. Actual setbacks, lot dimensions, building heights, etc. (refer to list in SECTION 3.01.02 D above) shall be determined for purposes of calculating an average (mean) for each standard to be imposed.
 3. These average standards shall be the minimum standards required for proposed development.
 4. Where there is any uncertainty on an applicable standard, the decision shall be in favor of the stricter standard.

3.02.00 TRADITIONAL NEIGHBORHOOD DEVELOPMENT**3.02.01 Generally****A. Intent**

This section is designed to ensure the development of open land along the lines of traditional neighborhoods. Its provisions adopt the urban conventions which were normal in the United States from colonial times until the 1940s.

B. Conventions

Traditional neighborhoods share the following conventions:

1. Dwellings, shops and work places, all limited in size, are located in close proximity to each other.
2. A variety of streets serve equitably the needs of the pedestrian and the automobile.
3. Well-defined squares and parks provide places for informal social activity and recreation.
4. Well-placed civic buildings provide places of purposeful assembly for social, cultural and religious activities,

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becoming symbols of community identity.

5. Private buildings are located along streets and squares forming a disciplined edge unbroken by parking lots.

C. Social Objectives

Traditional neighborhoods achieve certain social objectives:

1. By reducing the number and length of necessary automobile trips, traffic congestion is minimized and commuters are granted increased personal time.
2. By bringing most of the needs of daily living within walking distance, the elderly and the young gain independence of movement.
3. By walking in defined public spaces, citizens come to know each other and to watch over their collective security.
4. By providing a full range of housing types and work places, age and economic class are integrated and the bonds of an authentic community are formed.
5. By promoting suitable civic buildings, democratic initiatives are encouraged and the organic evolution of the society is secured.

D. Definitions

Artisanal Use

Premises for the manufacture and sale of artifacts employing only handwork and/or table mounted electrical machinery emitting no odors or noise beyond the immediate premises.

Attic

The habitable area within the pitch of a roof.

Automotive Use

Premises for the selling, servicing and/or repairing of motorized wheeled vehicles.

Block

The aggregate of lots and Alley Tracts circumscribed by a continuous set of Street Tracts.

Section 3.02.02

Curb Radius

The curved edge of the street in an intersection measured at the inner edge of the parking lane.

Facade

The wall of a building which corresponds to a lot Frontage.

Frontage Line

The lot line which coincides with a Street Tract.

Greenbelt

An open area surrounding the built-up area of a Traditional Neighborhood Development along 75% of its perimeter; being no less than 50% of the total area of the Traditional Neighborhood Development and no less than 200 ft. wide at any place. The area shall be preserved in perpetuity in its natural condition, or used for farming, animal husbandry, golf courses, or subdivided into House lots no smaller than 1/2 acre lot.

Homeowner's Association

The owners of lots and buildings within the Traditional Neighborhood Development, incorporated under the auspices of articles which safeguard the rights of the owners in compliance with the laws of the State. The document shall institute a system or representative government by the assembly of the owners maintaining prerogatives for the developer greater than that of the owners only during the period of sales. The document shall set: standards for construction and maintenance on private lots; provisions for maintenance on public tracts; and support for the construction of new buildings on civic lots by an ongoing special assessment equivalent to no less than 10% of the total yearly assessment of the Association.

Light Manufacturing Use

Buildings for the repair, assembly or fabrication of artifacts emitting no atmospheric pollution, no noxious smells beyond the lot lines and noise for a period no longer than 8 daytime hours.

Limited Lodging Use

Buildings providing no more than 8 rooms for short-term letting and food service before noon only.

Limited Office Use

Buildings for the transaction of business or the supply of professional services, employing no more than 8 persons.

Lodging Use

Buildings providing food service and rooms for short-term letting.

Lot Area

The total area within the lot lines of a lot, excluding any rights-of-way.

Lot Line

The legal boundary line of a lot.

Neighborhood Hall

A public assembly building containing at least one room having an area equivalent to twenty (20) square feet per dwelling.

Neighborhood Proper

The built-up area of a Traditional Neighborhood Development, including lots, Parks and Squares but excluding Greenbelt areas.

Park

An open space, paved no more than 10% of its area, naturalistically landscaped, and surrounded by building lots on 75% of its perimeter.

Raised Basement

A semi-underground story serving to raise the principal floor level no more than 5 ft. above the sidewalk.

Shade Tree

A deciduous tree of wide canopy, resistant to root pressure and sodium, no less than 4" caliper and 8 ft. clear trunk at the time of planting.

Square

An open space paved not less than 35% of its area surrounded by building lots on 90% of its perimeter.

Streetwall

A masonry wall or wood fence built along the Frontage Line between 3 and 5 ft. in height.

Section 3.02.02**Story**

A habitable level within a building no more than 14 ft. in height from finished floor to finished ceiling.

Street Lamps

A light standard between 8 and 14 ft. in height equipped with an incandescent or metal halide light source.

Street Tree

A deciduous tree or palm resistant to root pressure and sodium, no less than 4 in caliper and 8 ft. clear trunk at the time of planting.

Street Vista

A building site located to terminate the view down the axis of a Street Tract.

3.02.02 Land Use**A. General**

1. The Traditional Neighborhood Development Option shall constitute an overlay district available by right in any district except the following:
 - a. Environment/Conservation
 - b. Rural Development
 - c. Industrial
2. The Developer of the Traditional Neighborhood Development shall demonstrate the availability and adequacy of access roads and utilities.

B. Public

Public Tracts contain publicly owned Parks, Squares, Greenbelts, streets and alleys.

C. Civic

Civic Lots contain publicly or privately owned buildings of communal use such as Neighborhood Halls, libraries, post offices, schools, day care centers, clubhouses, religious buildings, recreational facilities and the like.

D. Shopfront

1. Shopfront Lots contain privately owned buildings for retail, restaurant, office, entertainment, Lodging,

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Artisanal and residential uses.

2. At least twenty five (25) percent of the building area must be maintained for residential use.

E. Rowhouse

Rowhouse Lots contain privately owned buildings for residential, Limited Office, and Limited Lodging uses.

F. House

House Lots contain privately owned buildings for residential, Limited Office, and Limited Lodging uses.

G. Workshop

Workshop Lots contain privately owned buildings for Automotive and Light Manufacturing.

3.02.03 Land Allocation

A. General

1. The entire land area of a Traditional Neighborhood Development shall be subdivided into Public Tracts and Lots.
2. Similar Lot types shall generally face each other across Street Tracts. Dissimilar Lot types may face each other across Square and Park Tracts or abut at rear lot lines.

B. Public

1. A minimum of 15% of the land area of a Traditional Neighborhood Development shall be permanently allocated to Park and Square Tracts.
2. Natural vistas such as waterfronts and promontories shall have 50% of their perimeter allocated to Street Tracts.
3. Golf courses shall be located within Greenbelt Tracts.

C. Civic

1. A minimum of 5% of the land area of a Traditional Neighborhood Development shall be dedicated to Civic Lots.
2. Civic Lots shall be located within or adjacent to Square or Park Tracts or on a Street Vista.
3. The Developer shall covenant to construct a Neighborhood Hall on a Civic Lot upon the sale of 75% of the lots.

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4. The construction of buildings on Civic Lots shall be supported by an ongoing assessment through the Homeowners' Association.
5. For each increment of 50 dwellings, there shall be a Civic Lot of five thousand (5000) square feet reserved for day-care use and dedicated to public ownership.

D. Shopfront

A minimum of 5% and a maximum of 50% of the total land area of a Traditional Neighborhood Development shall be permanently dedicated to Shopfront Lots.

E. Rowhouse

1. A maximum of eight (8) Rowhouse lots may be consolidated for the purpose of constructing a single apartment building containing dwellings equal in number to the lots consolidated.
2. Setbacks on consolidated Rowhouse lots shall apply as in a single lot.

F. House

1. A maximum of three House Lots may be consolidated for the purpose of constructing a single building.
2. Setbacks on consolidated House Lots shall apply as in a single lot.

G. Workshop

A minimum of 5% and a maximum of 25% of the total land area of a Traditional Neighborhood Development shall be permanently dedicated to Workshop Lots.

3.02.04 Lots; Buildings**A. General**

1. All Lots shall share a Frontage Line no less than fifteen (15) feet long with a Street or Park Tract.
2. All buildings shall have their main entrance opening to a Street or Park Tract.
3. Stoops, open colonnades and open porches may encroach up to ten (10) feet into the front setbacks.

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4. Portions of buildings having a footprint of not more than one hundred fifty (150) square feet shall be exempted from height limitations.
5. Building walls placed less than five (5) feet from a side or rear lot line shall remain windowless and doors shall be fire rated.

B. Public

Balconies and open colonnades shall be permitted to encroach up to ten (10) feet into a Public Tract. Such encroachments shall be protected by easements.

C. Civic

1. Buildings located on Civic Lots shall be subject to no height or setback limitations.
2. Buildings located on Civic Lots shall be painted a consistent color throughout the Traditional Neighborhood Development.

D. Shopfront

1. Buildings on Shopfront Lots shall have the Facade built directly on the Frontage Line along sixty (60) percent of its length.
2. Buildings on Shopfront Lots shall have no required setbacks from the side lot lines.
3. Buildings on Shopfront Lots shall cover no more than seventy (70) percent of the lot area.
4. Buildings on Shopfront Lots shall not exceed four (4) stories in height.

E. Rowhouse

1. Buildings on Rowhouse Lots shall be setback between five (5) and fifteen (15) feet from the Frontage Line. Buildings at street intersections must be setback five (5) feet from both Frontage Lines.
2. Buildings on Rowhouse Lots shall have no required setbacks from the side lot lines.
3. Buildings on Rowhouse Lots shall cover no more than seventy (70) percent of the lot area.

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4. Buildings on Rowhouse Lots shall not exceed three (3) stories plus Raised Basement in height.

F. House

1. Buildings on House Lots shall be setback between fifteen (15) and thirty five (35) feet from the Frontage Line.
2. Buildings on House Lots shall be setback from the side lot lines equivalent to no less than twenty (20) percent of the width of the lot. The entire setback may be allocated to one side.
3. Buildings on House Lots shall be setback no less than twenty (20) feet from the rear lot line.
4. Buildings on House Lots shall cover no more than fifty (50) percent of the lot area.
5. Buildings on House Lots shall not exceed two (2) stories plus Attic in height.
6. Buildings on House Lots with front setbacks exceeding twenty (20) feet shall have a Streetwall built along eighty (80) percent of its Frontage Line.

G. Workshop

1. Buildings on Workshop Lots shall not require setbacks from any lot line.
2. Buildings on Workshop Lots shall cover no more than fifty (50) percent of the Lot area.
3. Buildings on Workshop Lots shall not exceed two (2) Stories in height.
4. Workshop Lots shall be separated from other lot types at the side and rear lot lines by a continuous masonry wall no less than ten (10) feet in height.

3.02.05 Streets; Alleys**A. General**

1. Streets shall provide access to all Public Tracts and Private Lots.
2. All streets shall terminate at other streets within the Traditional Neighborhood Development and connect to existing and projected streets outside the Traditional Neighborhood Development.

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3. The average perimeter of all Blocks within the Traditional Neighborhood Development shall not exceed two thousand (2000) feet.
4. Utilities shall run along Alley Tracts wherever possible.
5. Streetlamps shall be installed on both sides of Street Tracts at intervals of no more than seventy five (75) feet measured diagonally across the streets.
6. Street trees shall be installed on both sides of Street Tracts at intervals of no more than seventy five (75) feet measured diagonally across the street.

B. Public

1. Public Tracts containing Squares shall provide a street along their perimeter which conforms to the specifications corresponding to the lot types facing the street.
2. Streets forming part of the State highway systems shall conform to State highway standards.

C. Civic

Civic lots shall face tracts containing streets that conform to the street specifications of the adjacent Lot Types.

D. Shopfront

1. Shopfront Lots shall face Tracts containing streets consisting of two (2) twelve (12) foot travel lanes, one ten (10) foot central turning lane and diagonal parking on both sides. Sidewalks shall be no less than twelve (12) feet wide and the Curb Radius shall not exceed fifteen (15) feet.
2. Shopfront Lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing a vehicular pavement width of eight (8) feet.

E. Rowhouse

1. Rowhouse Lots shall face Tracts containing streets consisting of two (2) eleven (11) foot travel lanes and parallel parking on both sides. Sidewalks shall be no less than 6 ft. wide and the Curb Radius shall not exceed fifteen (15) feet.
2. Rowhouse lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing

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a vehicular pavement width of eight feet.

F. House

1. House lots shall face tracts containing streets consisting of two (2) ten (10) foot travel lanes and parallel parking on one side. Sidewalks shall be no less than four (4) feet wide and the Curb Radius shall not exceed twenty five (25) feet.
2. House Lots shall have their rear lot lines coinciding with an alley tract ten (10) feet wide containing a pedestrian pavement width of four (4) feet.

G. Workshop

1. Workshop Lots shall face tracts containing streets consisting of two (2) twelve (12) foot travel lanes, one (1) ten (10) foot central turning lane and parallel parking on both sides. Sidewalks shall be no less than four (4) feet wide and the Curb Radius shall not exceed thirty five (35) feet.
2. Workshop Lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing a vehicular pavement width of eight (8) feet.

3.02.06 Parking**A. General**

1. On-street parking directly in front of a lot shall count toward fulfilling the parking requirement of that lot.
2. Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by Streetwalls.
3. Parking lots and parking garages shall not be located at street intersections.
4. Adjacent parking lots shall have internal vehicular connections.
5. Parking lots shall be landscaped with one Shade Tree per six (6) parking spaces.

B. Public

1. The Developer shall demonstrate the provision of adequate parking for Public Tracts containing Squares and Parks.

2. Parking lots on Public Tracts, shall be graded, compacted and landscaped, but may be left unpaved.

C. Civic

1. The Developer shall demonstrate the provision of adequate parking for the various types of Civic buildings. Shared parking shall be permitted where day/night and workday/holiday schedules do not overlap (i.e. Neighborhood Halls).
2. Parking lots for Civic buildings used principally on holidays must be upgraded, compacted and planted, but may be left unpaved (i.e. religious buildings).
3. No less than seventy five (75) of the off-street parking places shall be to the rear of the building. Access may be through the Frontage.

D. Shopfront

1. There shall be one (1) parking space per two hundred fifty (250) square feet of building available for restaurant, office, entertainment and artisanal uses; one (1) per room of lodging and one (1) per two (2) bedrooms of residential use.
2. No less than seventy five (75) percent of the parking places shall be to the rear of the building. Access may be through the Frontage.

E. Rowhouse

1. There shall be one parking place per two hundred fifty (250) square feet of office, one per room of lodging and one per two bedrooms of residential use.
2. All off-street parking places shall be to the rear of the building. Access shall be through a vehicular alley only.

F. House

1. There shall be one parking place per two hundred fifty (250) square feet of office, per room of lodging and one per two bedrooms of residential use.
2. All off-street parking spaces shall be to the side or the rear of the building. Garages or carports shall be located a minimum of twenty (20) feet behind the Facade. Access may be through the Frontage.

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G. Workshop

1. There shall be one parking place per two hundred fifty (250) square feet of building.
2. Off-street parking places may be to the front, the side or the rear of the building.

ARTICLE IV
CONSISTENCY AND CONCURRENCY DETERMINATIONS
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ARTICLE IV

CONSISTENCY AND CONCURRENCY DETERMINATIONS

4.00.00 GENERALLY

4.00.01 Purpose

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects with the Town Comprehensive Plan, including meeting the concurrency requirements of the plan.

4.00.02 Definition

Concurrency

A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

4.01.00 DETERMINATION OF CONSISTENCY

4.02.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

4.02.01 Generally

The following method of ensuring concurrency shall be known as the System For The Management Of Concurrency (SYMCON). The SYMCON is based upon the Town Comprehensive Plan, especially the Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the adopted levels of service for specified public facilities and services. The SYMCON also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

4.02.02 Adopted Levels of Service Shall Not Be Degraded

A. General Rule

1. All applications for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the Town.
2. An application for a development permit shall demonstrate that the proposed development does not degrade adopted levels of service if there exists no development order under which the permit is sought, and no development order is required prior to the issuance of the permit, e.g. a residence on a parcel of unplatted land.
3. The latest point at which concurrency is determined is the final development order. If no development is required, the latest point to determine concurrency is the first development permit on a site.

B. Exception

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

4.02.03 Determination Of Available Capacity

For purposes of these regulations the available capacity of a facility shall be determined by:

A. Adding Together

1. The total capacity of existing facilities operating at the required level of service; and
2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
 - a. Construction of the new facilities is under way at the time of issuance of the final development order.
 - b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
 - c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of the Town Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

B. Subtracting From That Number The Sum Of

1. The demand for the service or facility created by existing development as documented in the Town Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

C. Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

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1. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.
2. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

4.02.04 Burden Of Showing Compliance On Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

4.02.04.01 EXAMPLE OF AVAILABLE CAPACITY DETERMINATION

**Level of Service Capacity Allocation System for :
Facility or Service**

EXISTING SYSTEM CAPACITY

(Less) PEAK USE (year: _____) (- _____)

AVAILABLE CAPACITY or (CAPACITY DEFICIT)

(Less) CAPACITY ALLOCATED AFTER (Year: _____)
and _____

(Less) CAPACITY ALLOCATED FOR INCOMPLETE
DEVELOPMENT (- _____)

REMAINING CAPACITY AVAILABLE**CAPACITY ALLOCATED TO THIS APPLICATION**

Name _____ Site _____ _____

Level of Service _____

Population Served _____

Date Authorized: _____ By: _____

Projected Date of Impact _____

4.02.05 Initial Determination Of Concurrency

The initial determination of concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the Town.

Section 4.02.06

4.02.06 Annual Report

A. Contents

The Town shall prepare an Annual Report on the SYMCON that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
2. A summary of building permit activity, indicating:
 - a. those that expired without commencing construction;
 - b. those that are active at the time of the report;
 - c. the quantity of development represented by the outstanding building permits;
 - d. those that result from final development orders issued prior to the adoption of this Code; and
 - e. those that result from final development orders issued pursuant to the requirements of this Code.
3. A summary of preliminary development orders issued, indicating:
 - a. those that expired without subsequent final development orders;
 - b. those that are valid at the time of the report; and
 - c. the phases and quantity of development represented by the outstanding preliminary development orders.
4. A summary of final development orders issued, indicating:
 - a. those that expired without subsequent building permits;
 - b. those that were completed during the reporting period;
 - c. those that are valid at the time of the report but do have associated building permits or construction activity; and
 - d. the phases and quantity of development represented by the outstanding final development orders.

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5. An evaluation of each facility and service indicating:
 - a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - b. the portion of the available capacity held for valid preliminary and final development orders;
 - c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
 - d. a comparison of actual capacity and levels of service to adopted levels of service from the Town Comprehensive Plan.
 - e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Town Capital Improvements Element.

B. Use of the Annual Report

The SYMCON Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for

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the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

4.03.00 ADOPTED LEVELS OF SERVICE**4.03.01 Potable Water**

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the Town Comprehensive Plan:

Minimum design flow	<u>133</u> gpd/p in Town
	<u>52</u> gpd/p out of Town

4.03.02 Wastewater

Development activities shall not be approved unless permitted by 10D-6 FAC for septic tanks by the Levy County Health Department Sanitation.

4.03.03 Transportation System**A. Level of Service**

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Transportation Circulation Element of the Town Comprehensive Plan:

<u>Type of facility</u>	<u>Peak Hour Level of Service</u>
Principle Arterials	<u>C</u>
Minor Arterials	<u>D</u>
Major Collectors	<u>C</u>
Minor Collectors	<u>C</u>

B. Determination of Project Impact

The impact of proposed development activity on available capacity shall be determined as follows:

1. The area of impact of the development (a traffic shed) shall be determined. The traffic shed shall be that area where the primary impact of traffic to and from the site occurs. If the Town has designated sectors of the jurisdiction for determining development impacts and

Section 4.02.06

planning capital improvements, such sectors or planning areas may be used.

2. The projected level of service for roads within the traffic shed shall be calculated based upon estimated trips to be generated by the project. Where the development will have access to more than one road the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility.

4.03.04 Drainage System

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the Town Comprehensive Plan equivalent to 40B-4 in Suwannee River Water Management District and 40-D-4 in Southwest Florida Water Management District.

4.03.05 Solid Waste

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the Solid Waste Sub-element of the Town Comprehensive Plan:

Types of UseLOS

Residential

3.0 lbs. per capita per day**4.03.06 Recreation**

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the Town Comprehensive Plan:

Type of Park FacilityLevel of Service

Community

2 acres/1,000 population

Neighborhood

2 acres/1,000 population

Other facilities

SEE BELOW

Picnic Table	20	per 6,000 persons
Baseball Field		
(Regulation)	1	per 6,000 persons
Tennis Court	1	per 2,000 persons
Basketball Court	1	per 5,000 persons
Volleyball Court	1	per 5,000 persons

Section 4.02.06**RECREATION**

<u>Type of Park Facility</u>	<u>Level of Service</u>		
Other Facilities			
Recreation Building	1	per	15,000 persons
Equipped Play Area	1	per	3,000 persons
Multi-use Court	1	per	10,000 persons
Shuffleboard	1	per	6,000 persons
Handball Court	1	per	10,000 persons
Horseshoe Court	1	per	5,000 persons
Multisport Playfield	1	per	5,000 persons

ARTICLE V
RESOURCE PROTECTION STANDARDS
OUTLINE

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5.01.00 TREES

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Zones Within The Area Of Special Flood Hazard*

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ARTICLE V
RESOURCE PROTECTION STANDARDS

5.00.00 PURPOSE

The purpose of this Article is to establish those resources or areas of a development site that must be protected from harmful affects of development. A developer should apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

5.01.00 TREES

5.01.01 Definitions

Crown

The main mass of branching of a plant above the ground.

DBH

Diameter at breast height. "Breast height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Drip Line

The outermost perimeter of the crown of a plant as projected vertically to the ground. SEE FIGURE 5.01.01-A.

Protected Tree

Any tree that has a DBH of more than eight (8) inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees. In addition, all palms with at least four and one-half (4 1/2) feet of clear trunk between the ground level and the lowest branch are declared to be protected trees.

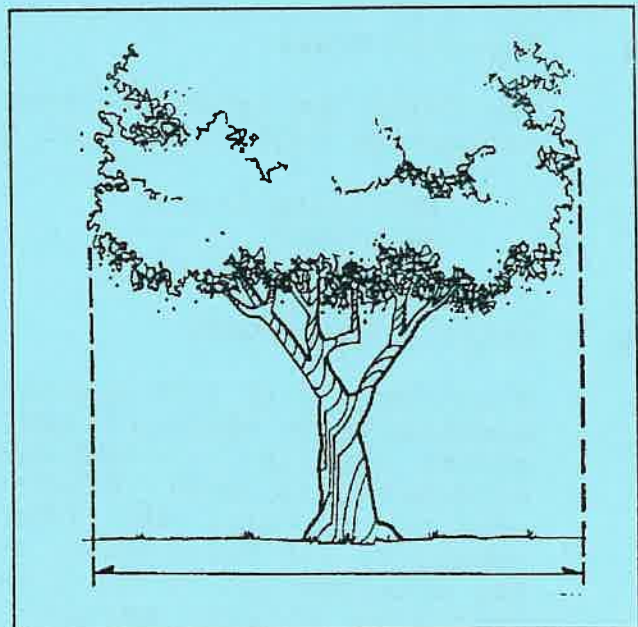


Figure 5.01.01-A Dripline

Remove

To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree.

Tree Protection Zone

A circular zone around each protected tree defined as follows:

- a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
- b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.
- c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

5.01.02 Exemptions

A. Single-Family Homes

Lots or parcels of land on which a single family home is used as a residence shall be exempt from all provisions of these tree protection regulations, except that historic or specimen trees on such parcels shall be protected according to these regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan by the Development Review Board.

B. Nuisance Trees

The following types of trees shall be exempt from the tree protection requirements of this Code:

Brazilian Pepper
Malaleuca
Australian Pine

C. Utility Operations

Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical

utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the Department five (5) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

D. Surveyors

A Florida licensed land surveyor in the performance of his duties provided such alteration is limited to a swath three feet or less in width.

E. Commercial Growers

All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

F. Emergencies

During emergencies caused by a hurricane or other disaster, the Town Clerk may suspend these tree protection regulations.

5.01.03 Removal Of Trees

A. Conditions For Authorization To Remove Protected Trees

1. It is the intent of this section to minimize the removal of protected trees and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.
2. No authorization for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:
 - a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
 - b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

- c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
- f. Any law or regulation requires the removal.

B. Replacement Of Removed Trees

- 1. Trees removed pursuant to paragraph A above shall be replaced at the expense of the developer.
- 2. For each inch of Diameter at Breast Height removed, an inch of Diameter at Breast Height shall be replaced.
- 3. A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to paragraph 4 below. The Staff Forester shall prescribe measures to ensure the survival of the tree.
- 4. Replacement trees shall, if practicable, be planted on the development site. If not practicable, replacement trees may be donated, or a fee in lieu may be paid, to the Town for purposes of planting trees on public property. The fee in lieu shall be based on the cost of purchasing the requisite size and number of replacement trees.

C. Historic And Specimen Trees

- 1. A historic tree is one that has been designated by the Town Council as one of notable historical interest and value to the Town because of its location or historical association with the community. A public hearing shall be held by the Town Council on the designation with due notice to the owner of the tree.
- 2. A specimen tree is one that has been officially designated by the Town Council, upon the advice of the Staff Forester, to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the Town Council with due notice to the owner of the tree.

3. No historic or specimen tree shall be removed without a finding by the Development Review Board that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail why the tree is a hazard or why it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The Director shall make a presentation to the Board on the application and make a recommendation as to whether it should be approved or denied. The decision by the Board on the application shall be made within _____ days of the date the application was filed.

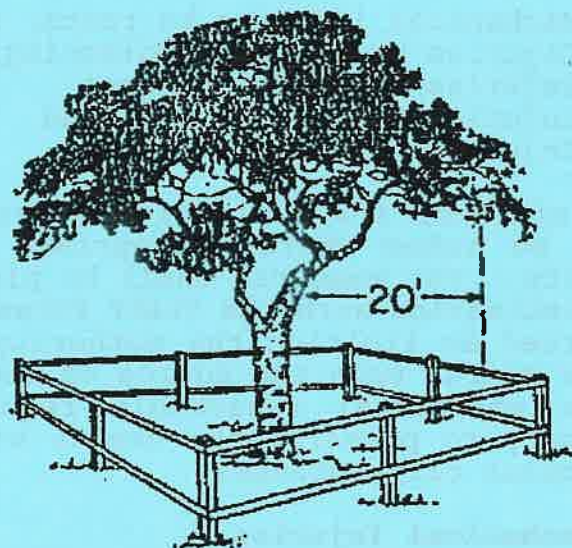
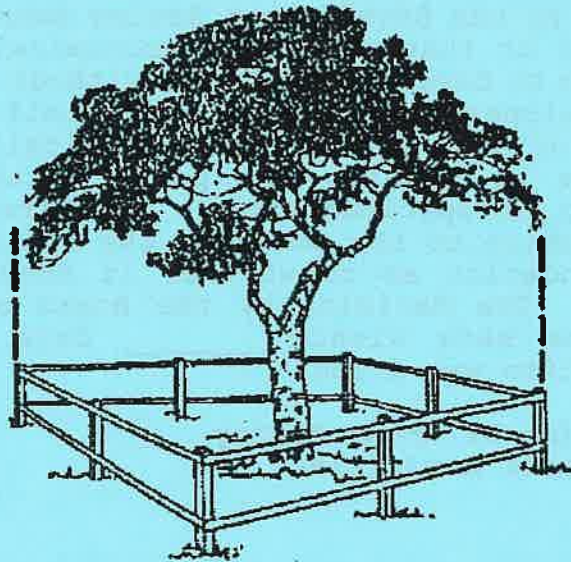
**5.01.04 Protection Of Trees During
Development Activities**

A. Generally

1. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - a. Mechanical injuries to roots, trunk, and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes;
 - d. Injuries by excavations; and
 - e. Injuries by paving.
2. At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the Staff Forester and shall not be construed as limiting the authority of the Development Review Board, upon the advice of the Staff Forester, to impose additional reasonable requirements as may be necessary to preserve the health of protected trees in particular circumstances.

B. Avoiding Mechanical Injuries

1. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone. See FIGURE 5.01.04 A.
2. No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.



Properly constructed barricade protects the total area within the drip line or a radius of 20', whichever is less.

Figure 5.01.04-A Properly Constructed Barrier

3. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.

4. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
5. In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of twenty five (25) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
6. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

C. Avoiding Injuries Due To Chemical Poisoning

1. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
2. No equipment shall be cleaned within a required protective barrier or perimeter line.

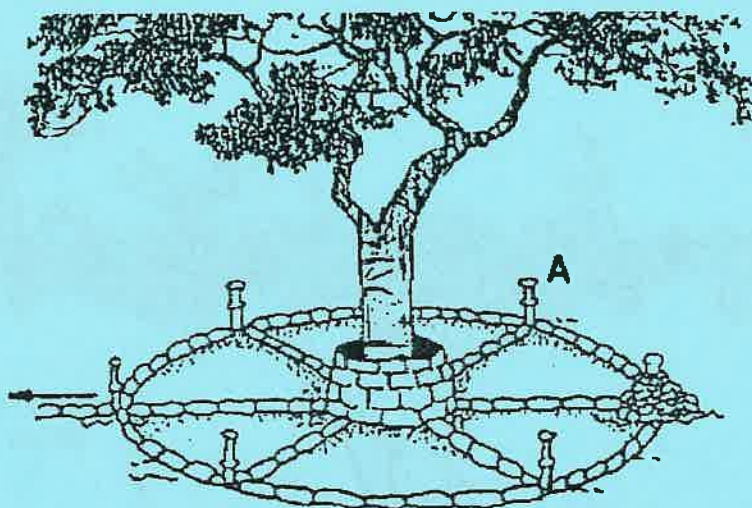
D. Avoiding Injuries Due To Grade Changes

Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

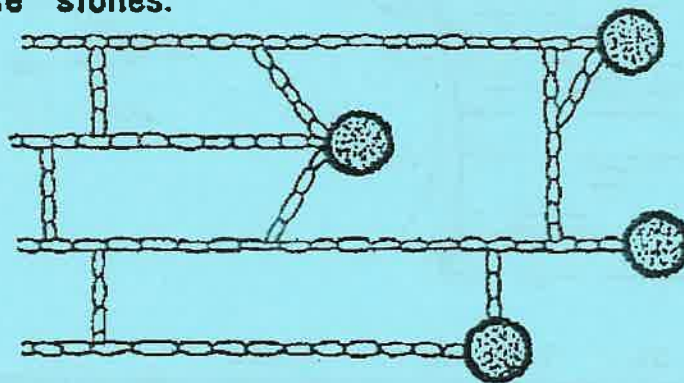
1. When raising the grade, the following measures shall be taken:
 - a. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
 - b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
 - c. Porous, four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one eighth ($1/8$) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
 - d. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.
 - e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
 - f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60)-inch diameter well. For slow-growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the well at every point.

- g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
- h. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
- i. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
- j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
- k. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
- l. A layer of gravel shall be placed over the stones.
- m. The fill shall be completed with a layer of porous soil.

See FIGURES 5.01.04-B, -C, AND -D.

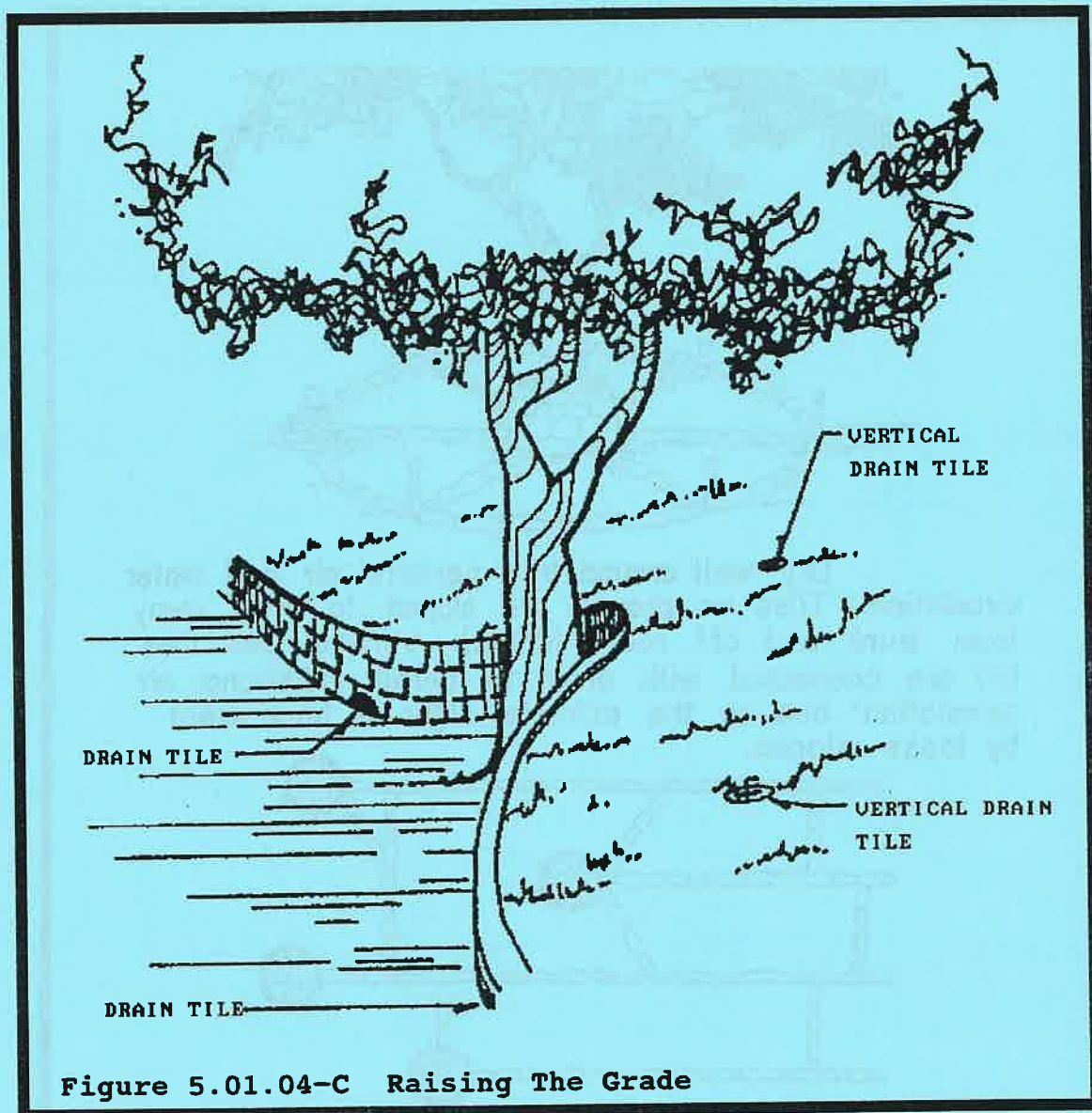


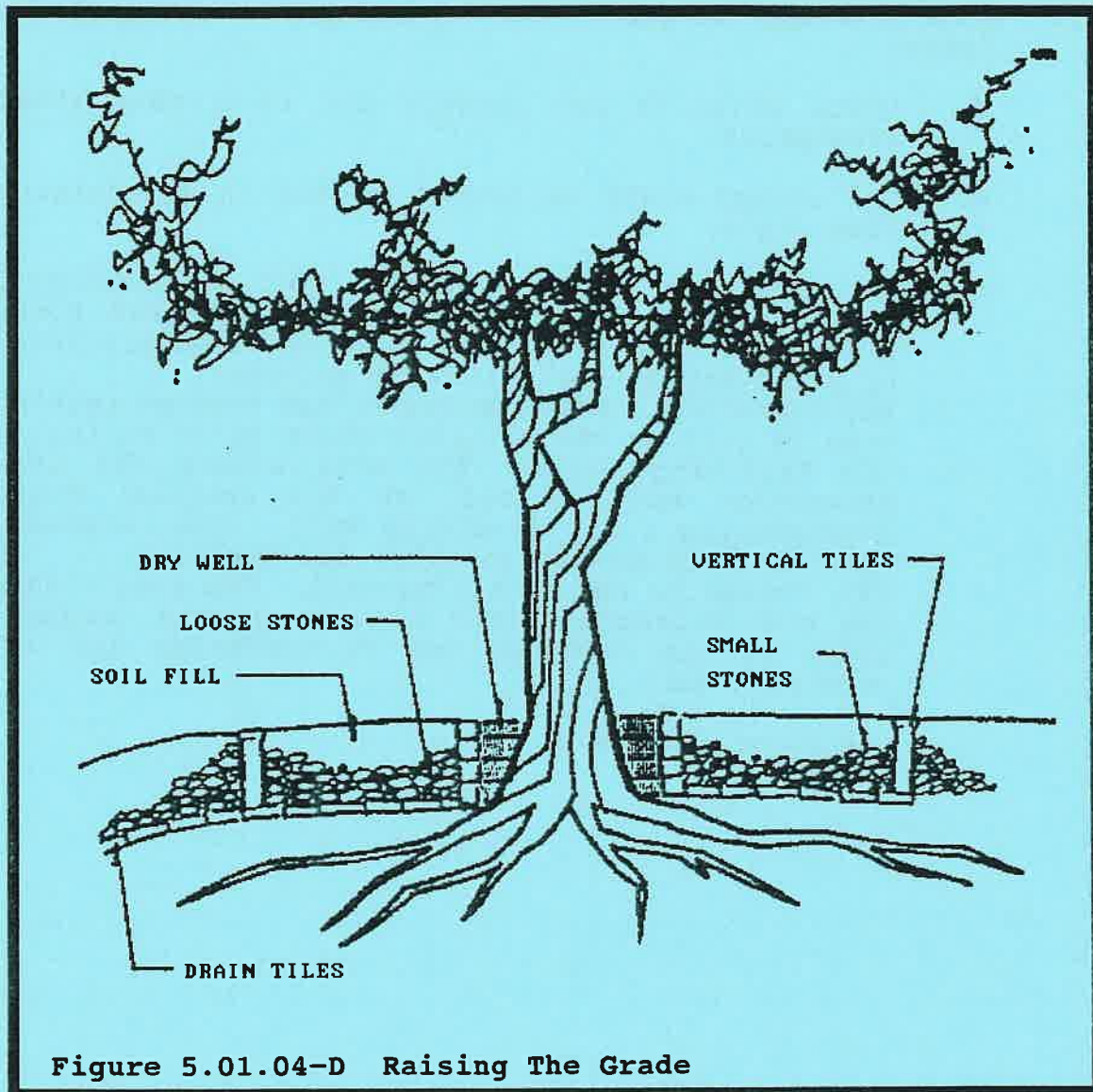
Dry well around tree permits air and water circulation. Tiles on ground are sloped to drain away from trunk and off roots (arrow). Vertical bell tiles (A) are connected with drain to permit additional air circulation: one on the extreme right is held erect by loose stones.



This drawing shows a grid pattern of tiles for draining a strand of trees.

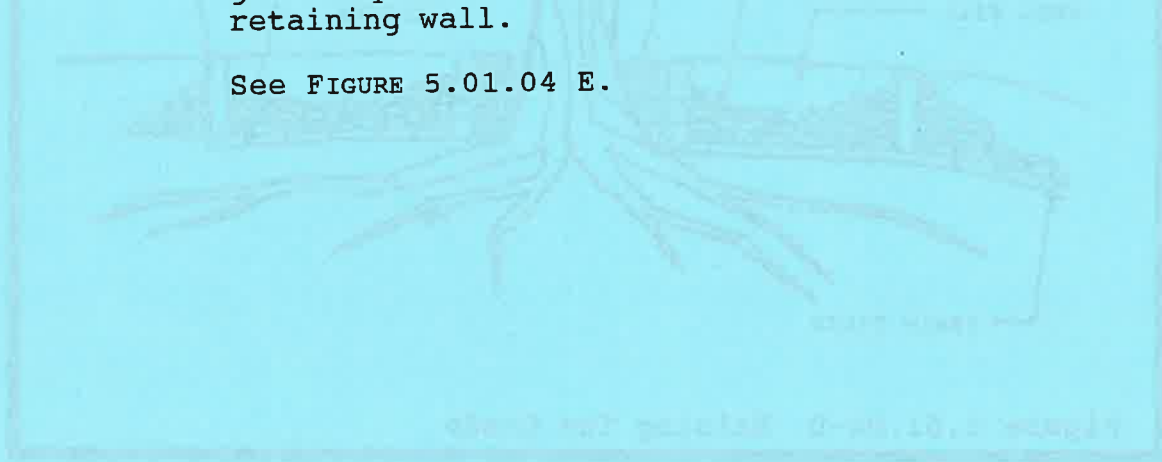
Figure 5.01.04-B Use Of Drain Tiles





2. When lowering the grade, the following measures shall be taken:
 - a. Roots shall be cut cleanly and re-trimmed after excavation.
 - b. The canopy shall be pruned to aid in maintaining tree vigor.
 - c.. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
 - (1) Terracing. The area within the tree protection zone is left at the original grade by terracing.
 - (2) Retaining wall. The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
 - (3) Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.

See FIGURE 5.01.04 E.



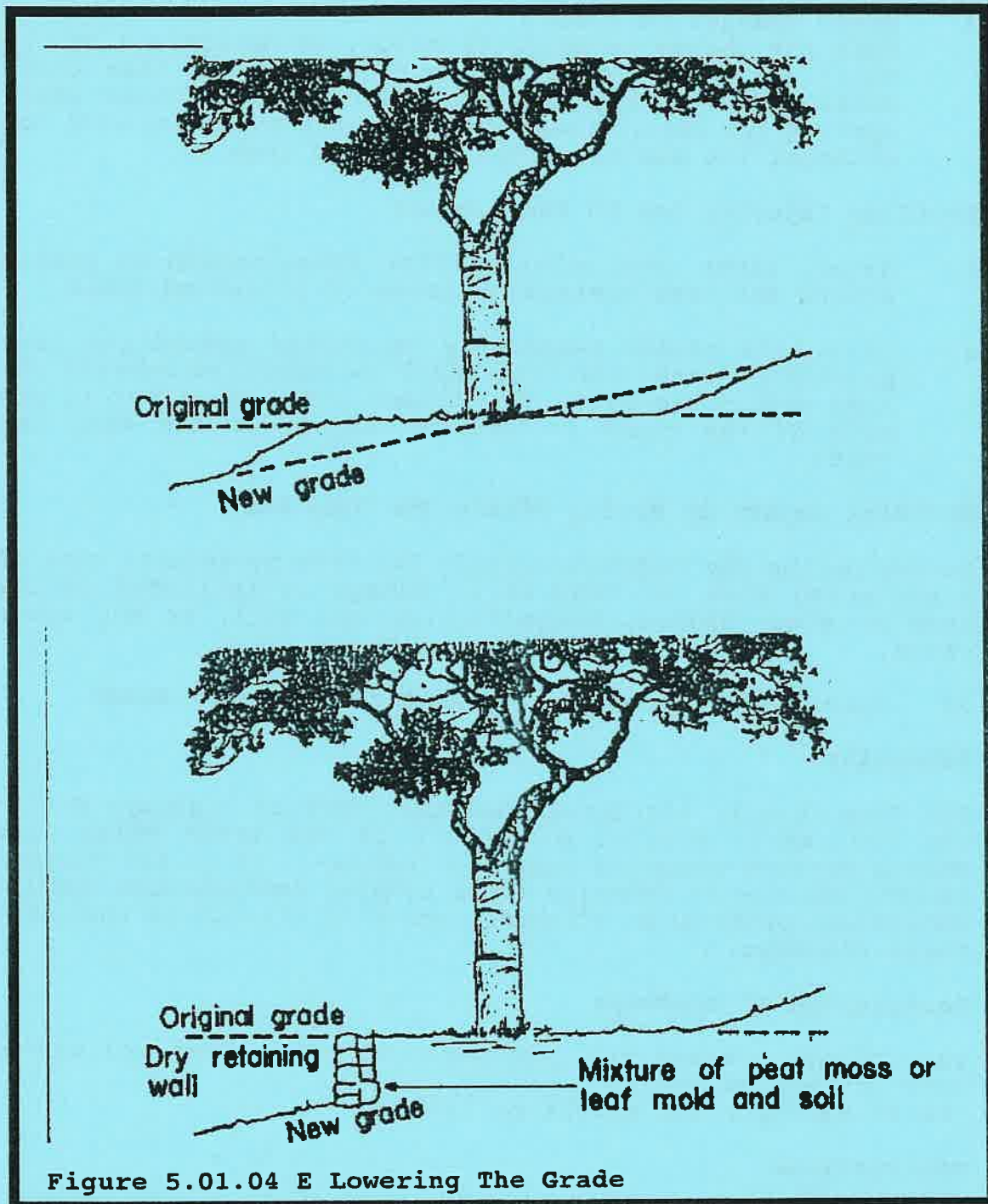


Figure 5.01.04 E Lowering The Grade

3. Minor Changes in Grade

When the change in grade is minor, as determined by the Staff Forester, lesser protective measures than those described above may be taken. The Staff Forester shall approve the use of these methods where their use will not endanger the health of the protected tree.

E. Avoiding Injuries Due To Excavations

1. Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
2. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunnelled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.

F. Avoiding Injury By Paving Within The Drip Line

Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

5.01.06 Special Provisions For Protection Of Canopy Roads

A. Generally

The Town Council has determined that certain roadways within the Town merit special protection of the trees which line and/or provide canopies over the roadway. It is the purpose of this section to describe those roadway sections and require additional protection, through control of activities that abut these roadways.

B. Designation Of Roadways

The following roads are designated as tree-lined and canopy road protection areas:
[Local canopy roads should be listed.]

C. Restrictions

All protected species within an area extending fifty (50) feet on either side of the designated roadways are protected from removal or destruction by the requirements of this section. No protected species within the area of protection shall be removed without permit. Protected trees which are approved for removal shall be replaced with one and one half (1.5) times the number of trunk circumference inches as the removed tree(s).

**5.01.07 Preservation Of Protected Trees As Grounds For Variance
 From Other Requirements Of This Code**

The preservation of any protected tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code. See Part 10.02.00 of this Code for Variance provisions.]

5.02.00 ENVIRONMENTALLY SENSITIVE LANDS

5.02.01 General Provisions

**A. Relationship To Other Requirements Relating To The Protection
 Of Environmentally Sensitive Lands**

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

B. Conservation Element Incorporated By Reference

The Conservation Element of the Town Comprehensive Plan as from time to time amended is hereby incorporated by reference into this Code.

C. Compliance When Subdividing Land

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these protection of environmentally sensitive lands regulations.

5.02.02 Definitions

Accessory Use

A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Adjacent To A Protected Environmentally Sensitive Area

Any location within five hundred (500) feet of the boundary of any Protected Environmentally Sensitive Area, whether the location is on or off the development site.

Adverse Effects

Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Associated Wetland

Any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.

Beneficial Functions Of A Protected Environmentally Sensitive Area

Those functions, described in the Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

Clearing

The removal of trees and brush from the land, not including the ordinary mowing of grass.

Direct Hydrologic Connection

A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Pollutant

Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Protected Environmentally Sensitive Area

An environmentally sensitive area designated for protection in the Conservation Element of the Town Comprehensive Plan.

Significant Adverse Effect

Any modification, alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Town Comprehensive Plan.

Water or Waters

Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body

Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Watercourse

Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary.

Water's Edge and Wetland's Edge

The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

1. the boundary established by the average annual high water mark,
2. the landward boundary of hydric soils, or
3. the landward boundary of wetland vegetation, based on the wetland vegetation index.

5.02.03 Creation Of Protected Environmentally Sensitive Zones

A. Wetlands Protection Zone

1. There is hereby created a "Wetlands Protection Zone" in which special restrictions on development apply.
2. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection (DEP) as authorized by Section 403 of the Florida Statutes.
 - b. Areas within the jurisdiction of the U. S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
 - c.. Areas within the jurisdiction of either the Southwest Florida or Suwanee River Water Management District pursuant to section 40 B or D Florida Administrative Code.

C. Others As Identified in the Town 's Comprehensive Plan

D. Request For Determination Of Boundaries

A developer may obtain a determination of the boundaries of a Protected Environmentally Sensitive Zone by submitting to the Department (DEP) by certified mail or hand delivery a Request for Determination of Boundaries. The request must, as a minimum, set forth an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information needed to make the determination. The Department shall make the determination within ten (10) working days of receiving the needed information from the developer.

5.02.04 Development Activities Within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in a Protected Environmentally Sensitive Zone.

B. Activities Presumed To Have An Insignificant Adverse Affect On Protected Environmentally Sensitive Zones

1. Certain activities are presumed to have an insignificant adverse affect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition in SECTION 5.02.04 A of this Part, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.
2. The following uses and activities are presumed to have an insignificant adverse effect on wetlands protection zones:
 - a.. Scenic, historic, wildlife, or scientific preserves.
 - b. Minor maintenance or emergency repair to existing structures or improved areas.
 - c. Cleared walking trails having no structural components.
 - d. Timber catwalks and docks four (4) feet or less in width.
 - e. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
 - f.. Cultivating agricultural or horticultural products that occur naturally on the site.
 - g. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
 - h. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the Department shall determine the feasibility of restoring the altered hydrology. If the wetland

may be restored at a cost that is reasonable in relation to benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this Code.

- i. Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code.

D. Mitigation

1. Generally

- a. Compensatory mitigation, by which environmentally sensitive lands are purchased, created, enhanced and/or restored to compensate for the loss of such lands, is required whenever a special use is allowed under SECTION 5.02.04 C of this Part.
- b. The purchased, created, enhanced, or restored environmentally sensitive land must be of the same type as that destroyed or degraded.
- c. Compensatory mitigation shall not be the basis for approving a project that could not otherwise be approved.
- d. A developer of a compensatory mitigation plan shall grant a conservation easement under Section 704.06, Florida Statutes, on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development.

2. Wetlands

Compensatory wetland mitigation shall require that the amount of wetlands purchased, created, enhanced, or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced. The following ratios of replacement to destroyed wetlands shall be presumed to provide reasonable assurances for type-for-type mitigation:

- a. Swamp Hammock2.5:1
- b. Hardwood Swamp2.5:1
- c. Bayheads and Bogs2.5:1

- d. Mangroves2.5:1
- e. Riverine Cypress2.0:1
- f. Cypress Pond2.0:1
- g. Wet Prairie1.5:1*
- h. Freshwater Marsh1.5:1*

5.02.05 Restricted Development Zone

A. Generally

There is hereby created a Restricted Development Zone adjacent to each Protected Environmentally Sensitive Area. This zone shall encompass all land within five hundred (500) feet of the boundary of the protected environmentally sensitive zone.

B. Development Activities Within Restricted Development Zone

1. All development in a Restricted Development Zone shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent environmentally sensitive zone.
2. The acreage within a Protected Environmentally Sensitive Zone may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of such a zone. This development potential may be transferred from the Protected Environmentally Sensitive Zone to the Restricted Development Zone or beyond as provided for in the clustering and transferable development rights provisions in ARTICLE X. Allowable development potential may not, however, be transferred from without the area encompassed by the Restricted Development Zone and Protected Environmentally Sensitive Zone to within such area.
3. The following special design standards applying within Restricted Development Zones adjacent to Wetlands Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Protected Environmentally Sensitive Zones. If a natural buffer does not exist, an equivalent buffer shall be created. The size of the buffer shall be the minimum necessary to prevent significant adverse effects on the Protected Environmentally Sensitive Area. The factual basis of the decision as to the

size of the buffer shall be stated as a finding in the written record.

- b. The developer shall completely restore any portion of a Protected Environmentally Sensitive Zone damaged during construction. Complete restoration means that the damaged area shall, within 7 years, be operating as effectively as the natural system did prior to being destroyed.
- c. Other reasonable protective measures necessary to prevent significant adverse effects on a Protected Environmentally Sensitive Zone may be required. The factual basis of the decision to require the measure shall be stated as a finding in the written record. Protective measures may include, but are not limited to:
 - (1) Maintaining natural drainage patterns.
 - (2) Limiting the removal of vegetation to the minimum necessary to carry out the development activity.
 - (3) Expeditiously replanting denuded areas.
 - (4) Stabilizing banks and other unvegetated areas by siltation- and erosion-control measures.
 - (5) Minimizing the amount of fill used in the development activity.
 - (6) Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
 - (7) Constructing channels at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and allow revegetation of banks.
 - (8) Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning, and other cycles and activities of wildlife.
 - (9) Designing, locating, constructing and maintaining all development in a manner that minimizes environmental damage.

- (10) Prohibiting septic tanks or locating them away from high groundwater areas and peaty soils.
 - (11) Using deed restrictions and other legal mechanisms to require the developer and successors to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.
4. The following special design standards applying within Restricted Development Zones adjacent to Shoreline Protection Zones:
- a. All development shall be setback greater than or equal to fifty (50) feet from the landward boundary of the Shoreline Protection Zone.
 - b. Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools, and walkways is limited to 50 percent of the land area of the entire site.
 - c. The development shall leave a minimum of 20 percent of the site as trees, shrubs, or other natural vegetation, or replace existing trees at a (minimum) 2:1 ratio.
 - d. Point source and nonpoint source discharges are prohibited, except for stormwater, which may be discharged only if it meets the following minimum standard. Stormwater discharges shall include an additional level of treatment equal to fifty (50) percent of the treatment criteria specified in [the rules of the appropriate water management district], and shall provide off-line retention or off-line detention with filtration of the first one-half inch of run-off of the total amount required to be treated. If the Town or any state agency has a stormwater rule which is stricter than this standard, then the stricter rule or combination of rules shall apply.
 - e. Siltation and erosion control measures shall be applied to stabilize banks and other un-vegetated areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

- f. Any channels constructed shall be of a minimum depth and width capable of achieving the intended purposes. Sides of channels shall reflect an equilibrium shape to prevent slumping and erosion and to allow re-vegetation.
- g. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
- h. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.
- i. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate.
- j. Septic tanks shall not be located closer than one hundred fifty (150) feet from the boundary of the Shoreline Protection Zone. There may be no more than two (2) septic tanks per acre of land.
- k. Where wet moorage is offered for boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pump-out, holding, or treatment facilities shall be provided by the developer for sewage and other wastes, including bilge, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and vehicles.
- l. If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the Shoreline Protection Zone. Buffers shall be a minimum of 25 feet wide and shall be composed of native plant species.

5.02.06 Prohibited On-Going Activities

The following standards apply to post-development activities taking place within any Restricted Development Zone or Protected Environmentally Sensitive Zone.

A. Point Source and Nonpoint Source Discharges

Absent an amendment to the development order, point source and nonpoint source discharges shall continue to meet the

standards applicable to the original development.

B. Clearing

Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.

C. Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes

1. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective clean-up of spills that do occur.
2. No toxic or hazardous wastes or substances shall be stored in outdoor containers.
3. Storage or disposal of all types of wastes is prohibited on shorelines.

D. Prohibited Uses

The long-term storage of equipment or materials, and the disposal of wastes shall be prohibited.

E. Fertilizers, Herbicides, or Pesticides

1. Fertilizers, herbicides, or pesticides shall not be applied in a Protected Environmentally Sensitive Zone except for projects conducted under the authority of Sections 373.451-373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.
2. Fertilizers, pesticides, and herbicides used in Restricted Development Zones shall be applied sparingly and at appropriate rates and time intervals.

F. Spray Vehicles

Vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from waters.

G. Pump-out, Holding, and Treatment Facilities for Wastes from Mobile Sources

Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be properly collected and disposed of.

5.03.00 GROUNDWATER AND WELLHEADS

5.03.01 Purpose and Intent

The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of the Town. This is accomplished through ensuring the protection of the principle source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the Town. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

5.03.02 Definitions

Protected Wellhead

Those wellheads with a permitted capacity of 100,000 GPD or more.

Wellhead Protection Area

The Town will determine, based on local geologic and hydrologic conditions, the size of the area around protected wellheads in which development activities are allowed, but carefully regulated. The size of the area shall be based on the travel time of pollutants spilled on the surface.

Zone Of Exclusion

All land within a two hundred (200) foot radius of an existing or designated protected wellhead.

5.03.03 Restrictions On Development

A. Within The Zone Of Exclusion

No development activities shall take place in the zone of exclusion.

B. Prohibited Uses And Development Activities Within The Wellhead Protection Zone

The following land uses are prohibited within Wellhead Protection Zone:

1. Landfills.
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch.442, F.S.).
3. Activities that require the storage, use, handling, production or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.
4. Feedlots or other concentrated animal facilities.
5. Wastewater treatment plants, percolation ponds, and similar facilities.
6. Mines.
7. Excavation of waterways or drainage facilities which intersect the water table.

C. Special Restrictions On Development Allowed Within The Wellhead Protection Zone

1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.
2. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter Rule 17.28, Florida Administrative Code.

5.04.00 HABITAT OF ENDANGERED OR THREATENED SPECIES

5.04.01 Generally

A. Purpose And Intent

It is the purpose of this part to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the Town. It is the intent of this part to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered, or special concern plant and animal species.

B. Applicability

Areas subject to the standards of this Part shall be those identified in the Conservation Element of the Town

Comprehensive Plan as habitat for rare and endangered species, threatened species, or species of special concern.

5.04.02 Habitat Management Plan

A. When Required

A Habitat Management Plan shall be prepared as a prerequisite to the approval of any development proposed on a site containing areas subject to this Part.

B. Contents

The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.

C. Conformity Of Final Development Plan

The Final Development Plan approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.

D. Preservation Of Land

Where land on a proposed development site is to be preserved as habitat of rare, endangered or special concern species, such land shall be adjacent to existing viable habitat, a significant wetland system, floodplain, or wildlife corridor. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in paragraph B above.

E. Fee In Lieu

As an alternative to preservation of land, the Town may establish a fee-in-lieu-of-land program, whereby the Town can purchase land with state funding which will provide a significant habitat.

5.05.00 FLOODPLAINS

5.05.01 General Provisions

A. Abrogation And Greater Restrictions

These flood damage prevention regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed

restrictions.

B. Warning And Disclaimer Of Liability

Although the degree of flood protection required by these flood damage prevention regulations is reasonable and appropriate for regulatory purposes, based on scientific and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, these flood damage prevention regulations do not imply that land outside the Areas of Special Flood Hazard or uses permitted within those areas will be free from flooding or flood damages. These flood damage prevention regulations shall not create liability on the part of the Town or any of its officers or employees for any flood damages that result from reliance on these flood damage prevention regulations or any administrative decision lawfully made thereunder.

C. Declaration Of Public Nuisance

All development located or maintained within any Area of Special Flood Hazard after 1990 in violation of these flood damage prevention regulations is hereby declared a public nuisance per se.

5.05.02 Definitions

Administrator

The Federal Insurance Administrator.

Appurtenant Structure

A structure which is on the same parcel of property as the principal structure to be insured under the federal flood insurance program and where the use is incidental to the use of the principal structure.

Area of Shallow Flooding

A designated AO, AH or VO zone on the Flood Insurance Rate Map, or other area designated on a map by the Director with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident.

Area of Special Flood Hazard

The Area of Special Flood Hazard shall include:

- A.** All areas designated on a Flood Hazard Boundary Map as Zone A or a Flood Insurance Rate Map as Zones A, AO, AH,

A1 - 30, AE, A99, V0, or V1-30, VE, or V. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.

- B. Other areas of the community designated on a map by the Director as having a one percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Flood or Flooding

A temporary partial or complete inundation of normally dry land from the overflow of inland or tidal waters, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Boundary Map (FHBM)

The map issued by the Federal Emergency Management Agency showing flood-prone areas. Drawn from United States Geological Survey Maps, it does not provide flood elevations and is intended to be used only until the Flood Insurance Rate Map is produced.

Flood Insurance Rate Map (FIRM)

The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the Town.

Floodplain

Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Flood Protection Elevation

The elevation of the base flood plus one (1) foot.

Functionally Dependent Use

A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as

a docking, loading and unloading of cargo or passengers, ship building and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

Highest Adjacent Grade

The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Lowest Floor

The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation, and connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed in use (other than for sale) on a site for 180 consecutive days or longer.

New Construction

Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this Code, and any alteration, repair, reconstruction or improvements to a structure which is in compliance with these flood damage prevention regulations.

Person

Any individual, group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Start Of Construction

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling;

installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348).

Structure

A walled and roofed building, including a manufactured home, and a gas or liquid storage tank that is principally above ground.

Substantial Improvement

Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during [the life of a structure] [a thirty (30) year period], in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

5.05.03 Standards For Reducing Flood Hazards In The Area Of Special Flood Hazard

A. Generally

The standards in this part apply to all development within the Area of Special Flood Hazard as shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.

B. Anchoring

All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Manufactured homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, Florida

Administrative Code.

C. Construction Materials And Methods

All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.

D. Service Facilities And Utilities

1. Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.
2. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.
3. On-site sanitary sewage systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and shall not be installed wholly or partially in a Regulatory Floodway.

E. Storage Of Materials And Equipment

1. Storing or processing materials that would, in a flood, be buoyant, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
2. Materials or equipment immune to substantial damage by flooding may be stored if firmly anchored to prevent flotation or if readily removable from the area upon receipt of a flood warning.

5.05.04 Additional Standards For Reducing Flood Hazards In Areas For Which Flood Insurance Rate Maps Have Been Prepared

A. Generally

The following standards must be complied with in all Areas of Special Flood Hazard for which a Base Flood Elevation has been established by a Flood Insurance Rate Map or otherwise.

B. Residential Structures

1. All new construction and substantial improvements of existing construction of residential structures shall be

constructed with the lowest floor elevated to or above the Flood Protection Elevation.

2. For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater. Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect, or meet or exceed the following minimum standards:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. Place the bottom of all openings no higher than one foot above grade.
 - c. Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e. a garage door) or storing equipment used to maintain the premises (i.e. a standard exterior door), or entering the living area (i.e. a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.
3. Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

C. Nonresidential Structures

New construction and substantial improvements of existing construction of nonresidential structures shall either comply with SECTION 5.05.03 B of this Part, or be constructed, including attendant utility and sanitary facilities, to meet the following standards:

1. Walls below the Flood Protection Elevation shall be substantially impermeable to the passage of water.
2. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified as meeting the standards of this section by a registered professional engineer or architect.

D. Subdivisions

1. All preliminary subdivision proposals shall identify the Area of Special Flood Hazard and the elevation of the Base Flood.
2. All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the Base Flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
3. All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
4. Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.
5. All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots within an Area of Special Flood Hazard and all instruments conveying title to lots within an Area of Special Flood Hazard must prominently publish the following flood hazard warning in the document:

Flood Hazard Warning

This property may be subject to flooding. You should contact local building and zoning officials and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

**5.05.05 Standards For Reducing Flood Hazards In Certain Zones
Within The Area Of Special Flood Hazard**

A. Standards For Areas Of Shallow Flooding

The following standards apply to Areas of Shallow Flooding located within the Area of Special Flood Hazard.

1. Residential Structures
The lowest floor of all new construction of and substantial improvements to residential structures shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified.)

2. Nonresidential Structures

The lowest floor of all new construction of and substantial improvements to non-residential structures shall:

- a.. Be elevated as prescribed in SECTION 5.05.05 C 1 above; or
- b.. Be constructed, together with attendant utility and sanitary facilities, so that any walls below the level prescribed in SECTION 5.05.05 C 1 above shall be substantially impermeable to the passage of water and any structural components below that level shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

5.05.06 Administration And Enforcement

A. Generally

In addition to the administrative and enforcement provisions in ARTICLE XII of this Code, the following provisions apply.

B. Designation And Duties Of Local Administrator

The Director of the Department of Planning and Development shall administer and implement the provisions of these flood damage prevention regulations. In addition to duties assigned elsewhere, the Director shall:

- 1. Review all proposed developments to assure that the requirements of these regulations have been met.
- 2. Review all certificates submitted to satisfy the requirements of these regulations.
- 3. Notify adjacent communities, the Water Management District, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and provide evidence of such notification to the Federal Emergency Management Agency.
- 4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by these flood damage prevention regulations.
- 5. Interpret the boundaries of the Area of Special Flood Hazard and the various zones, including the Regulatory Floodways and Coastal High Hazard Areas.

6. Maintain all records pertaining to the implementation of these flood damage prevention regulations.

C. Certification Of As-Built Elevations

1. For development activity which includes structures, and in areas where base flood elevations are available, the developer shall submit to the Director a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
2. The Director shall review submitted floor elevation survey data and inform the applicant of deficiencies within 15 working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Director. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
3. Upon submittal of certified elevations and/or a determination by the Director that the development meets all of the applicable requirements of these flood damage prevention regulations, the Director shall issue a Certificate of Compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

D. Enforcement

1. Any violation of these flood damage prevention regulations is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
2. In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.
3. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the

Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

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DEVELOPMENT DESIGN AND IMPROVEMENT
STANDARDS

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ARTICLE VI
DEVELOPMENT DESIGN AND IMPROVEMENT
STANDARDS

6.00.00 GENERAL PROVISIONS

6.00.01 *Purpose*

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the city

6.00.02 *Responsibility For Improvements*

All improvement required by this Article shall be designed, installed, and paid for by the Developer.

6.00.03 *Principles Of Development Design*

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article V of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

6.01.00 LOT AREA, LOT COVERAGE, AND SETBACKS

6.01.01 *Minimum Lot Area Requirements*

A. Requirements For All Developments

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

B. Specific Requirements For Residential Development

There is no minimum lot area for individual lots within a residential development that will be served by both a central water and central sewer system, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this Code as stated in paragraph A of this Section.
2. Gross density of the area shall not exceed that specified in the SECTION 2.02.04, Table of Density and Dwelling Unit Types for Residential Uses.
3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.

C. Specific Requirements for Areas Without Central Utilities

All proposed development in areas that will not be served by central water and central sewer shall have the following minimum lot areas:

<u>Type of development</u>	<u>Sewer/Water System</u>	<u>Lot Area</u>
Residential	Septic tanks	1 acre
	Individual Wells	per unit
Residential	Aerobic septic	1 acre
	Individual wells	per unit
Residential	Septic tanks	1/2 acre
	Central Water	per unit
Non-residential	Septic tanks	1 acre
	Individual wells	
Lots of Record	Septic Tanks	1/2 acre
	Central Water	per unit

D. Lots of Record

Existing lots of record which meet the standards of 10-D.6 F.A.C. for septic tanks and Chapter Standards shall be exempt from lot area requirements in this section.

6.01.02 Impervious Surface Coverage

A. Generally

Impervious surface on Commercial and non-residential sites shall not exceed the Standards of the appropriate Water Management District.

Section 6.07.02**B. Ratio Calculation**

The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area. Water bodies are impervious and shall be included as such in the impervious surface ratio calculation.

C. Alternative Paving Materials

If porous paving materials are used in accord with the Technical Construction Manual, then the area covered with porous paving materials shall not be counted as impervious surface.

6.01.03 Building Setback Requirements

for all non-residential

A. Minimum Setbacks on Side and Rear Yards

There are no minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way), provided that one of the following requirements shall be met:

1. If the distance from the exterior wall to the property line is less than five (5) feet, the applicant must show evidence of a maintenance easement granted by adjacent property owners.
2. The structure may be built on the property line provided the owner shall grant an attachment easement to the adjacent property owner(s).

B. Minimum Setbacks Between Buildings

1. The minimum distance between adjacent buildings shall be ten (10) feet, except that no setback between buildings is required where an attachment easement has been created pursuant to paragraph C of this SECTION.
2. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

C. Minimum Setbacks for Buildings Exceeding 25 Feet In Height

When a building exceeds twenty-five (25) feet in height, the minimum distance from an adjacent building or property line

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shall be increased by two (2) feet for each story above two (2).

D. Maximum Building Height

Building height shall not exceed 45 feet above grade.

6.02.00 TRANSPORTATION SYSTEMS**6.02.01 General Provisions****A. Purpose**

This section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this SECTION are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

B. Compliance with Technical Construction Standards Manual

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards contained in the Technical Construction Standards Manual in Appendix A of this Code.

6.02.02 Streets**A. Street Classification System Established**

1. Streets in the city are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards.
2. Private streets and streets that are to be dedicated to the city are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.
3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or

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development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

4. The following streets hierarchy is established: residential, collector, and arterial. Each street type is divided into subcategories. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

B. Residential Streets

Residential streets are primarily suited to providing direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential use does not exceed applicable standards for the affected streets. All residential streets should be designed to minimize unnecessary and/or speeding traffic. Each residential street shall be classified and designed for its entire length to meet the minimum standards for one of the following street types.

1. Residential access street.

This is the lowest order street in the hierarchy. A residential access street is a frontage street which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself. Residential access streets may take access from any higher order street type. Both ends of a residential loop street must take access from a single higher order street. The design speed for residential access streets is fifteen to twenty-five (15-25) miles per hour. Residential access streets shall have a maximum ADT of five hundred (500). Cul-de-sacs shall have a maximum ADT of two hundred (200). Loop streets shall have a maximum ADT of four hundred (400).

2. Residential subcollector street

This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential subcollector streets shall have a design speed of twenty-five (25) miles per hour. Residential subcollector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to limited non-residential uses. Loop streets carrying

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more than five hundred (500) ADT must have two (2) intersections with higher order streets. Lots of less than forty (40) feet in width may not take access from a residential subcollector. Residential subcollector streets shall have a maximum ADT of one thousand (1,000).

3. Residential collector street

This is the highest order street that can be classified as residential. In larger developments, this class of street may be necessary to carry traffic from one neighborhood to another or from the neighborhood to streets connecting to other areas in the community. It will collect traffic from residential access and subcollector streets and may provide direct access to limited non-residential uses. Residential collector streets shall have a design speed of thirty (30) miles per hour. No individual residential uses shall take direct access from residential collector streets except where no feasible alternative exists. All residential collector streets shall take access from at least two (2) equal or higher order street types or give access to residential access and subcollector streets. Residential collector streets shall have a maximum ADT of two thousand (2,000).

C. Collector Roads

Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. There are three types of collector streets.

1. Minor Collector

These are local collector streets giving direct access to commercial and industrial uses and to residential projects, but not to individual dwelling units. Minor collectors may take access from other collector streets, minor arterials, or arterials. Minor collectors may give access to any residential street type. Minor collectors shall have a design speed of thirty (30) miles per hour. Minor collectors shall have a maximum ADT of tree thousand (3,000).

2. Collector

Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterials or arterials and may give

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access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000).

3. Major Collector

These streets serve major community or regional facilities and carry through traffic. Major collector streets may take access from other major collectors, minor arterials, and arterials and may give access to any same or lower order street type. Major collectors shall have a design speed of thirty-five (35) miles per hour. Major collectors shall have a minimum ADT of seven thousand (7,000). No parking is allowed on major collectors.

D. Arterial Roads

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to fifty-five (55) miles per hour. No parking is allowed on any arterials. There are three types of arterial roads.

1. Minor Arterial

These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. Minor arterials shall have a design speed of forty-five (45) m.p.h.

2. Arterials

These are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. These roads shall have a design speed of fifty-five (55) miles per hour.

3. Freeways or Limited Access Highways (future)

These roads provide links between lower order roads or with other freeways. Access to individual land uses is not permitted. These roads may take access from other arterials or freeways and may give access to other arterials or freeways.

Section 6.07.02**E. Special Purpose Streets**

Under special circumstances a new local street may be classified and designed as one of the following:

1. Alley

An alley is a special type of street which provides a secondary means of access to lots. It will normally be on the same level in the hierarchy as a residential access street, although different design standards will apply.

2. Marginal Access Street

A marginal access street is a street parallel and adjacent to a collector or higher level street which provides access to abutting properties and separation from through traffic. It may be designed at the level of a residential access street or a residential sub-collector as anticipated traffic volumes will dictate.

3. Divided Streets

For the purpose of protecting environmental features or avoiding excessive grading, the municipality may required that the street be divided. In such a case, the design standards shall be applied to the aggregate dimensions of the two street segments.

F. Official Street Map

The Official Street Map and any amendments thereto, adopted by the city as a part of the Comprehensive Plan, is hereby made a part of this Code. All existing roadways within the jurisdiction of the city shall be designated on the Official Street Map according to the foregoing classification scheme. Any street abutting or affecting the design of a subdivision or land development which is not already classified on the Official Street Map shall be classified according to its function, design, and use by the city at the request of the applicant or during plan review. The map shall be the basis for all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

G. Street Classification Standards

The following table, **Table 6.02.02 A**, specifies the number of lanes and pavement and right-of-way widths for residential,

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collector, and arterial streets. These requirements should be read in conjunction with the foregoing street type descriptions.

[Table begins on next page.]

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Table 6.02.02(A)

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
I. Residential Streets					
a. Residential Access Streets	· 2-9' moving · no parking · no individual lot access	18'	16'	50'	50'
(1) cul-de-sac	· 2-9' moving · no parking · individual lot access	18'	16'	50'	50'
(2) loop street	· 2-10' moving · no parking · individual lot access	20'	18'	50'	50'
	· 2-9' moving · 1-8' parking · individual lot access	26'	--	50'	--
	· 2-9' moving · no parking · no individual lot access	26'	--	50'	--
	· 2-9' moving · no parking · individual lot access	18'	--	50'	--
b. Residential Subcollector Streets	· 2-10' moving · no parking · no individual lot access	20'	18'	50'	50'
(1) single access	· 2-10' moving · no parking · individual lot access	20'	18'	50'	50'
(2) loop street	· 2-9' moving · 1-8' parking · individual lot access	26'	--	50'	--
	· 2-10' moving · 1-8' parking · individual lot access	28'	--	50'	--
	· 2-4' moving · no parking · individual lot access	22'	--	50'	--

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Table 6.02.02(A):

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
<u>I. Residential Streets- con't</u>					
b. Residential Collector Streets	· 2-11' moving · no parking	22'	20'	60'	60'

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Table 6.02.02(A)

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
<u>I. Residential Streets- con't</u>					
c. Major Collector Streets	· 4-12' moving · no parking · no median	48'	48'	80'	80'
	· 4-12' moving · no parking · 6' median	54'	54'	90'	90'
<u>3. Arterial Streets</u>					
a. Minor Arterial Streets	Normal road configuration: · 2-14' moving · no parking · no median	--	28'	--	80'
	Approach to intersections: · 2-12' moving · 2-12' turning · 1-2' merging · 6' median	--	66'	--	100'
b. Arterial Streets	Normal road configuration: · 4-12' moving · no parking · 6' median	--	54'	--	100'
	Approach to intersections: · 4-12' moving · 2-12' turning · 6' median	--	78'	--	120'
c. Freeways	Same as above	--	Same as above	--	Same as above

Section 6.07.02**6.02.03 Rights-of-Way****A. Right-of-Way Widths**

Right-of-way requirements for road construction shall be as specified in Table 6.02.02 A of this Code. The right-of-way shall be measured from lot line to lot line.

B. Future Rights-of-Way

Future right-of-way requirements are identified in the Transportation Circulation Element of the City Comprehensive Plan. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

C. Protection and Use of Rights-of-Way

1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the city.
2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in the Technical Construction Standards Manual in Appendix A, and other applicable city regulations.
3. Sidewalks and bicycle ways shall be placed within the right-of-way.

D. Vacations of Rights-of-Ways

Applications to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation Circulation Element of the City Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
3. The vacation would not jeopardize the current or future location of any utility.

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4. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the city.

6.02.04 Street Design Standards**A. General Design Standards**

1. All streets in a new development shall be designed and constructed pursuant to the standards in the Technical Construction Standards Manual in APPENDIX A. Streets shall be dedicated to the city upon completion, inspection, and acceptance by the city.
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards in the Technical Construction Standards Manual in APPENDIX A.
5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
7. Residential streets shall be arranged to discourage through traffic.
8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.

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10. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

B. Paving Widths

Paving widths for each street classification shall be as provided in TABLE 6.02.02 A of this Code.

C. Curbing requirement

1. Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:
 - a. Along designated parking lanes.
 - b. Where the surface drainage plan requires curbing to channel stormwater.
 - c. Where narrow lots averaging less than 40 feet in width take direct access from a street upon which no on-street parking is allowed.
2. All curbing shall conform to the construction standards contained in the Technical Construction Standards Manual in Appendix A of this Code.

D. Shoulders

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the Technical Construction Standards Manual contained in Appendix A of this Code. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential subcollector streets only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two 4-foot wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.

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3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the city along existing and proposed streets as determined by a traffic impact study required by SECTION ____ or where the city can justify the need.
2. Deceleration lanes shall be designed to the following standards:

- a. The lane width shall be the same as the required width of the roadway moving lanes.
- b. The lane shall provide the full required lane width for its full length. It shall not be tapered.
- c. The minimum lane length shall be as follows:

<u>Design Speed of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

3. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the city traffic engineer. Where needed, a paved taper shall be provided for right hand turns.

F. Cul-de-sacs Turnarounds

An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cul-de-sac.

G. Stub Streets

1. Residential access and subcollector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.

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2. Residential collector and higher order stub streets may be permitted or required by the city provided that the future extension of the street is deemed desirable by the city or conforms to an adopted City Transportation Plan.
3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

H. Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.

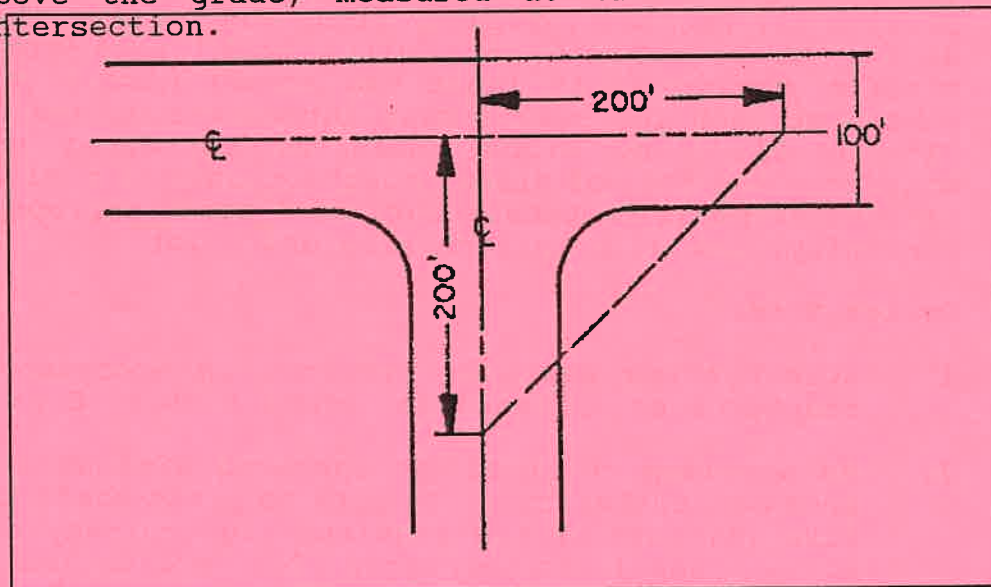


Figure 6.02.04-A Example Of Clear Visibility Triangle

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2. The clear visibility triangle shall be formed by connecting a point on each street center line, to be located at the distance from the intersection of the street center lines indicated below, and a third line connecting the two points. See FIGURE 6.02.04-A.
3. The distance from the intersection of the street center lines for the various road classifications shall be as follows:

Road Classification	Distance from Street Center Line Intersection
Driveway or Residential Street	100 feet
Collector	160 feet
Arterial	200 feet

I. Signage and Signalization

The developer shall deposit with the city sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the city, based upon city or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

J. Street Trees

1. Street trees shall be provided in accordance with the standards established in SECTION 6.06.02 C of this Code.
2. No development shall be approved without reserving an easement authorizing the city to plant shade trees within five (5) feet of the required right-of-way boundary. No street shall be accepted for dedication until the easement required by this subsection has been provided.

K. Blocks

1. Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
2. The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block

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lengths in residential areas exceed two thousand two hundred (2,200) feet nor be less than four hundred (400) feet in length.

6.02.06 Sidewalks and Bikeways**A. When Required**

1. Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway. Location of sidewalks shall be consistent with planned roadway improvements.
2. Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is sixty (60) feet or less.
3. Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet.
4. Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
5. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
6. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the requirements of this Code, may be required by the Department or Development Review Board to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

B. Design And Construction Standards

Design and construction of sidewalks, bikeways, or other footpaths shall conform to the requirements of the Technical Construction Standards Manual in APPENDIX A, including provisions for access by physically handicapped persons.

Section 6.07.02**6.02.07 Access**

All proposed development shall meet the following standards for vehicular access and circulation:

A. Number Of Access Points

1. All projects shall have access to a public right-of-way. The number of access points shall be as follows:

Type of Development	Number of Access Points	Preferred Type of Access
Residential, <75 units	1	Residential or Minor Collector
Residential, 75+ units	2	Minor Collector
Non-residential, <300 required parking spaces	1	Collector
Non-residential, 300 - 999 required parking spaces	2	Major Collector or Arterial
Non-residential, 1,000+ required parking spaces	2 or more	Major Collector or Arterial

2. Notwithstanding the provisions in paragraph one above:

- a. A non-residential development, or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one (1) access shall be onto an arterial.
- b. Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

B. Separation Of Access Points

1. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

<u>FUNCTIONAL CLASS OF ROADWAY</u>	<u>DISTANCE BETWEEN ACCESS POINTS</u>
Major Arterial	300 Feet
Minor Arterial	250 Feet
Major Collector	185 Feet
Minor Collector	140 Feet

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2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

C. Frontage On Service Roads And Common Driveways

1. Projects proposed on arterials and major collectors shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector. Frontage road design shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial or major collector facility. The maximum number of parking lots that may be so interconnected, however, is three.
2. Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

D. Alternative Designs

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved.

E. Access To Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed for residential use.
2. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code except that rural residential subdivisions of one (1) unit per twenty (20) acres or lower density may take access from a private graded road.
3. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential subcollector street.

6.02.08 Standards for Drive-up Facilities**A. Generally**

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards.

Section 6.07.02**B. Standards**

1. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersection.
2. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
3. A by-pass lane shall be provided.
4. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
5. Minimum stacking lane distance shall be as follows:
 - a. Financial institutions shall have a minimum distance of two hundred (200) feet. Two or more stacking lanes may be provided which together total two hundred (200) feet.
 - b. All other uses shall have a minimum distance of one hundred and twenty (120) feet.
6. Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-up facilities.
7. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-four (34) feet. The minimum inside turning radius shall be twenty-five (25) feet.
8. Construction of stacking lanes shall conform to the specifications in the Technical Construction Standards Manual.

6.03.00 OFF-STREET PARKING AND LOADING**6.03.01 Generally****A. Applicability**

Off-street parking facilities shall be provided for all development within the city pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

Section 6.07.02**B. Computation**

1. When determination of the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half ($1/2$) or less may be disregarded, and a fraction in excess of one-half ($1/2$) shall be counted as one (1) parking space.
2. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, and/or which contains an open assembly area, the occupancy shall be based on the maximum occupancy rating given the building by the fire marshall.
3. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

C. Parking Study

A parking study, when required by this Code, shall include, but not be limited to:

1. Estimates of parking requirements based on recommendations in studies such as those from ULI, ITE, or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop recommendations.
2. An analysis of the extent to which a transportation system management program and/or use of alternative forms of transportation lessen the parking requirement.

6.03.02 Number Of Parking Spaces Required**A. Requirements In Matrix**

The matrix below specifies the required minimum number of off-street automobile and bicycle parking spaces, the percentage of automobile spaces that must be allotted for compact vehicles, and, in the notes, any special requirements that may apply.

B. Uses Not Specifically Listed In Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the

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Department or the Land Development Regional Council. The Board shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

C. When Parking Study Required

For several uses listed in the matrix the parking requirement is to be determined by the Development Review Board. These uses have a large variability in parking demand, making it impossible to specify a single parking requirement. A developer proposing to develop or expand one of these uses must submit four (4) copies of a parking study, as described at SECTION 6.03.01 C of this Part, to the Department that provides justification for the requirement proposed. The Land Development Regional Council will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed.

D. Treatment Of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the matrix, unless a reduction is granted pursuant to SECTION 6.03.042 I of this Part.

E. Tandem Parking Spaces

The term "tandem parking space" used in the matrix means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

F. Matrix**USE****PARKING SPACES REQUIRED****Residential Dwelling Units (s)**

3 or fewer bedrooms

2 spaces per unit

4 or more bedrooms

3 spaces per unit

Commercial Uses

2 spaces per business, PLUS

General Commercial

+ 1 space per 250 sq. ft.

Hotel/Motel not a DU

+ 1 space per Ho/Mo unit

Restaurant/Bar

/Entertainment

+ 1 space per 100 sq. ft.

OR

+ 1 space per 4 seats

Combined Uses

Each Use Computed Separately
and Adjusted to Avoid
Duplication

Section 6.07.02**G. Special Parking Spaces**

1. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Sections 316.1955, .1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with SECTION 6.03.02 A of this Part, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.
2. A portion of the parking spaces required by this Code may be designated as exclusively for motorcycle parking if the following conditions are met:
 - a. The Director recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.
 - b. The Development Review Board approves the recommendation and the designated spaces are shown on the final development plan.
 - c. The designated spaces are suitably marked and striped.
 - d. The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met.

The approval may later be withdrawn, and the spaces returned to car spaces, if the Director finds that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.

3. The following applies to bicycle parking:
 - a. The Department shall maintain a list of approved bicycle parking facilities. Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.

Section 6.07.02**b. The rack or other facility shall:**

- (1) Be designed to allow each bicycle to be supported by its frame.
- (2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
- (3) Be designed to avoid damage to the bicycles.
- (4) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
- (5) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
- (6) Be located to prevent damage to bicycles by cars.
- (7) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.
- (8) Be located in convenient, highly-visible, active, well-lighted areas.
- (9) Be located so as not to interfere with pedestrian movements.
- (10) Be located as near the principal entrance of the building as practicable.
- (11) Provide safe access from the spaces to the right of way or bicycle lane.

H. Parking Deferral

1. To avoid requiring more parking spaces than actually needed to serve a development, the Development Review Board may defer the provision of some portion of the off-street parking spaces required by this Code if the conditions and requirements of this section are satisfied.
2. As a condition precedent to obtaining a partial deferral by the Development Review Board, the developer must show any one or more of the following:

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- a. A parking study as described in SECTION 6.03.01 C of this Part indicates that there is not a present need for the deferred parking.
 - b. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
 - c. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the Development Review Board include, but are not limited to:
 - (1) Private and public car pools and van pools.
 - (2) Charging for parking.
 - (3) Subscription bus services.
 - (4) Flexible work-hour scheduling.
 - (5) Capital improvement for transit services.
 - (6) Ride sharing.
 - (7) Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
 - d. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.
 - e. Transportation System Management.
 - f. Transportation Demand Management.
3. If the developer satisfies one or more of the criteria in 2, the Land Development Regional Council may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.

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4. A deferred parking plan:

- a. Shall be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
- b. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
- c. Shall include a landscaping plan for the deferred parking area.
- d. Shall include a written agreement with the city that, one (1) year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this code at the developer's expense should the Development Review Board determine from experience that the additional parking spaces are needed.
- e. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken by the City Transportation Engineer to determine the advisability of providing the full parking requirement

5. When authorized by the Development Review Board upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the certificate of occupancy for the development, the Department shall undertake a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking.

6. Based upon the study and the recommendations of the Transportation Engineer and the Director of Planning and Development, the Development Review Board shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.

7. The developer may at any time request that the Development Review Board approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

Section 6.07.02**I. Reduction For Mixed Or Joint Use Of Parking Spaces**

The Development Review Board shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement approved by the City Legal Department guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

J. Reduction For Low Percentage Of Leasable Space

The requirements of SECTION 6.03.02 A of this Part assume an average percentage of gross leasable building to total gross building area (approximately 85%.) If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the Development Review Board may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

K. Special Parking Districts

The City Commission may designate special parking districts where parking or transit facilities may be provided by the city, thus lessening the demand for on-site parking. For development proposed in these districts, the Development Review Board may allow the developer to pay a fee in lieu of providing some or all of the spaces required by this Code. The fee shall be a one-time, non-refundable fee per parking space avoided, paid to the city prior to the issuance of a certificate of occupancy. The amount of the fee shall be

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determined by the City Commission and shall be equal to the land acquisition, construction and maintenance costs of parking spaces that are deferred by this provision. These fees shall be used by the city solely for the purchase, construction, operation and maintenance of parking or transit facilities serving the area of the development. The City Commission may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking or transit facilities.

L. Historic Preservation Exemption

The preservation of any property that has been placed on the local register of historic places, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a grant, by the Development Review Board, of a reduction in, or complete exemption from, the parking requirements in SECTION 6.03.02 A of this Part. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a severe parking shortage or severe traffic congestion will result.

M. Increase in Requirements

The number of required parking spaces may be increased by the Development Review Board if a parking study demonstrates that the proposed use would have a parking demand in excess of the requirements in SECTION 6.03.02 A of this Part. The Development Review Board may require the developer to provide a parking study, as described in SECTION 6.03.01 C of this Part, when the Transportation Engineer presents preliminary data indicating that an increase in the number of parking spaces may be warranted.

6.03.03 Off-Street Loading**A. Generally**

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

1. Schools, hospitals, nursing homes and other similar institutional uses and mid- and high-rise residential uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

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2. Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet.
3. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.
4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.
5. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.

C. Adjustments To Requirements

The Development Review Board may, upon the recommendation of the Transportation Engineer, require that a study be done to determine the actual number of loading spaces needed for a proposed use. The Transportation Engineer shall recommend the need for a study when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

6.03.04 Alteration Of Conforming Development**A. Decreased Demand For Parking Or Loading**

The number of off-street parking or loading spaces may be reduced if the Director or Development Review Board finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction.

B. Increased Demand For Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this Code if the Director or Development Review Board finds that an increase in floor area, seating capacity, or other factor controlling the

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number of parking or loading spaces required by this Code causes the site not to conform with this Code.

6.03.05 Design Standards For Off-Street Parking And Loading Areas**A. Location**

1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.

2. The Development Review Board may approve off-site parking facilities as part of the parking required by this Code if:

a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:

(1) Proximity of the off-site spaces to the use that they will serve.

(2) Ease of pedestrian access to the off-site parking spaces.

(3) Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.

b. The location of the off-site parking spaces will not create unreasonable:

(1) Hazards to pedestrians.

(2) Hazards to vehicular traffic.

(3) Traffic congestion.

(4) Interference with access to other parking spaces in the vicinity.

(5) Detriment to any nearby use.

c. The developer supplies a written agreement, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

3. All parking spaces required by this Code for residential uses should be located no further than the following

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distances from the units they serve:

Resident parking:	200 feet
Visitor parking:	250 feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

B. Size

1. Standard and compact parking spaces shall be sized according to FIGURE 6.03.05-A.
2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. A standard motorcycle parking space shall be four and one-quarter (4 1/4) feet wide and nine and one-quarter (9 1/4) feet long.
5. Spaces for handicapped parking shall be the size specified in Section 316.1955, Florida Statutes.
6. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
7. The Land Development Regional Council may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or

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drainage. The Transportation Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Development Review Board shall submit a written statement of the public interest served by allowing the modification.

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"STANDARD" CARS

A	B	C	D	E	F
G					
	9.0'	9.0'	12.0'	23.0'	30.0'
0°	9.5'	9.5'	12.0'	23.0'	31.0'
	10.0'	10.0'	12.0'	23.0'	32.0'
	9.0'	15.3'	12.0'	26.3'	42.6'
	9.5'	15.7'	12.0'	27.8'	43.4'
	10.0'	16.2'	12.0'	29.2'	44.4'
	9.0'	17.8'	12.0'	18.0'	47.6'
	9.5'	18.2'	12.0'	19.0'	48.4'
	10.0'	18.7'	12.0'	20.0'	49.4'
	9.0'	19.7'	12.0'	14.0'	51.4'
	9.5'	20.1'	12.0'	14.8'	52.2'
	10.0'	20.5'	12.0'	15.6'	53.0'
	9.0'	20.5'	12.0'	12.7'	53.0'
	9.5'	20.8'	12.0'	13.4'	53.6'
	10.0'	21.2'	12.0'	14.1'	54.4'
	9.0'	21.1'	16.0'	11.7'	58.2'

	5		0		°
9.5'	21.4'	16.0'	12.4'	58.8'	52.6'
10.0'	21.7'	16.0'	13.1'	59.4'	53.0'
9.0'	21.8'	18.0'	10.4'	61.6'	57.0'
9.5'	22.1'	18.0'	11.0'	62.2'	57.4'
10.0'	22.3'	18.0'	11.5'	62.6'	57.6'
9.6'	63.8'	60.8'	9.0'	21.9'	20.0'
9.5'	22.0'	20.0'	10.1'	64.0'	60.8'
10.0'	22.2'	20.0'	10.6'	64.4'	61.0'
9.1'	66.6'	65.0'	9.0'	21.3'	24.0'
8.0°	9.5'	21.3'	24.0'		
9.6'	66.6'	65.0'			
10.0'	21.4'	24.0'	10.2'	66.8'	65.0'
9.0'	20.0'	24.0'	9.0'	64.0'	-
9.0°	9.5'	20.0'	24.0'	9.5'	64.0'
10.0'	20.0'	24.0'	10.0'	64.0'	-

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COMPACT CARS

G	A	B	C	D	E	F
0°	8.0'	8.0'	12.0'	16.0'	28.0'	
	8.5'	8.5'	12.0'	16.0'	29.0'	
2°	8.0'	13.0'	12.0'	23.4'	38.0'	30.5'
	8.5'	13.5'	12.0'	24.9'	39.0'	31.0'
3°	8.0'	14.9'	12.0'	16.0'	41.8'	34.9'
	8.5'	15.4'	12.0'	17.0'	42.8'	35.4'
4°	8.0'	16.4'	12.0'	12.4'	44.8'	38.7'
	8.5'	16.8'	12.0'	13.2'	45.6'	39.1'
4°	8.0'	17.0'	12.0'	11.3'	46.0'	40.4'
	8.5'	17.3'	12.0'	12.0'	46.6'	40.6'
5°	8.0'	17.4'	16.0'	10.4'	50.8'	45.6'
	8.5'	17.8'	16.0'	11.1'	51.6'	46.2'
60°	8.0'	8.0'	17.9'	18.0'		
	9.2'	53.8'	49.8'	8.5'	18.2'	18.0'
	9.8'	54.4'	50.1'			

70°	8.0'	17.7'	20.0'		
8.5'	55.4'	52.6'	8.5'	17.9'	20.0'
9.0'	55.8'	52.8'			
80°	8.0'	17.2'	24.0'		
8.1'	58.4'	57.0'	8.5'	17.3'	24.0'
8.6'	58.6'	57.2'			
8.0'	16.0'	24.0'	8.0'	56.0'	-
90°	8.5'	16.0'	24.0'	8.5'	56.0'
	10.0'	20.0'	24.0'	10.0'	64.0'

A = Parking Angle

B = Stall Width

C = Stall to Curb

D = Aisle Width

E = Curb length per car

F = Minimum overall double row with
aisle betweenG = Stall center (does not include
overhang)

Figure 6.02.05-A Parking Space Dimensions

Section 6.07.02**C. Layout**

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Director based on the size and accessibility of the driveway.
7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
9. No parking space shall be located so as to block access by emergency vehicles.
10. Compact car spaces should be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters.

Section 6.07.02**6.04.00 UTILITIES****6.04.01 Requirements for All Developments****A. Generally**

The following basic utilities are required for all developments subject to the criteria listed herein.

B. Electricity

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

C. Telephone

Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

D. Water and Sewer

Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup whenever required by the City Comprehensive Plan and where the topography permits the connection to a city or county water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

E. Illumination

All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the standards of the Technical Construction Standards Manual contained in Appendix A of this Code.

F. Fire Hydrants

All developments served by a central water system shall include a system of fire hydrants consistent with the standards of the Technical Construction Standards Manual contained in Appendix A of this Code.

6.04.02 Design Standards**A. Compliance With Technical Construction Standards Manual**

All utilities required by this Code shall meet or exceed the

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minimum standards contained in the Technical Construction Standards Manual in Appendix A of this Code.

B. Placement of Utilities Underground

1. All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the Technical Construction Standards Manual contained in Appendix A of this Code.
2. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utilities' overhead facilities provided the service connection to the site or lot are placed underground.
3. Screening of any utility apparatus placed above ground shall be required.

6.04.03 Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

6.05.00 STORMWATER MANAGEMENT**6.05.01 Definitions****Alter or Alteration**

Work done on a Stormwater Management System other than that necessary to maintain the system's original design and function.

Detention

The collection and storage of surface water for subsequent gradual discharge.

Section 6.07.02**Existing**

For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Maintenance

That action taken to restore or preserve the original design and function of any Stormwater Management System.

Natural Systems

Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Rate

Volume per unit of time.

Retention

The collection and storage of runoff without subsequent discharge to surface waters.

Runoff Coefficient

Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Sediment

The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Site

Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Section 6.07.02**Stormwater**

The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater Runoff

That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Stormwater Management System

The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Surface Water

Water above the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or
3. Any wetland.

Wetland

Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, saltmarshes, mangrove swamps, and marine meadows.

6.05.02 Relationship To Other Stormwater Management Requirements

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable state regulations (Chapter 17-25, Florida Administrative Code) or rules of the Appropriate Water Management District. In all cases the strictest of the applicable standards shall apply.

Section 6.07.02**6.05.03 Exemptions**

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

- A. The construction of a single family or duplex residential dwelling unit and accessory structures on a single parcel of land.
- B. Any development within a subdivision if each of the following conditions have been met:
 - 1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - 2. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
- C. Bona fide agricultural activity, including forestry, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan and forestry activities are conducted in accordance with the Silviculture Best Management Practices (BMP) Manual (1979) published by the Florida Division of Forestry. If the Conservation Plan and forestry BMP's are not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- D. Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- E. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the Department as soon as practicable.

6.05.04 Stormwater Management Requirements**A. Performance Standards**

All development must be designed, constructed and maintained to meet the following performance standards:

- 1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first of

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stormwater runoff shall be treated in an off line retention system or according to other best management practices as described in the Stormwater Management Manual adopted pursuant to this Code.

2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

B. Design Standards

To comply with the foregoing performance standards the proposed stormwater management system shall conform to the following design standards:

1. Detention and retention systems shall be designed to comply with the Stormwater Management Manual adopted by the City pursuant to this Code.
2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
5. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this Code by a professional engineer registered in the state of Florida.
6. No surface water may be channelled or directed into a sanitary sewer.
7. The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
8. The banks of detention and retention areas should be sloped to accommodate, and should be planted with, appropriate vegetation.
9. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.

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10. Natural surface waters shall not be used as sediment traps during or after development.
11. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight.
12. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
13. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
14. In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.
15. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

6.05.05 Stormwater Management Manual**A. GENERAL**

The Town shall use The Florida Development Manual: A Guide to Sound Land and Water Management, published by DEP, for the guidance of persons seeking approval of a Stormwater Management System.

6.05.06 Dedication Or Maintenance Of Stormwater Management Systems**A. Dedication**

If a stormwater management system approved under this Code will function as an integral part of the city-maintained regional system, as determined by the City Engineer, the facilities should be dedicated to the city.

B. Maintenance By An Acceptable Entity

1. All stormwater management systems that are not dedicated to the city shall be operated and maintained by one of the following entities:
 - a. A local governmental unit including a county, municipality, or Municipal Service Taxing Unit,

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special district or other governmental unit.

- b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant to Chapter 190 Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
- c. A state or federal agency.
- d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
- e. The property owner or developer if:
 - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs 1-4 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- f. For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
 - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the city affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - (2) The Association has sufficient powers reflected in its organizational or operational documents to:
 - (a) Operate and maintain the stormwater management system as permitted by the city.
 - (b) Establish rules and regulations.
 - (c) Assess members.

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- (d) Contract for services.
 - (e) Exist perpetually, with the Articles of Incorporation providing that if the Association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.
2. If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.
 3. In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.
 4. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

6.06.00 LANDSCAPING**6.06.01 Exemption**

Lots or parcels of land on which a single family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan by the Development Review Board.

6.06.02 Required Landscaping**A. Vehicle Use Areas**

1. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

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2. All vehicle use areas containing more than one thousand (1000) square feet shall be landscaped in accord with FIGURE 6.06.02 A and FIGURE 6.06.02 B. FIGURE 6.06.02 C identifies the areas of landscaping that may be counted towards fulfilling the vehicle use area landscaping requirement.

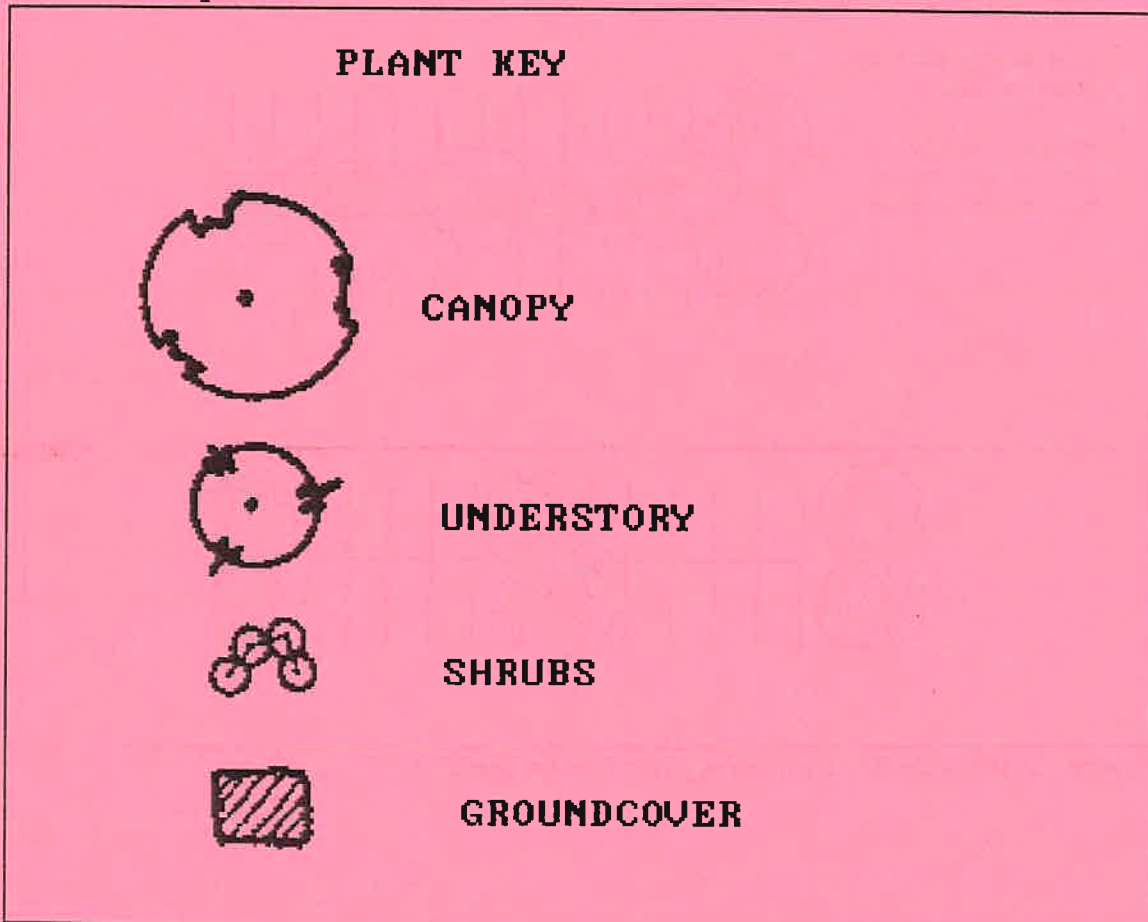


Figure 6.06.02-A Plant Key For Vehicle Use Area Landscaping Standards

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VEHICLE USE AREA LANDSCAPING: CLASS A

1500 SQUARE FEET OF
PLANTING AREA

FIVE (5) CANOPY
ONE (1) UNDERSTORY
TWELVE (12) SHRUBS

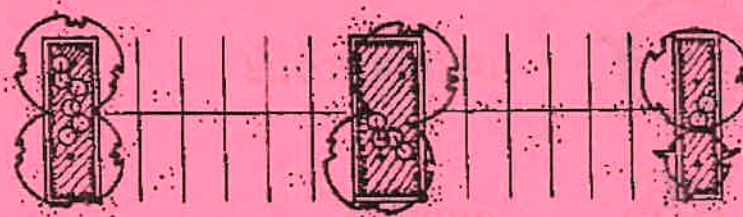
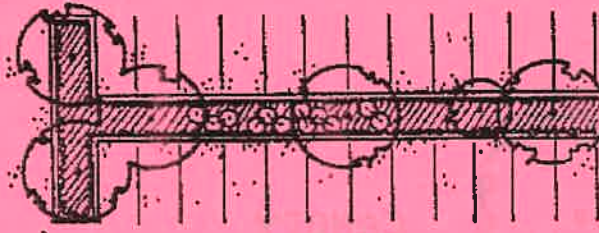


Figure 6.06.02-B Landscaping Standard A

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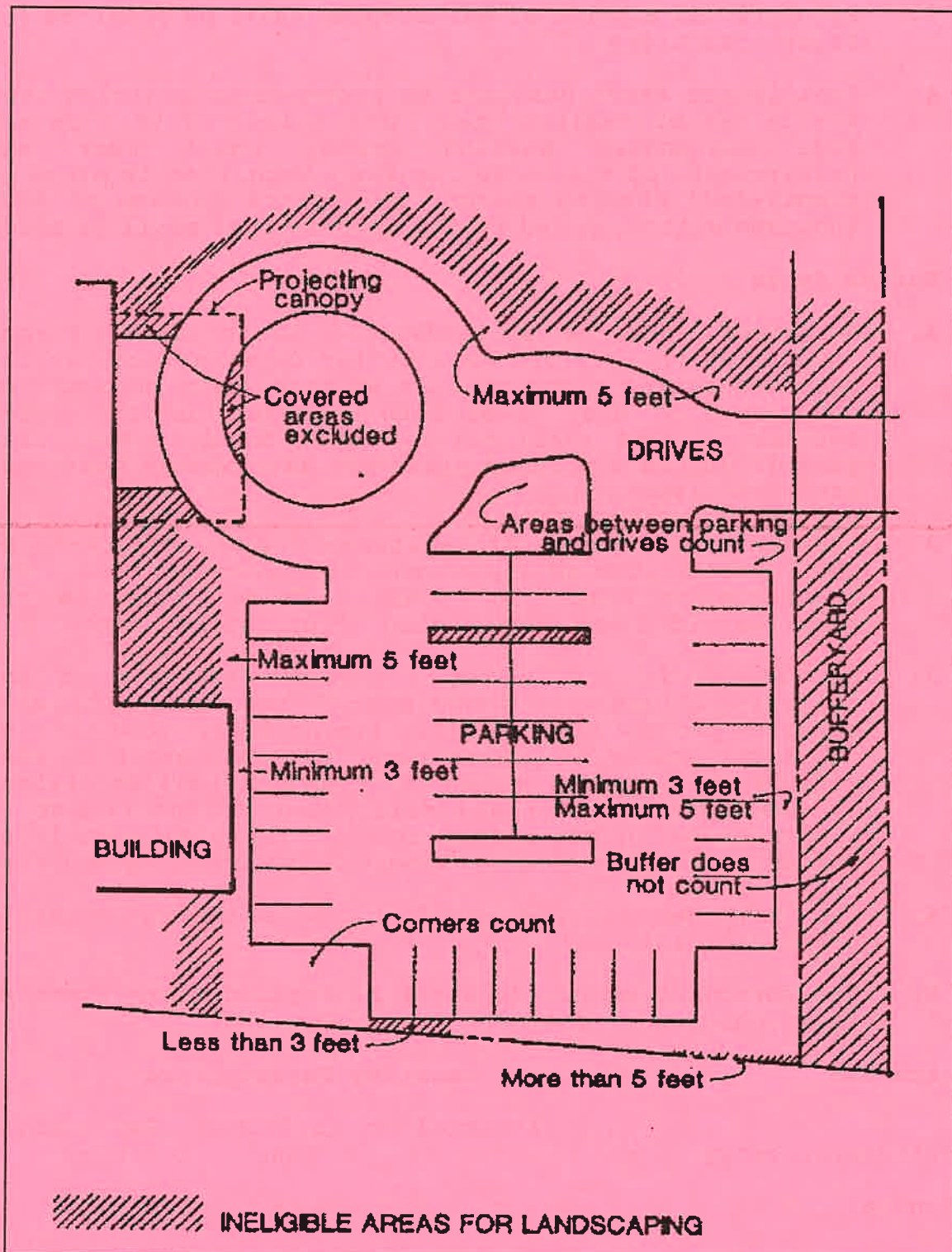


Figure 6.06.02-C Areas Eligible To Be Counted To Meet Vehicle Use Area Landscaping Requirements

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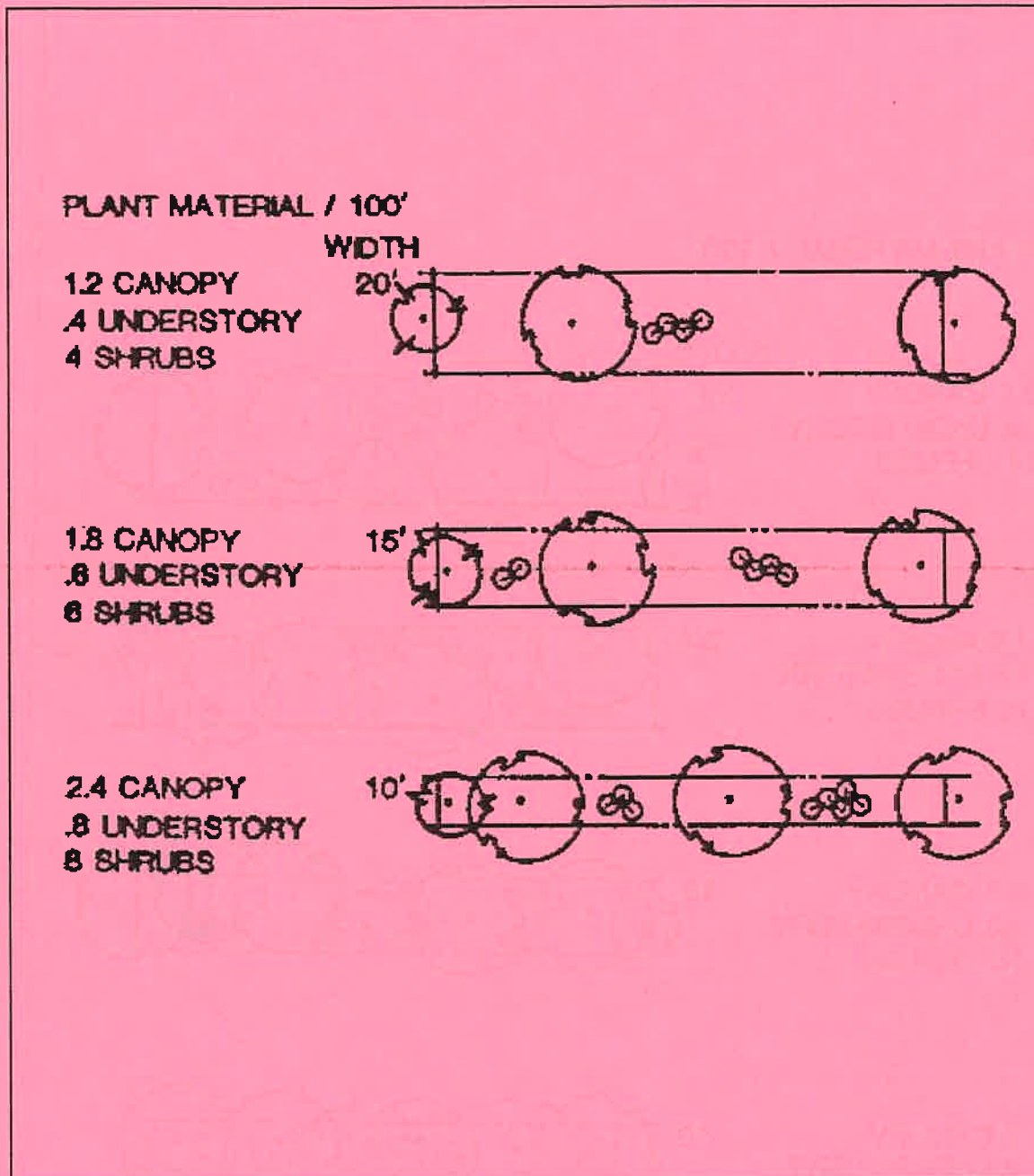
3. Proportional amounts of landscaping shall be provided for fractional areas.
4. Vehicle use areas designed to accommodate vehicles that are larger or smaller than automobiles, or that do not have designated parking areas, shall meet the requirements of the above figures except that in place of twenty-four parking spaces, the square footage of four thousand eight hundred (4,800) square feet shall be used.

B. Buffer Zones

1. A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.
2. The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of SUBSECTIONS 3 AND 4 below prescribe the required width and landscaping of all buffer zones.
3. The standards for buffer zones are set out in the following illustrations that specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
4. The foregoing standards shall be applied between abutting parcels as follows:
5. The foregoing standards shall be applied along abutting thoroughfares as follows:

Proposed Use**Abutting Thoroughfare**

	Arterial or	Collector	Residential
	None	None	None
Agriculture/Forestry			
Residential		B	A
Commercial		B	A
Public Service		B	A

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LANDSCAPE STANDARD "A"

6. Wherever the principal structure on a site abuts a vehicle use area on the same site, a buffer zone between the vehicle use area and the principle structure shall be provided as follows:

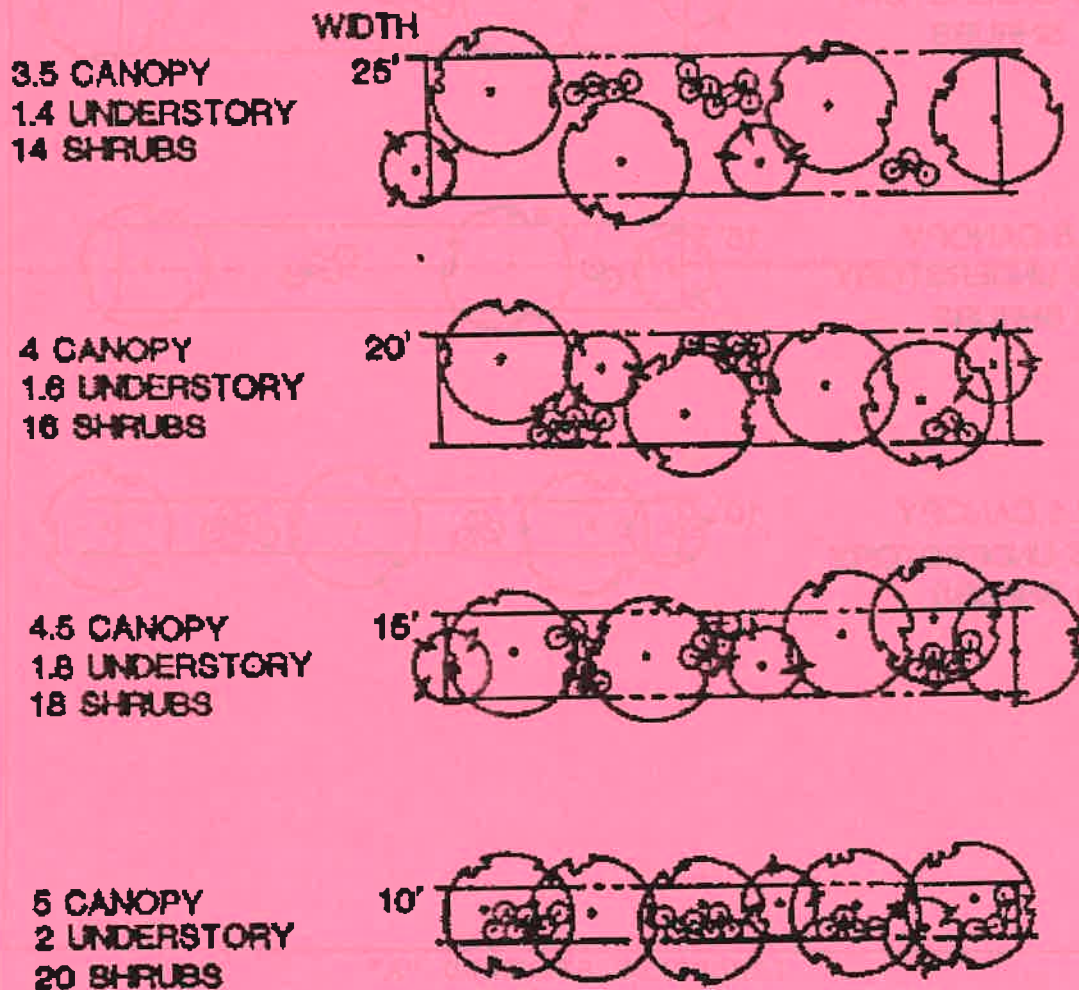
Proposed Use of Principal Structure**Standard**

Exclusive Agriculture
Residential
Commercial
Public Service

None
None
A
A

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PLANT MATERIAL / 100'



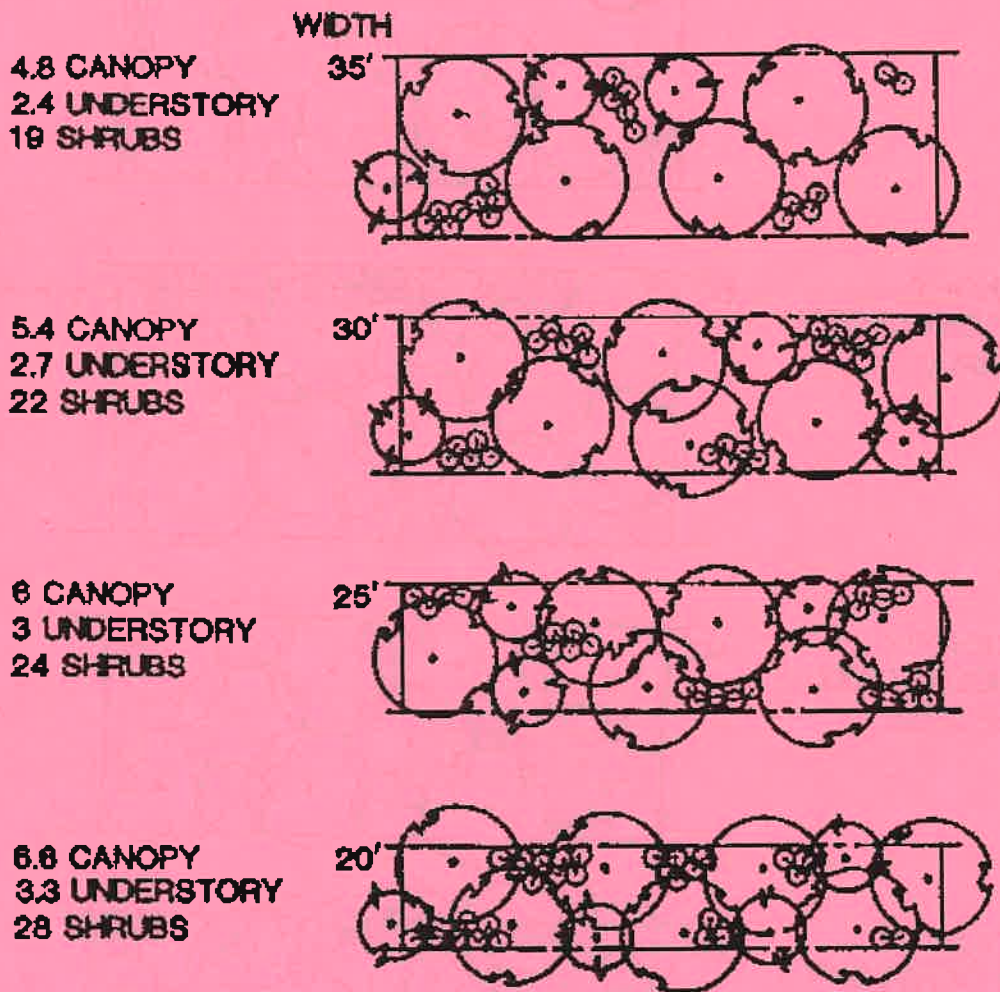
LANDSCAPE STANDARD "B"

"N" = No buffer required.

7. Buffering for mixed used developments shall be based on the more intense use in the building or cluster of buildings.

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PLANT MATERIAL / 100'

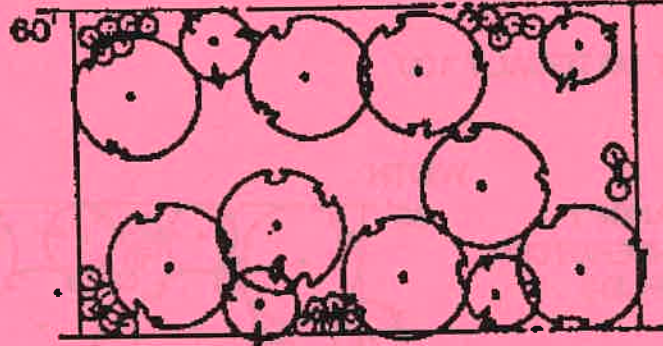


LANDSCAPE STANDARD "C"

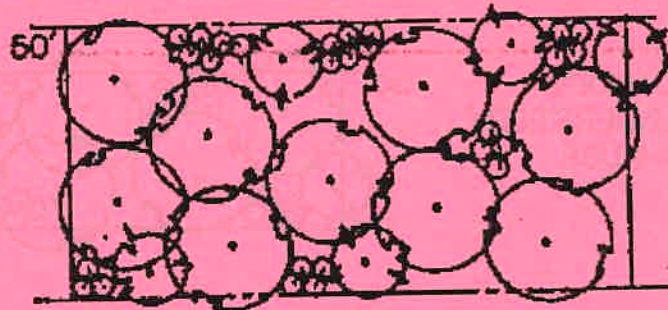
8. The use of existing native vegetation in buffer zones is preferred. (See PART 5.01.00 of this Code for Tree Protection requirements.) If a developer proposes to landscape a buffer zone with existing native vegetation, the Staff Forester may recommend, and the Development Review Board may allow, a variance from the strict planting requirements of this section if:
- The variance is necessary to prevent harm to the

Section 6.07.02**PLANT MATERIAL / 100'****WIDTH**

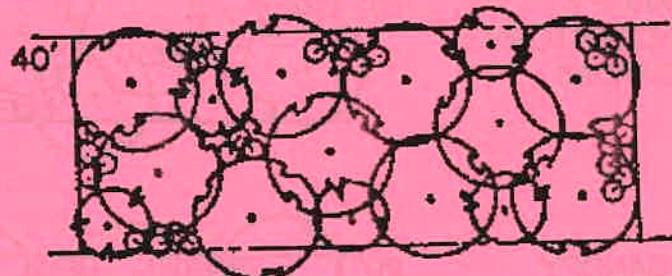
**8 CANOPY
4 UNDERSTORY
24 SHRUBS**



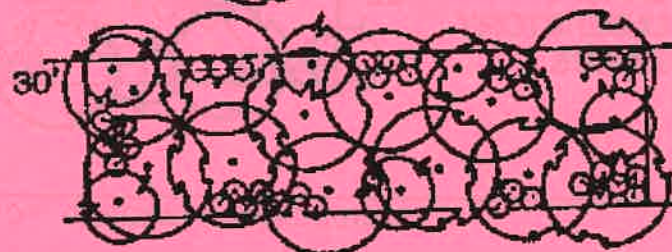
**9 CANOPY
4.5 UNDERSTORY
27 SHRUBS**



**10 CANOPY
5 UNDERSTORY
30 SHRUBS**



**12 CANOPY
6 UNDERSTORY
36 SHRUBS**

**LANDSCAPE STANDARD "D"**

existing native vegetation; and

- b. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.

Section 6.07.02**9. Responsibility for Buffer Zones**

- a. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.
- b. Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide eighty (80) percent of the combined required buffer zones of the two uses. Where the existing use has a buffer zone, but such zone does not meet the requirements of this Code, the proposed use may provide less than eighty (80) percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting one hundred (100) percent of the combined required buffer zone of the two uses. The Development Review Board shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.

C. Street Trees

1. The developer shall plant, within five (5) feet of the right of way of each street within a residential development, one shade tree for every fifty (50) linear feet of right of way. Except where property on one side of the right of way is not owned by the developer, the trees shall be planted alternately on either side of the street. Existing trees and native tree species that need less water and maintenance are preferred. (See Part 5.01.00 of this Code for Tree Protection requirements.)
2. Trees planted pursuant to this section shall be selected from the approved list of canopy trees below and shall have a minimum overall height of ten (10) to (12) feet at time of planting. The Staff Forester should be consulted in selecting appropriate tree species and planting procedures. Existing trees and native tree species that need less water and maintenance are preferred.

D. Use of Required Areas

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No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

6.06.03 Landscape Design And Materials**A. Design Principles**

All landscaped areas required by this Code should conform to the following general design principles:

1. Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
2. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
3. Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.
4. Existing native vegetation should be preserved and used to meet landscaping requirements. (See Part 5.01.00 of this Code for Tree Protection requirements.)
5. Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
6. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this section over time.
7. Landscaping should enhance public safety and minimize nuisances.
8. Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
9. Landscaping should maximize the shading of streets and vehicle use areas.

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10. The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.

No development plan shall be denied solely on the basis of the design principles in this section.

B. Installation of Plants

1. All plants shall be healthy and free of diseases and pests, and shall be selected from the list of approved species below. The Staff Forester may authorize the use of an appropriate species not shown on the lists. The Staff Forester should take steps to have the substituted species added to the list.
2. Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.
3. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.
4. The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
5. All plants shall be installed according to standards adopted by the Staff Forester.
6. The developer shall provide sufficient soil and water to sustain healthy growth of all plants.

C. Use Of Native Plants

Forty (40) percent of the total number of individual plants selected from each of the categories of the list of approved species below (canopy, understory, shrub, groundcover) and used to satisfy the requirements of this Code shall be selected from the list of native species in the category. (See PART 5.01.00 of this Code for Tree Protection requirements.)

D. Prohibited Plants

The following plants shall not be installed as landscape

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material:

"Noxious" exotics, including the Punk tree (Meleleuca guinquenervia), Australian pine (Casuarina spp.), and Brazilian pepper (Schinus terebinthe folius)

F. Irrigation

All landscaped areas shall be provided with an appropriate irrigation system that conforms to the technical construction standards manual. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Director or Development Review Board, as applicable, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.

G. Non-Living Materials

Mulches shall be a minimum depth of two (2) inches and plastic surface covers shall not be used.

H. Maintenance And Replacement Of Plants

1. All required plants shall be maintained in a healthy, pest-free condition.
2. Within six (6) months of a determination by the Staff Forester that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

6.07.00 SUPPLEMENTAL STANDARDS**6.07.01 Generally**

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed in this part together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

6.07.02 Recreational Vehicle Parks**A. Intent**

It is the intent in this section to provide standards for the location and development of parks for recreation vehicles.

Section 6.07.02**B. Definition****Recreational Vehicle Park**

A development designed specifically to allow temporary living accommodations for recreation, camping, or travel use.

C. General Requirements

A recreational vehicle park shall meet the following general requirements:

1. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.
2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
3. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.
4. The park shall be developed according to comprehensive and detailed plans that include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the building.
5. The park shall have a program for provision, maintenance, and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated, or maintained at general public expense.

D. Allowable Uses

The allowable uses in a recreational vehicle park include the following:

1. Recreational vehicles.
2. Park trailers (park models) as defined by Florida law, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than one hundred and eighty (180) consecutive days, or for more

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than forty-five (45) consecutive days in areas of special flood hazard unless elevated and anchored to comply with the flood plain protection standards of this Code.

3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than 5% of the area of the park, and shall not be so located as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.

E. Site Design Requirements

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be eight (8) acres.
2. The maximum density for a recreational vehicle park shall be eighteen (18) spaces per gross acre. Storage spaces shall be included in the density calculation.
3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
4. Access to the recreational vehicle park shall be from a collector or arterial roadway.
5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

One-Way, No Parking	12 Feet
Two-Way, No Parking	20 Feet
6. Streets serving less than fifty (50) spaces may be used as part of the pedestrian circulation system. Elsewhere, if the relation of space locations to facilities within the park calls for establishment of pedestrian ways, they shall be provided, preferably as part of a common open space system away from streets, but otherwise sidewalks. No common access to the pedestrian ways, or to facilities

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within the park, shall be through a campground space.

7. Not less than eight percent (8%) of the area of the district shall be devoted to recreation area. The recreation area may include space for common walkways and related landscaping in block interiors, provided that the common open space is at least twenty (20) feet in width as passive recreation space. At least half of the total required recreation area shall be comprised of facilities for active recreation, such as swimming pools or beaches, ball fields, shuffleboard courts, or play lots for small children. These facilities shall be so located as to be readily available from all spaces, and free from traffic hazards.
8. Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.
9. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within one hundred (100) feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
10. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
11. No minimum dimensions are specified for spaces, but each shall provide a stand and the clearances and open spaces specified herein, and the boundaries of each stand and space shall be clearly indicated.
12. Spaces for dependent units shall be located within two hundred (200) feet by normal pedestrian routes of toilet, washroom, and bath facilities.
13. Spaces for self-contained units, operating as such, may not be located more than four hundred (400) feet by normal pedestrian routes from toilet, washroom, and bath facilities.
14. Stands shall be of such size, location and design to provide for the type of units that will use them. Thus where use by wheeled units is intended, vehicular access to the stand itself is essential. If use is to be

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restricted to tents to be erected on the ground, vehicular access to the stand itself is not essential, but the dimensions required may be different and it will be of primary importance that the stand have a level surface suitable for erection of a tent, composed of material suitable for driving and holding tent pegs, free of rocks, roots or other impediments to the driving of pegs to the depth of at least eight (8) inches, and graded and drained to prevent flow of surface water into or under tents erected on it.

15. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be as follows:

- | | |
|---|---------|
| (a) From units on adjoining stands | 10 feet |
| (b) From internal streets of common parking area | 10 feet |
| (c) From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space | 25 feet |
| (d) From any other use or fueling facility | 50 feet |

16. Within each space, there shall be an area suitably located and improved for outdoor use by occupants of units and not to be occupied by units or towing vehicles except during maneuvering incidental to location or removal. This space shall be at least eight (8) feet in minimum dimensions and one hundred and sixty (160) square feet in area in route parks, ten (10) feet in minimum dimension and two hundred (200) square feet in area in destination parks, and shall be so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.

17. Where fireplaces, cooking shelters, or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.

18. Design and construction of improvements shall comply with standards and specifications in the Appendices.

6.07.03 *Junkyards*

A. Storage Of Materials

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1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
2. In no case shall material that is not salvageable be buried or used as fill.
3. Any items which can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
4. Recyclable material which cannot be stored in bins or containers may be stored in the open.
5. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site, except with the express approval of the Florida Department of Environmental Regulation.
6. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1-1/2 cubic feet or more from which the door has not be removed.

B. Screening

All junkyards shall comply with the following screening requirements:

1. All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wooden or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight (8) feet in height without openings of any type except for one entrance and/or one exit which shall not exceed twenty-five (25) feet in width.
2. Gates at entrance or exit shall be of a material without openings.
3. The screen shall be constructed of the same type of material throughout.
4. Screens shall be at least twenty-five (25) feet from any street line or setback line, and no storage or dismantling shall be permitted outside the required screen.
5. No screen shall be constructed of metal that will rust.
6. Screens shall be maintained and in good repair at all

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times.

C. Buffer In Lieu Of Screening

Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu screening. A buffer "D" as described in PART 6.06.00 of this Code shall be required.

ARTICLE VII
ACCESSORY STRUCTURES
AND USES
OUTLINE

- 7.00.00 PURPOSE**
- 7.01.00 ACCESSORY STRUCTURES**
 - 7.01.01 General Standards And Requirements*
 - 7.01.02 Satellite Dish Antenna*
 - 7.01.03 Storage Buildings, Utility Buildings, Greenhouses*
 - 7.01.04 Swimming Pools, Hot Tubs, and Similar Structures*
 - 7.01.05 Fences*
- 7.02.00 ACCESSORY USES**
 - 7.02.01 Accessory Apartments*
 - 7.02.02 Home Occupations*
 - 7.02.03 Dining Rooms, Recreation Centers,
 And Other Amenities*

ARTICLE VII
ACCESSORY STRUCTURES
AND USES

7.00.00 PURPOSE

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

7.01.00 ACCESSORY STRUCTURES

7.01.01 General Standards And Requirements

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in ARTICLE XII of this Code.

7.01.02 Satellite Dish Antenna

A. Standards

- 1. All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:
 - a. The satellite dish antenna shall be considered a structure requiring a building permit when required by Levy County.
 - b. The satellite dish antenna installation and any part thereof shall maintain vertical and

- b. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Electric Safety Code.
- c. The satellite dish antenna installation shall meet all FCC and manufacturer specifications, rules, and requirements.
- d. The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend, taking into consideration color and location, with the surrounding area and structures.
- e. The satellite dish antenna shall contain no advertising or signage of any type.
- f. The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.
- g. The satellite dish antenna installation shall be permitted to be placed in side and rear areas of the main dwelling or commercial structure only. SEE FIGURE 7.01.02-A.
- h. The satellite dish antenna shall, to the maximum extent possible, be screened from view from a public right-of-way.

2. The following standards are for installations in developments:

- a. A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.
- b. The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
- c. Satellite dish antenna installations shall be limited to one installation per residential lot.
- d. The maximum size of the satellite dish antenna, whether ground or pole-mounted, shall be limited to twelve (12) feet in diameter.

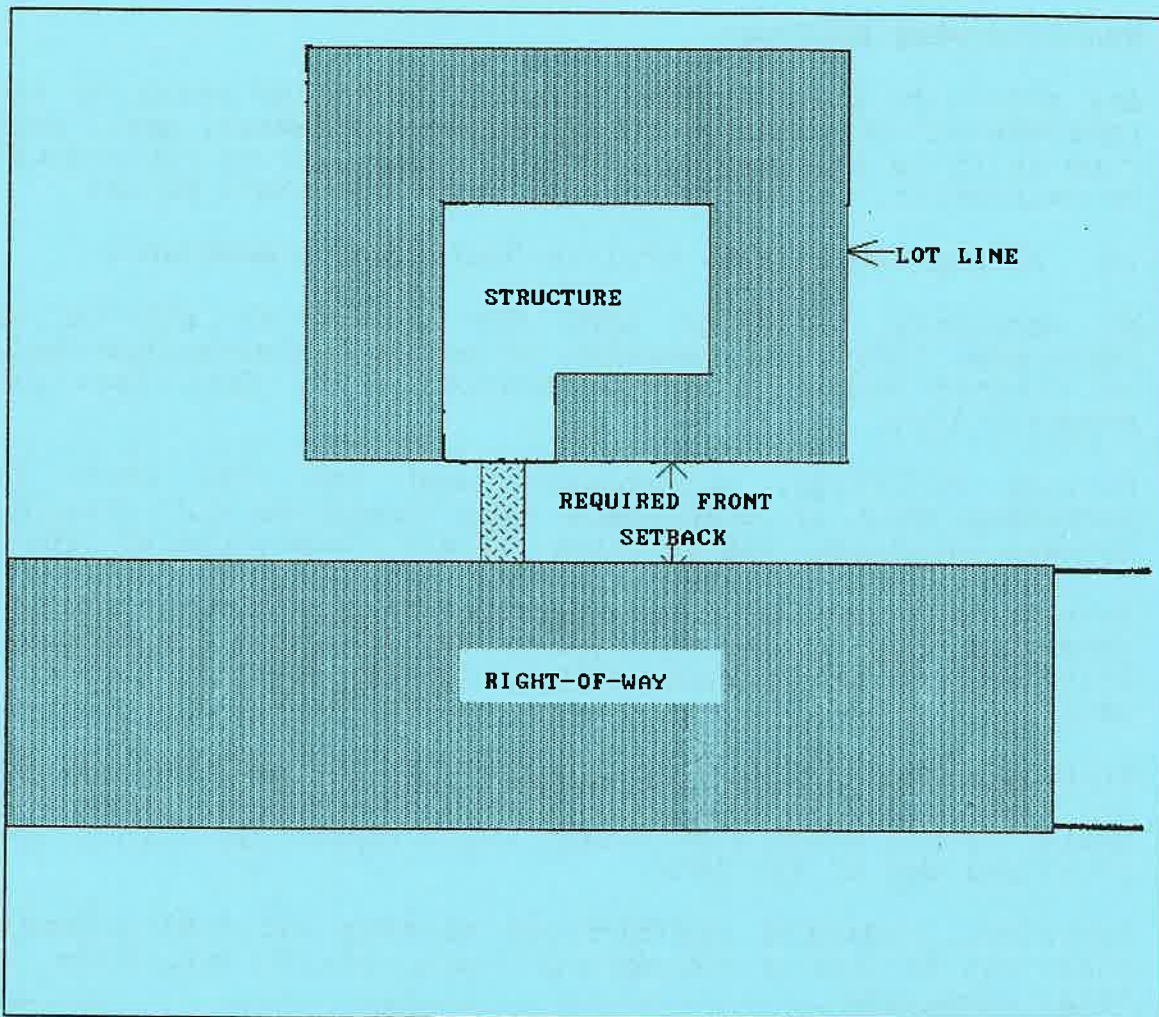
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Figure 7.01.02-A Placement Area For Satellite Dishes

- e. The maximum height of a ground-mounted satellite dish antenna installation shall be fifteen (15) feet.
- f. The maximum height of a pole-mounted satellite dish antenna installation shall be thirteen and one-half (13 1/2) feet above the eaves of the roof.
- g. A satellite dish antenna shall not be permitted to be installed on the roof of any main dwelling structure.
- h. The satellite dish antenna installation, whether ground or pole, shall be mounted at a fixed point and shall not be portable.

Section 7.02.03**B. Nonconforming Antenna**

Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain, until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.

7.01.03 Storage Buildings, Utility Buildings, Greenhouses

- A. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.
- B. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
- C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

7.01.04 Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or

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vertically from the pool's water edge.

- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

7.01.05 Fences

- A. All fences to be built shall comply with the Standard Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.
- B. Fences or hedges may be located in all front, side and rear yard setback areas. No fences or hedges shall exceed four (4) feet in height when placed in the front yard (the yard abutting a road or public right-of-way). Each fence located in the side and rear yard setbacks shall not exceed the height of eight (8) feet.
- C. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.
- D. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- E. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Town Council upon receipt of satisfactory evidence of the need to exceed height standards.
- F. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

7.02.00 ACCESSORY USES

7.02.01 Accessory Apartments

A. Purpose

The purpose of this section is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

Section 7.02.03**B. Standards**

Accessory apartments may be allowed in single-family homes provided that all of the following requirements shall be met:

1. No more than one (1) accessory apartment shall be permitted on any residential lot except as otherwise provided.
2. Any accessory apartment shall be located within the principal structure. (Note: The principal structure shall be construed to mean the dwelling unit or house located on the lot, and not any other accessory structure.) An accessory apartment shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.
3. An accessory apartment shall not exceed 25 percent of the gross floor area of the principal structure within which it is located.
4. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
5. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory apartment.
6. Detached garage apartments are allowed.

7.02.02 Home Occupations

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- A. Only one person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence.

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- E. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
- F. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- G. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.
- H. Outdoor storage of materials shall not be permitted.
- I. The following shall not be considered home occupations: beauty shops, barbershops, band instrument or dance instructors, swimming instructor, studio for group instruction, public dining facility or tea room, antique or gift shops, photographic studio, fortune telling or similar activity, outdoor repair, food processing, retail sales, nursery school, or kindergarten.
- J. The giving of individual instruction to one person at a time such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in PARAGRAPH I above shall be prohibited.
- K. A home occupation shall be subject to all applicable Town occupational licensing requirements, fees, and other business taxes.

**7.02.03 Dining Rooms, Recreation Centers,
 And Other Amenities**

A. Generally

Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.

Section 7.02.03**B. Dining Rooms/Cafeterias/Snack Shops, Etc.**

A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:

1. The facility shall not be open to the general public.
2. There shall be no off-site signs advertising the presence of the facility.

C. Community Centers/Recreation Centers

Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

1. Such facilities shall not include health clubs, gyms, and the like offering services to the general public.
2. Parking to serve the building shall be provided as required by ARTICLE VIII of this Code.
3. There shall be no identification signs, other than directional signs pursuant to ARTICLE X of this Code.

D. Employee Fitness Centers

Non-residential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:

1. Such facilities shall not be open to the general public.
2. There shall be no signs, other than directional or occupant signs, identifying the facility.

ARTICLE VIII

SIGNS

OUTLINE

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ARTICLE VIII

SIGNS

8.00.00 GENERAL PROVISIONS

8.00.01 *Relationship To Building And Electrical Codes*

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the city. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

8.00.02 *No Defense To Nuisance Action*

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

8.00.03 *Maintenance*

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the city, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

8.00.04 *Definitions*

Accessory Sign

A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Advertising

Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Building Sign

A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper. SEE FIGURE 8.00.04-A.

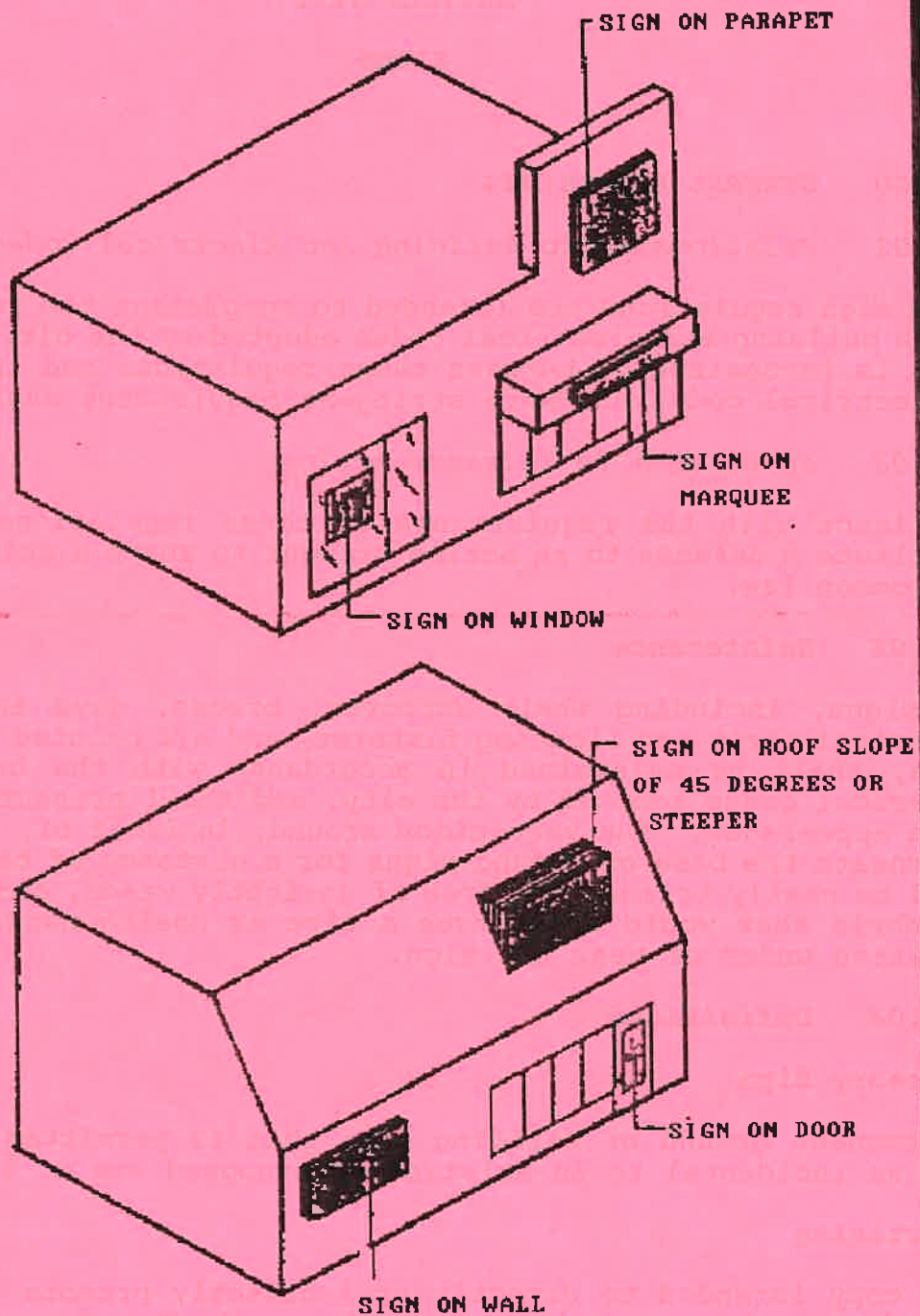


FIGURE 8.00.04-A EXAMPLES OF BUILDING SIGNS

Commercially Developed Parcel

A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Copy

The linguistic or graphic content of a sign.

Electric Sign

Any sign containing electric wiring.

Erect a Sign

To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Frontage

The length of the property line of any one parcel along a street on which it borders.

Ground Sign

A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building. SEE FIGURE 8.00.04-B.

Harmful to Minors

With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

- A. predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
- B. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and

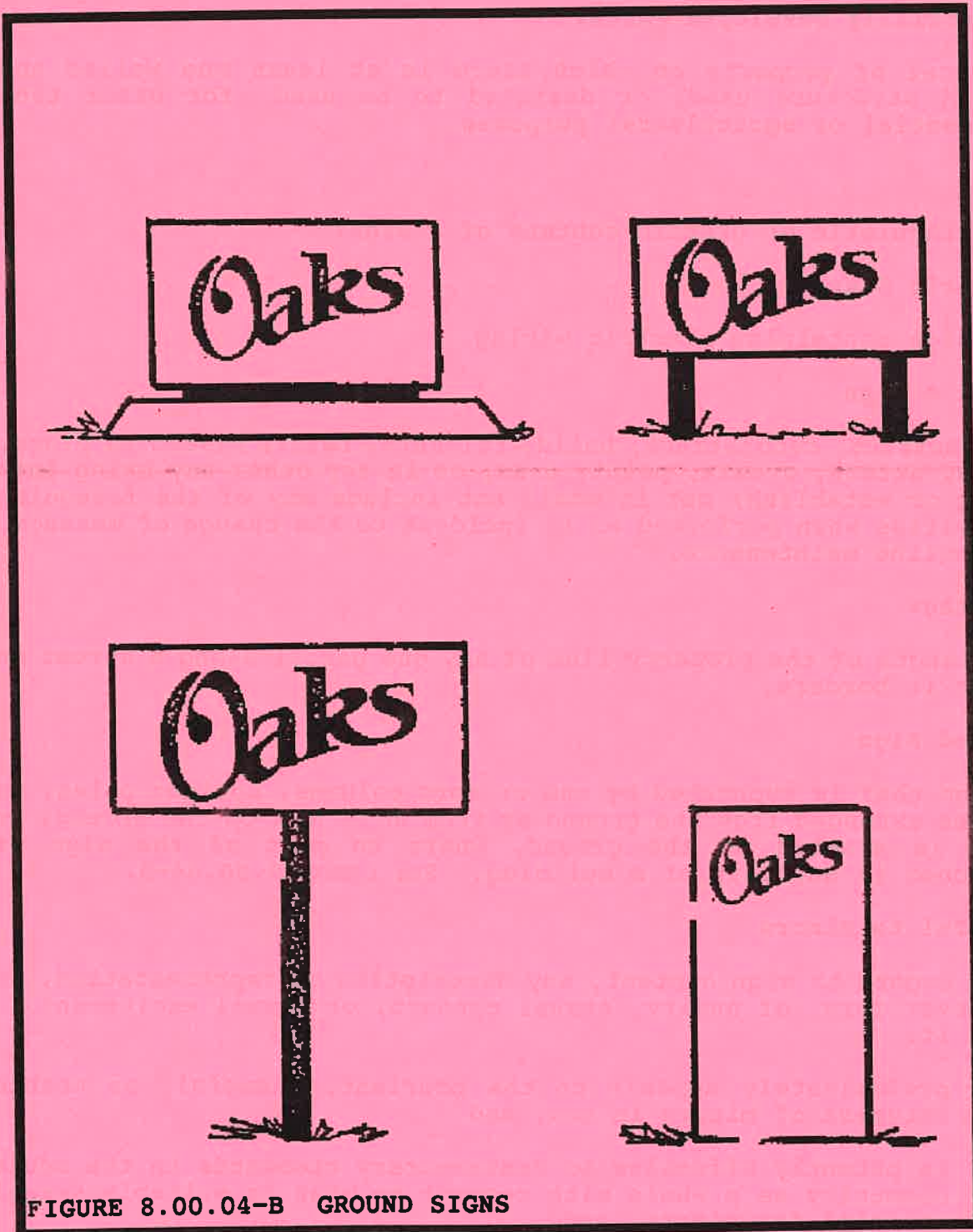


FIGURE 8.00.04-B GROUND SIGNS

Parcel

A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

Permanent

Designed, constructed and intended for more than short term use.

Portable Sign

Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Roof Line

A horizontal line intersecting the highest point or points of a roof.

Roof Sign

A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sign

Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign Face

The part of a sign that is or may be used for copy.

Sign Face Area

The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure

Any construction used or designed to support a sign.

- C. taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term "harmful to minors" shall also include any non-erotic word or picture when it:

- A. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
- B. taken as a whole, lacks serious literary, artistic, political, or scientific value.

Illuminated Sign

A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Marquee

A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Multiple Occupancy Complex

A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Occupant (Occupancy)

A commercial use, i.e. any use other than residential or agricultural.

Outdoor Advertising Sign also known as "Billboards"

A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 18 feet above the ground and which is at least 100 square feet in size.

Street

A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Temporary

Designed, constructed, and intended to be used on a short-term basis.

Unit

That part of a multiple occupancy complex housing one occupant.

Vehicle Sign

Any sign affixed to a vehicle.

8.00.05 FEES

Fees for sign review, permits and inspection shall be in accordance with the fee schedule of the Building Department or official under contract with the town.

8.01.00 EXEMPT SIGNS

The following signs are exempt from the operation of these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of three (3) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by SECTION 8.02.02 of this Code.
- C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, the County of Levy, or the Town of Bronson.
- D. Legal notices and official instruments.
- E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when

authorized by the City Commission for a prescribed period of time.

- F. Holiday lights and decorations.
- G. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.
- H. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- I. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- J. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- K. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- L. Works of art that do not constitute advertising.
- M. Signs carried by a person.
- N. Religious displays.

8.02.00 PROHIBITED SIGNS

8.02.01 Generally

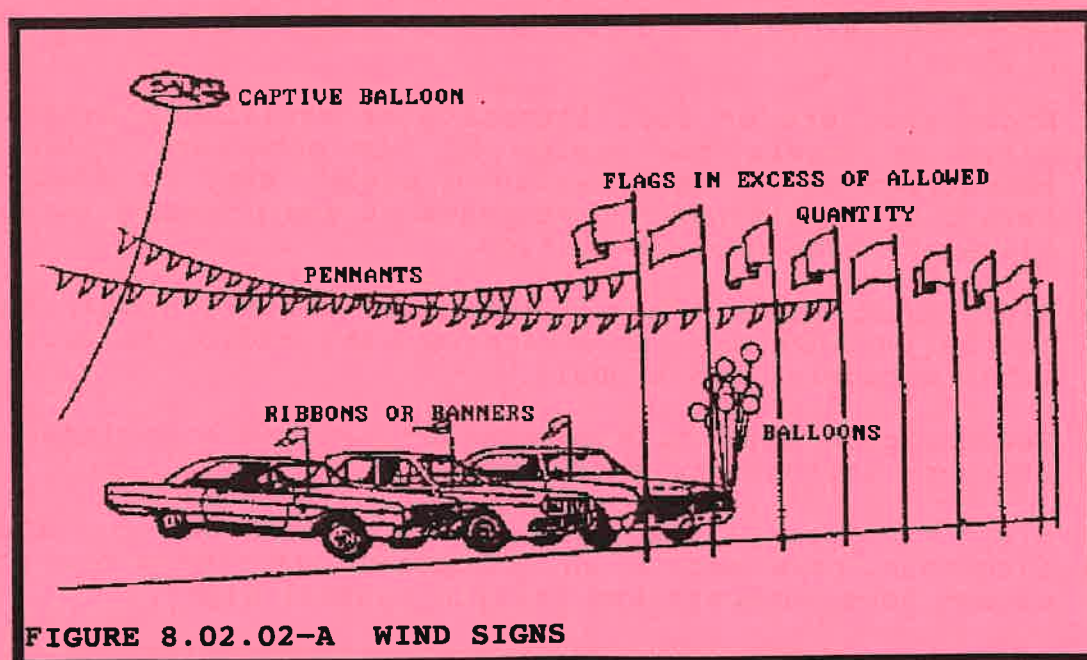
It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

8.02.02 Specifically

The following signs are expressly prohibited unless exempted by PART 8.01.00 of this Code or expressly authorized by PART 8.03.00, PART 8.04.00, or PART 8.05.00 of this Code:

- A. Signs that are in violation of the building code or electrical code adopted by the city.
- B.. Any sign that, in the opinion of the Director, does or will constitute a safety hazard.

- C. Blank temporary signs.
- D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- G. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- H. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind, except as authorized in 8.04.07. See FIGURE 8.02.02-A.



- I. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- J. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- K. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the city
- L. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- M. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- N. Non-governmental signs that use the words "stop," "look," "danger", or any similar word, phrase, or symbol.
- O. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
- P. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Q. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- R. Searchlights used to advertise or promote a business or to attract customers to a property.
- S. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

8.06.03

- T. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to §337.407, Florida Statutes.
- U. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes [and signs authorized in writing pursuant to §337.407, Florida Statutes.]
- V. Signs erected over or across any public street except as may otherwise be expressly authorized by this Code, and except governmental signs erected by or on the order of a public officer.
- W. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
 - 1. is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right of way;
 - 2. is visible from the street right of way that the vehicle is within one hundred (100) feet of; and
 - 3. is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- X. Signs displaying copy that is harmful to minors as defined by this Code.
- Y. Portable signs as defined by this Code.
- Z. Outdoor advertising signs (Billboards)

8.03.00 PERMITTED TEMPORARY SIGNS

8.03.01 Where Allowed

Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this Code.

8.03.02 Sign Types Allowed

A temporary sign may be a ground or building sign, but may not be an electric sign.

8.03.03 Removal Of Illegal Temporary Signs

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.

8.03.04 Restrictions On Content Of Temporary Signs

A temporary sign may display any message so long as it is not:

- A. Harmful to minors as defined by this Code.
- B. Advertising as defined by this Code, except that advertising for the following purposes may be displayed:
 - 1. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
 - 2. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business.
 - 3. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.
 - 4. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
 - 5. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five (5) days after the special event.

8.03.05 Permissible Size, Height And Number Of Temporary Signs

A. One-Family and Two-Family Residences

A parcel on which is located a single one-family or two-family

residence may display not more than two temporary signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.

B. Three-Family and Four-Family Residences

A parcel on which is located a single three-family or four-family residence may display not more than four (4) temporary signs with an aggregate sign area of not more than ten (16) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.

C. On All Other Parcels

All other parcels may display one (1) square foot of temporary signage per ten (10) feet of frontage up to a maximum of one hundred (100) square feet. No individual sign shall exceed sixty (60) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

8.04.00 PERMITTED PERMANENT ACCESSORY SIGNS

8.04.01 Sign Types Allowed

A permanent accessory sign may be a ground or building sign. A permanent accessory sign may not be a roof sign.

8.04.02 Content

A permanent accessory sign may display any message so long as it is not harmful to minors as defined by this Code.

8.04.03 Permissible Number, Area, Spacing And Height Of Permanent Accessory Signs

A. Ground Signs

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

1. If located on a thoroughfare with a speed limit of forty-five (45) miles per hour or less:

Frontage on a public right of way in feet	Number of signs allowed	Total sign area allowed/ Maximum sign area for individual sign in sq. ft.	Minimum distance from any side property line/other permanent ground sign on the same site in feet	Maximum height in feet
Less than 50	1	24/24	10/NA	18
At least 50 but less than 100	1	32/32	15/NA	18
At least 100 but less than 200	2	48/48	25/NA	18
At least 200 or more	2	64/64	25% of frontage	18

2. If located on a thoroughfare with a speed limit greater than forty-five (45) miles per hour:

Frontage on a public right of way in feet	Number of signs allowed	Total sign area allowed/ Maximum sign area for individual sign in sq. ft.	Minimum distance from any side property line/other ground sing on the same site in feet	Maximum height in feet
Less than 50	1	24/24	10/NA	18
At least 50 but less than 100	1	48/48	15/NA	18
At least 100 but less than 200	2	64/64	25/NA	18
At least 200 or more	2	96/96	25% of frontage	18

B. Building Signs

1. Subject to the design criteria in PART 8.07.00 of this Article, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.
2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area (see PART 8.06.00, Measurement Determinations) of each building side or two hundred (200) square feet, whichever is smaller.
3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen (15) percent of the facade area (see PART 8.06.00, Measurement Determinations) of such exterior portion or two hundred (200) square feet, whichever is smaller.
4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area (See PART 8.06.00, Measurement Determinations) of the building side or two hundred (200) square feet, whichever is smaller.

C. Multiple Frontages

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

8.04.04 Time-Temperature-Date Signs

Time-temperature-date signs are permitted as a permanent accessory sign on commercially developed parcels notwithstanding the general

prohibition on changing signs. These signs may only display numerical information in an easily comprehensible way and shall be kept accurate. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of an occupancy's allowable sign area.

8.04.05 Directional Signs

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

8.04.06 Signs At Entrances To Residential Developments, Farms and Ranches

A. Generally

A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches.

B. Restrictions

1. One (1) sign is permitted at only one (1) entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.
2. When considering the placement of such signs, the Development Review Board or Department, as the case may be, shall consider the location of public utilities, sidewalks and future street widenings.
3. The Development Review Board or Department shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the Board. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.

Signs8.06.03

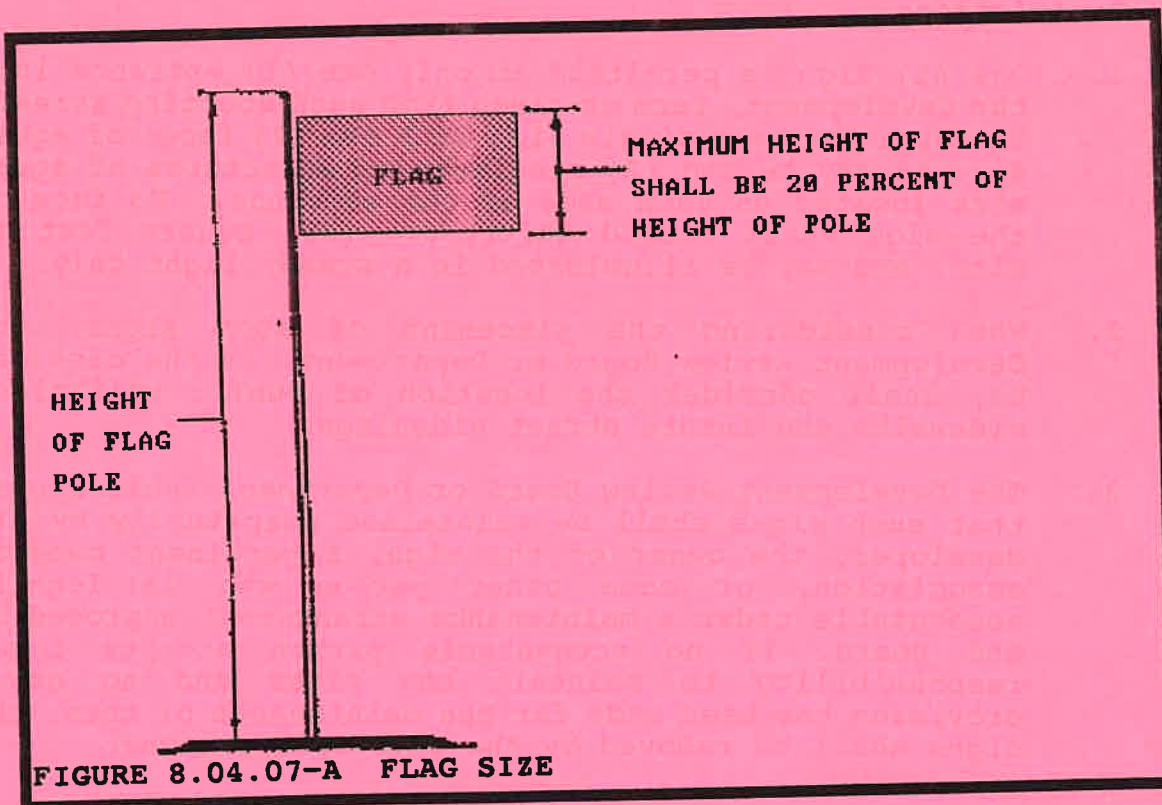
8.04.07 Flags

A. Number

Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be permanently displayed on any one parcel of land, temporary flags banners, etc., maybe displayed for holidays or special occasions not to exceed 5 days per a 30 day period.

B. Size

The maximum distance from top to bottom of any flag shall be twenty (20) percent of the total height of the flag pole, or in the absence of a flag pole, twenty (20) percent of the distance from the top of the flag or insignia to the ground. See FIGURE 8.04.07-A.



8.04.08 Utility Signs

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

8.05.00 PERMITTED PERMANENT OUTDOOR ADVERTISING SIGNS

8.05.01 Where Allowed

Permanent outdoor advertising signs are allowed in the following zoning/land use districts: Commercial and public use areas when specifically authorized (ballpark)

8.05.02 Content

Outdoor advertising signs may display any message so long as it is not harmful to minors as defined by this Code.

8.05.03 Permissible Number, Area, Spacing And Height Of Permanent Outdoor Advertising Signs

A. Maximum Size

No permanent outdoor advertising sign may exceed ninety-six (96) square feet in size.

B. Maximum Height

No permanent outdoor advertising sign, or combination of signs, may exceed 18 feet in height.

C. Maximum Width

No permanent outdoor advertising sign, or combination of signs, may exceed 8 feet in width.

D. Spacing

No permanent outdoor advertising sign may be closer than fifty (50) feet from any property line, nor closer than one thousand five hundred (1500) feet from any other permanent outdoor advertising sign on either side of the thoroughfare or thoroughfares to which the permanent advertising sign is directed. Spacing shall be determined based on signs that

Signs8.06.03

have received the necessary city permit pursuant to this Code, and signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two applications from different persons conflict with each other, so that only one of the applications may be granted, the first application received by the Department will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and that his application will remain pending until the first application is acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall then be considered for approval.

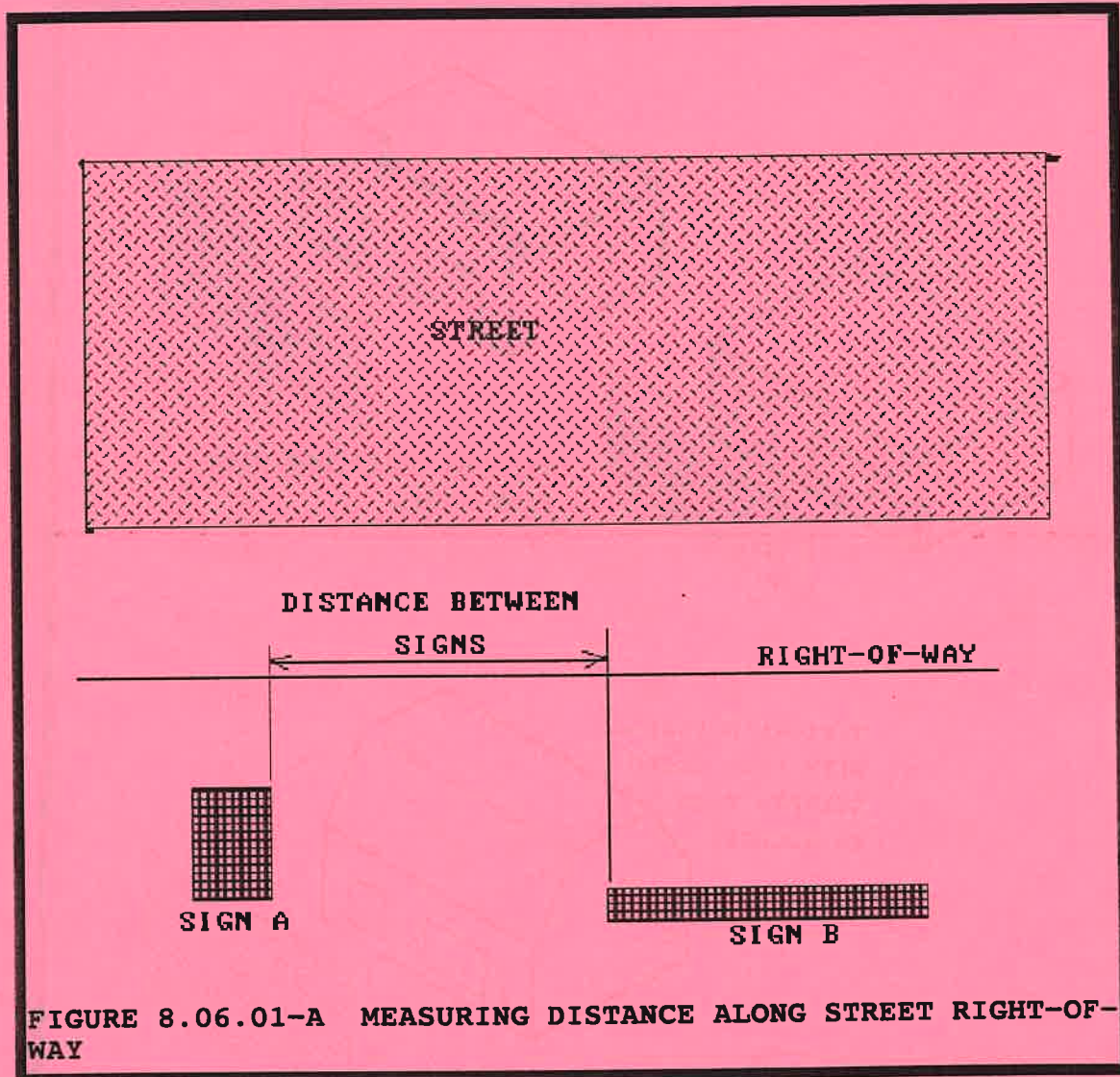
8.05.04 Nonconforming Permanent Outdoor Advertising Signs

Nonconforming outdoor advertising signs are subject to ARTICLE XII of this Code, except that if the only reason for the nonconformity is a failure to meet the spacing requirement between signs, the sign or signs may remain subject only to the prohibitions listed at SECTION 10.01.03 B 3. If because of the removal of other signs, a sign comes into compliance with the spacing requirements, the owner of that sign may apply for a permit to maintain the sign as a conforming sign.

8.06.00 MEASUREMENT DETERMINATIONS

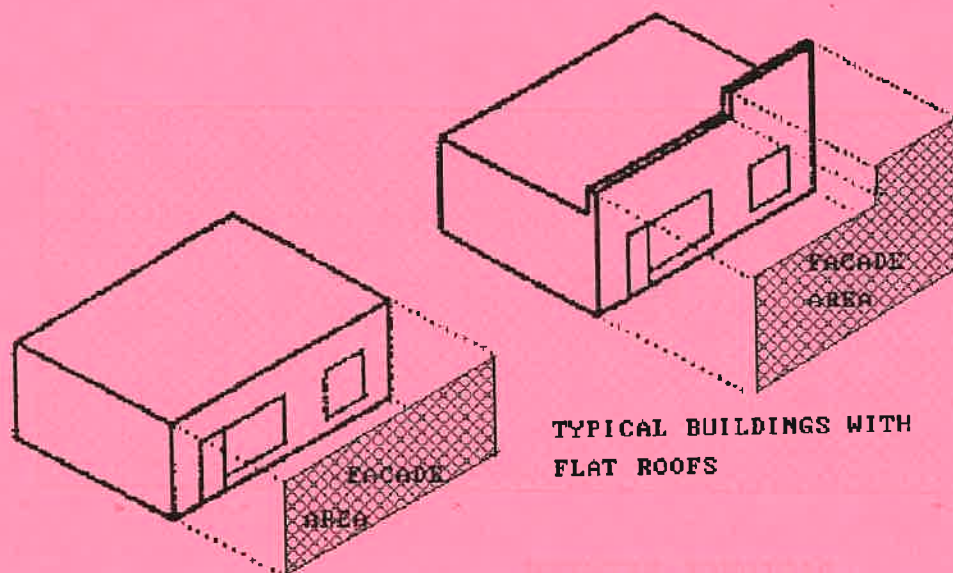
8.06.01 Distance Between Signs

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs on separate parcels of land. See FIGURE 8.06.01-A.



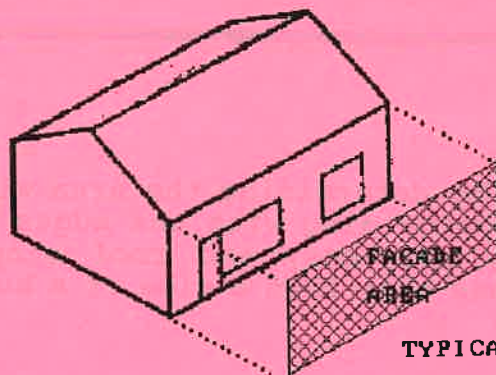
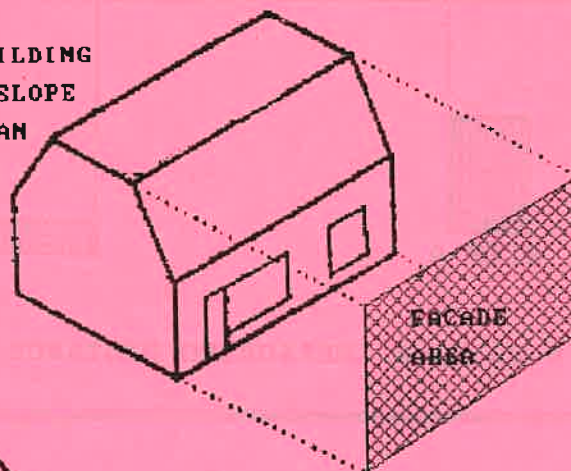
8.06.02 Facade Area

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit. See FIGURE 8.06.02-A.



TYPICAL BUILDINGS WITH
FLAT ROOFS

TYPICAL BUILDING
WITH ROOF SLOPE
STEEPER THAN
45 DEGREES



TYPICAL BUILDING
WITH ROOF SLOPE
LESS THAN 45 DEGREES

FIGURE 8.06.02-A FACADE AREA EXAMPLES

8.06.03 Sign Area

A. Generally

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.

B. Special Situations

1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures. See FIGURE 8.06.03-A.
2. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (3) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.

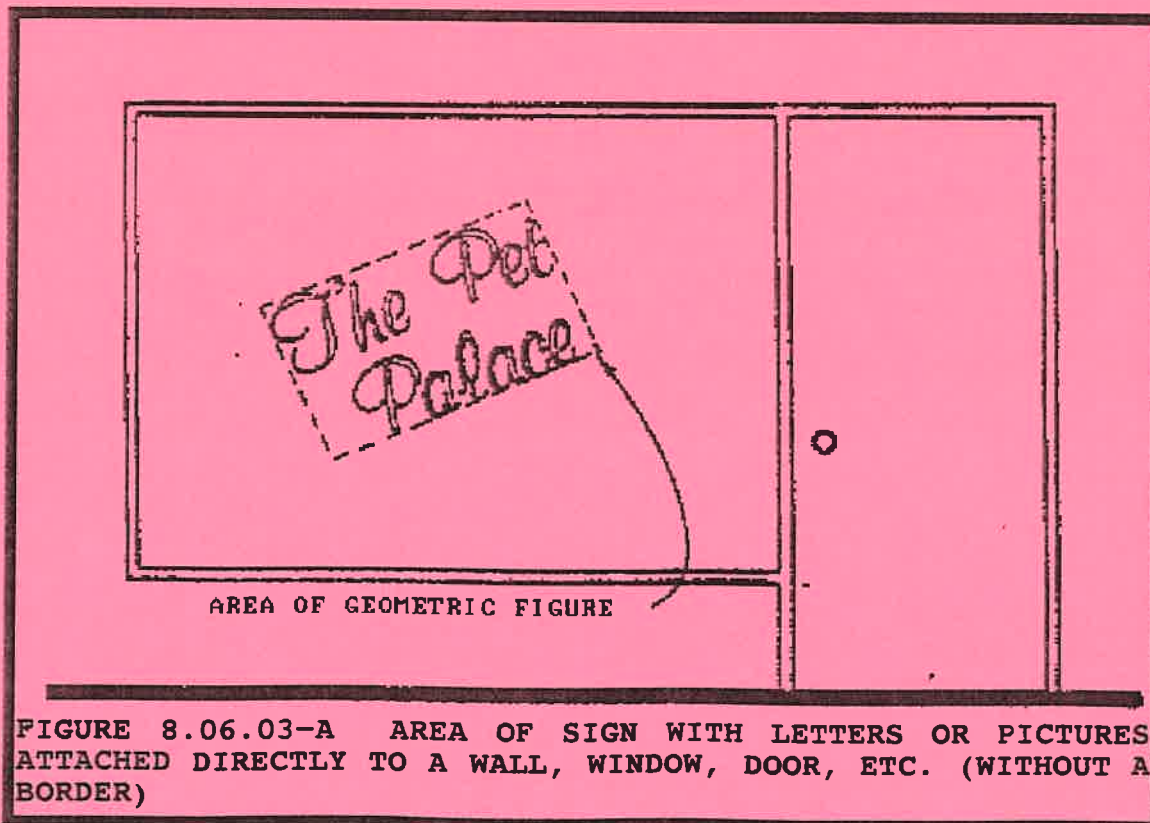
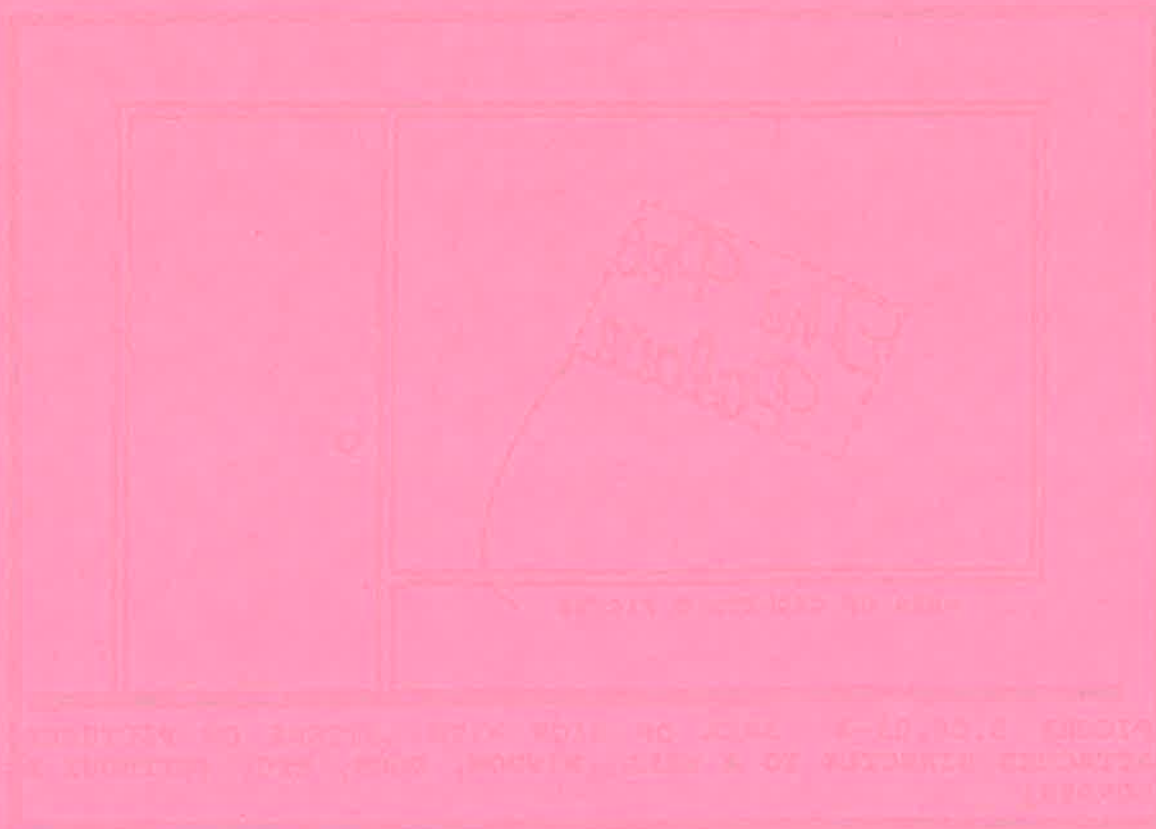


FIGURE 8.06.03-A AREA OF SIGN WITH LETTERS OR PICTURES ATTACHED DIRECTLY TO A WALL, WINDOW, DOOR, ETC. (WITHOUT A BORDER)

3. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces. See FIGURE 8.06.03-B.



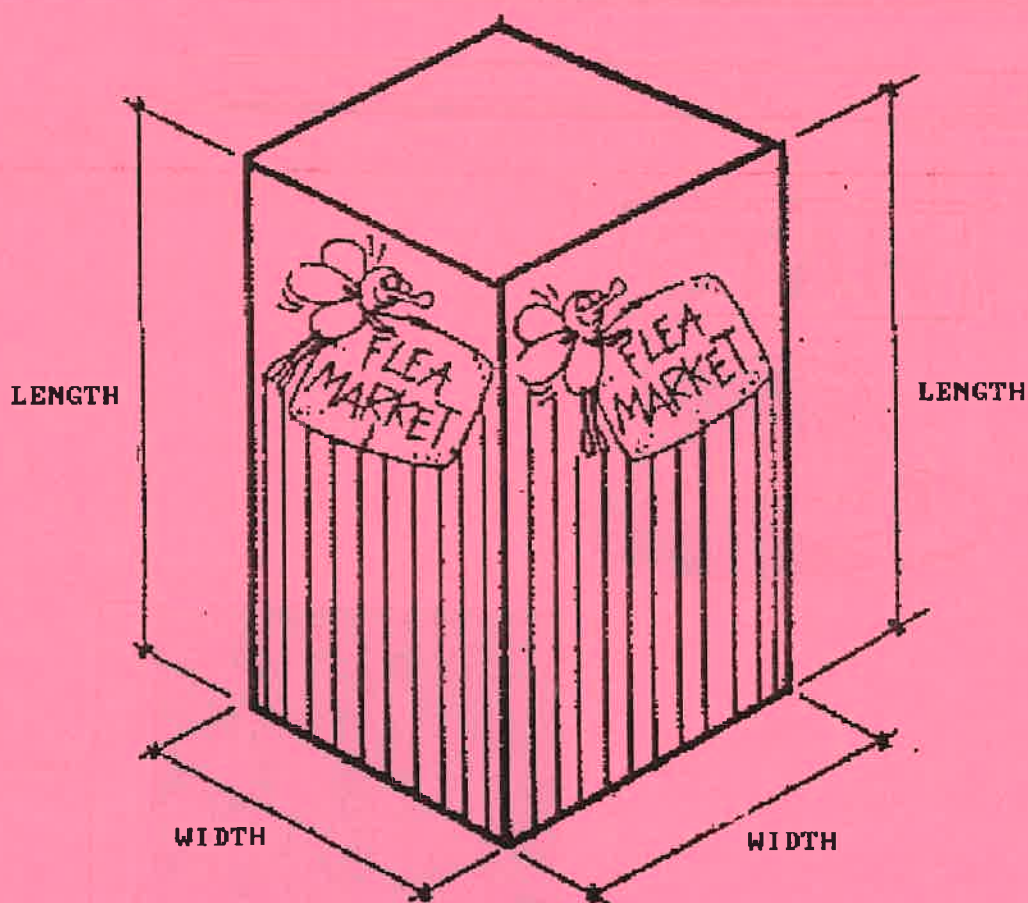
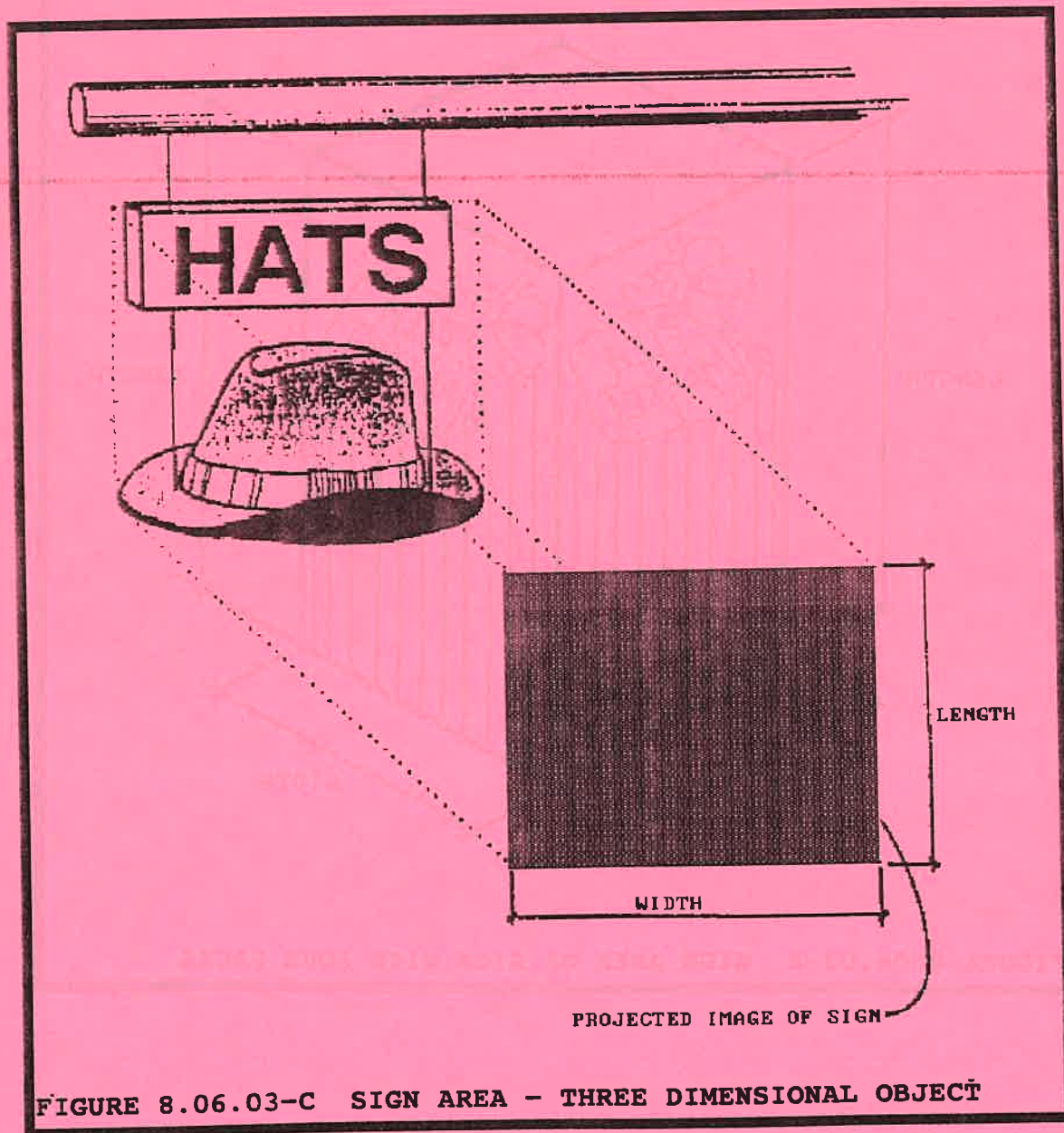


FIGURE 8.06.03-B SIGN AREA OF SIGN WITH FOUR FACES



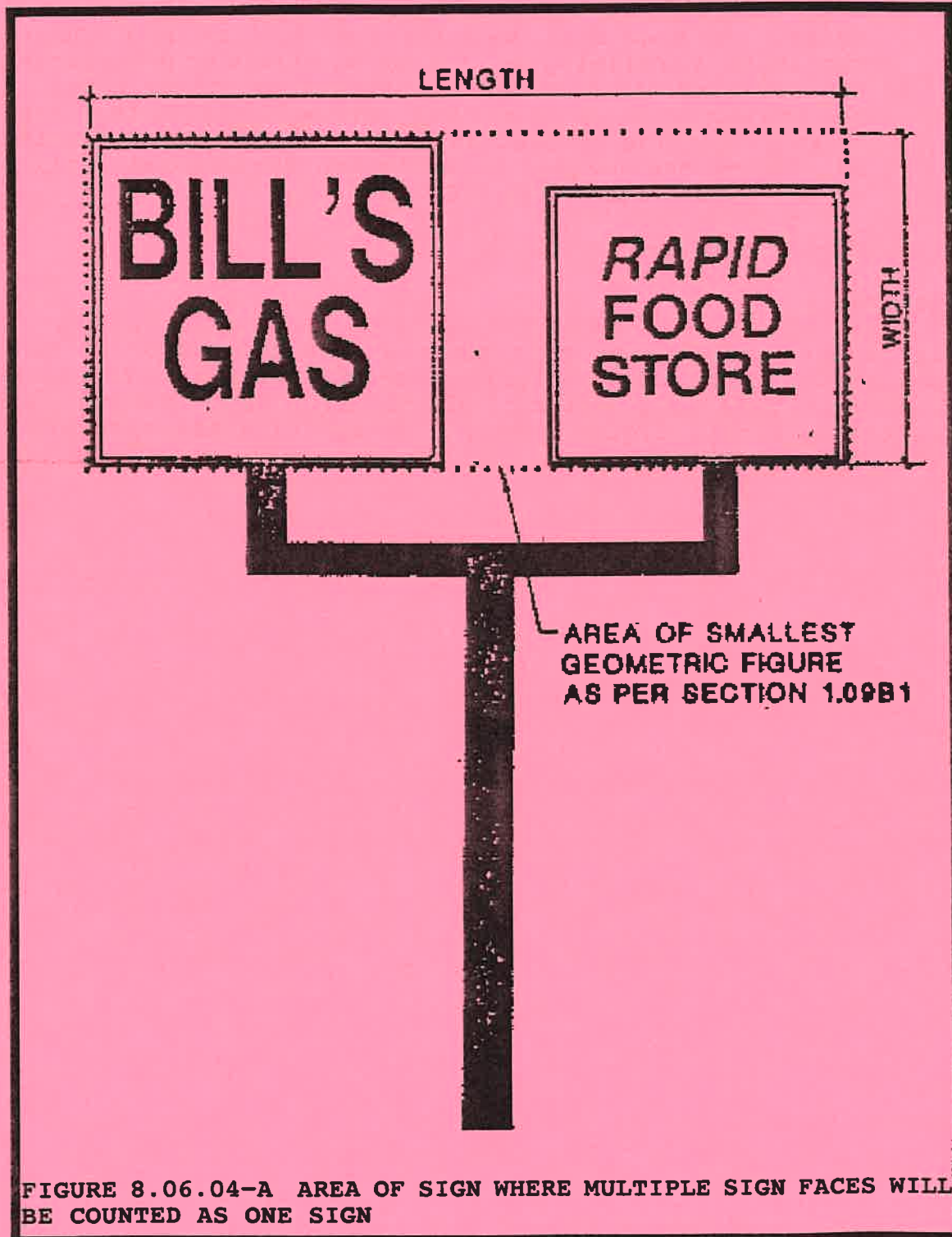


FIGURE 8.06.04-A AREA OF SIGN WHERE MULTIPLE SIGN FACES WILL BE COUNTED AS ONE SIGN

8.06.03

4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two dimensional outline of the sign. SEE FIGURE 8.06.03-C.

8.06.04 Number of Signs

A. Generally

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. See Figure 8.06.04-A.

B. Special Situations

1. Where two sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.
2. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs. See FIGURE 8.06.04-B.

IF FOUR SIGN FACES ARE ARRANGED IN A SQUARE, RECTANGLE, OR DIAMOND, THEY SHALL BE COUNTED AS TWO SIGNS.



FIGURE 8.06.04-B NUMBER OF SIGNS WHERE SIGN HAS FOUR FACES

8.06.03

8.06.05 Sign Height

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. See FIGURE 8.06.05-A.

8.07.00 DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

8.07.01 Generally

All permanent signs must comply with the following design, construction and location standards.

8.07.02 Compliance With Building And Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable



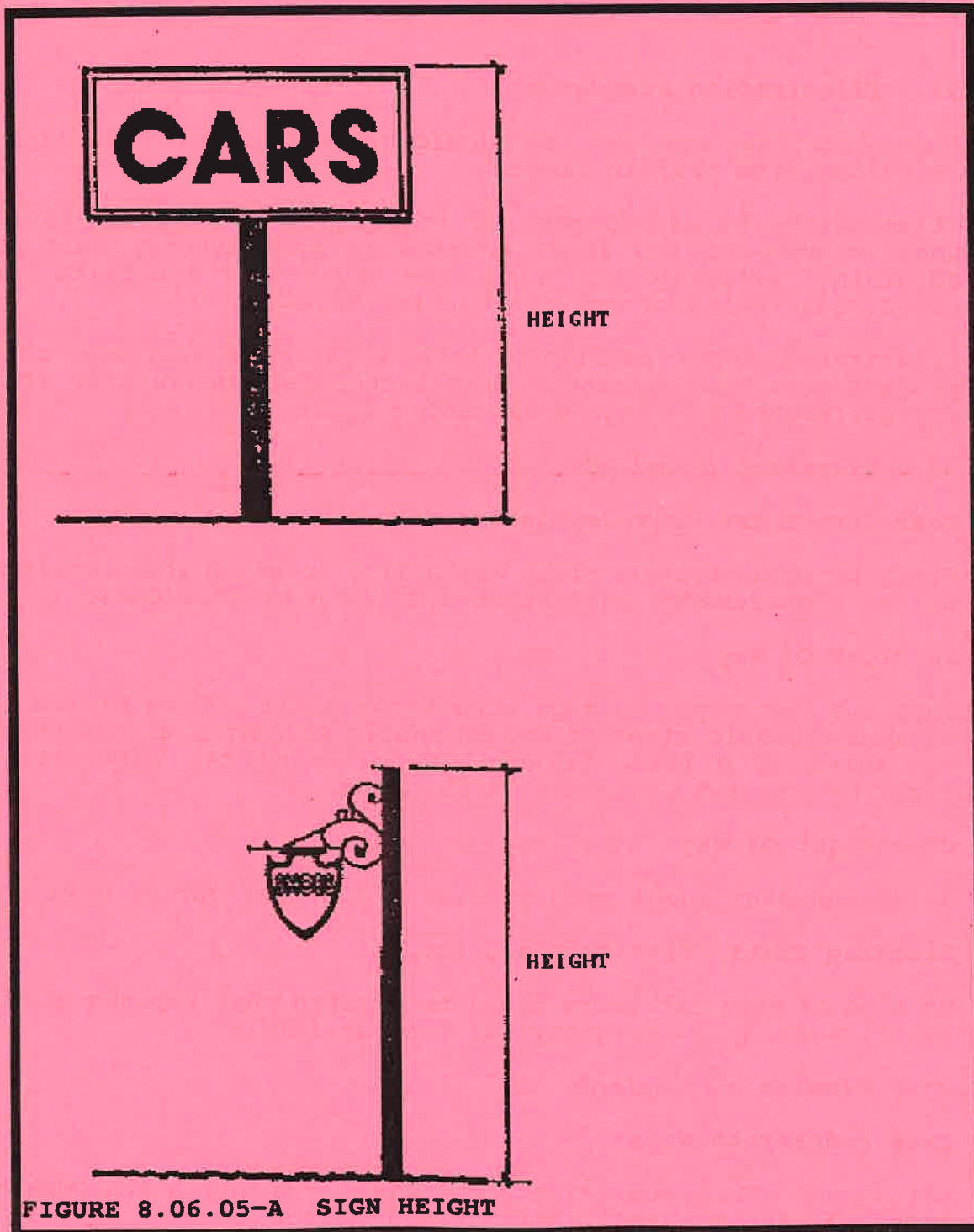


FIGURE 8.06.05-A SIGN HEIGHT

provisions of the building and electrical codes adopted by the city.

8.07.03 Illumination Standards

- A. Sign lighting may not be designed or located to cause confusion with traffic lights.
- B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

8.07.04 Placement Standards

A. Near Street And Driveway Intersections

Signs located within a clear visibility triangle shall conform to the requirements at Section 6.02.04 H of this Code.

B. In Right Of Way

Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

C. Over Right Of Way

No ground sign shall project over a public right of way.

D. Blocking Exits, Fire Escapes, Etc.

No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

8.07.05 Clearance Standards

A. Over Pedestrian Ways

All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

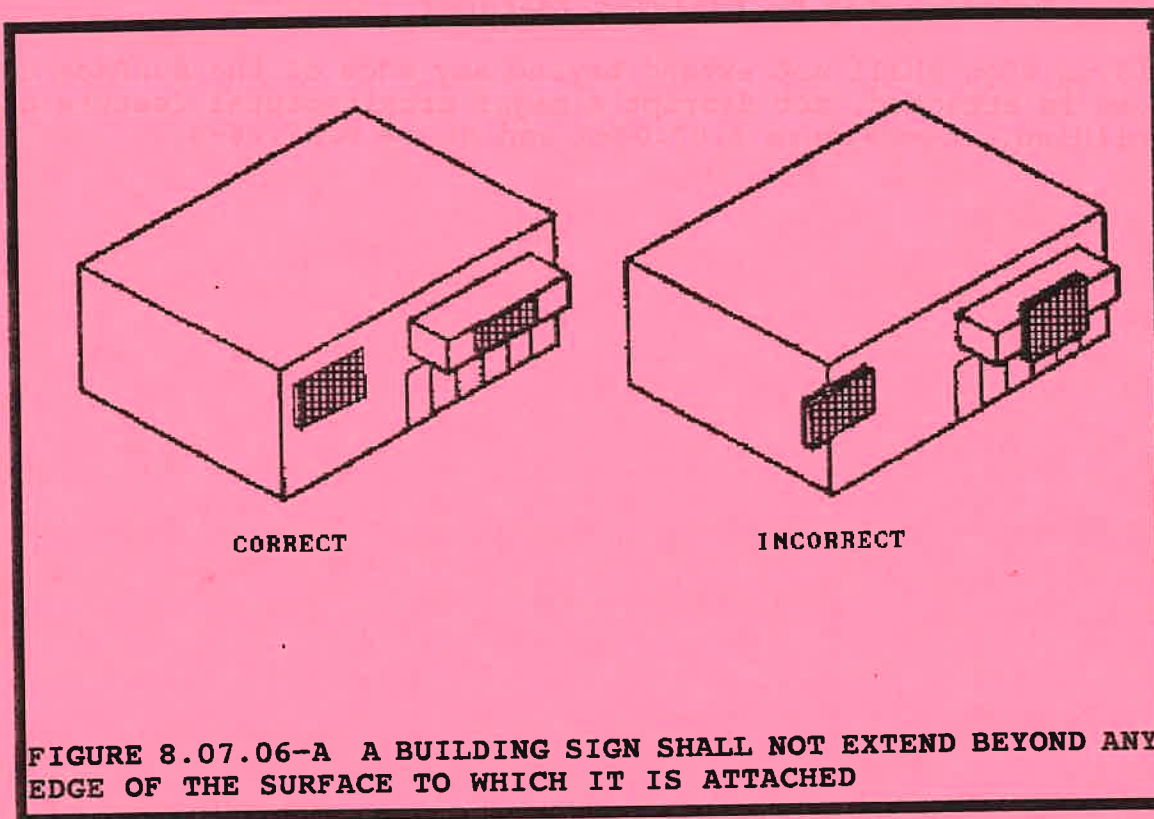
B. Over Vehicular Ways

All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

8.07.06 Relationship To Building Features

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building. See Figure 8.07.06-A and FIGURE 8.07.06-B.





8.07.07 Maximum Projection

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

8.07.08 Maximum Window Coverage

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

8.07.09 Format For Multiple Occupancy Complexes

Building signs for multiple occupancy complexes constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in the Department. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Director to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size

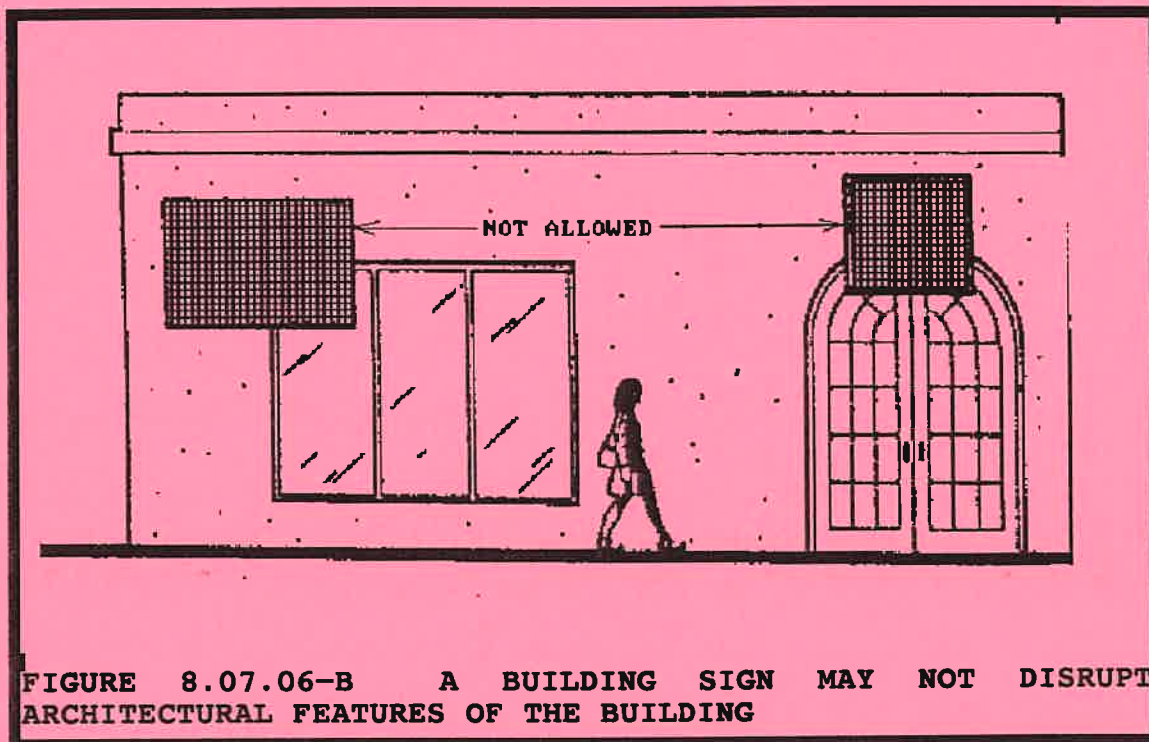


FIGURE 8.07.06-B A BUILDING SIGN MAY NOT DISRUPT ARCHITECTURAL FEATURES OF THE BUILDING

limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Director upon submission of a revised plan and specifications detailing the revised format.

8.07.10 Signs Required To Be Certified By A Registered Engineer

The following signs shall be designed and certified by a Florida registered engineer:

- A. Building signs that project perpendicularly from the surface to which it is attached and that are more than twenty-four square feet in area.
- B. Ground signs of more than ten feet in height and more than sixty-four (64) square feet in area.

ARTICLE IX
OPERATIONAL PERFORMANCE
STANDARDS
Outline

9.00.00 GENERALLY

9.00.01 *Purpose and Intent*

9.00.02 *Applicability*

9.00.03 *Standard Manuals and Measuring Devices*

9.01.00 NOISE

9.01.01 *Instrumentation*

9.01.02 *Maximum Permissible Sound Levels By
Receiving Land Use*

9.01.03 *Exemptions*

9.01.04 *Notice of Violation*

9.01.05 *Pre-Existing Uses Not in Conformance*

9.02.00 AIR POLLUTION

9.03.00 ODOR

9.03.01 *Evidence of Undesirable Order*

9.03.02 *Execptions*

9.03.03 *Abatement of Public Nuisances*

9.04.00 FIRE AND EXPLOSIVE HAZARDS

9.05.00 ELECTROMAGNETIC INTERFERENCE

ARTICLE IX
OPERATIONAL PERFORMANCE
STANDARDS

9.00.00 GENERALLY

9.00.01 *Purpose and Intent*

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout the town. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health and welfare.

9.00.02 *Applicability*

These standards shall apply to all lands within the town's jurisdiction.

9.00.03 *Standard Manuals and Measuring Devices*

A. Devices And Instruments

Devices and instruments which have been standardized by the American National Standards Institute (ANSI) shall be used to measure applicable performance. The following references are cited in this Article:

40CFR	Code of Federal Regulations, Title 40, "Protection of Environment".
FAC17-2	Chapter 17-2, Florida Administrative Code, "Air Pollution"
ANSI	American National Standards Institute
CRF10	Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation".

B. References

The following references are cited in this Article:

40CFR	Code of Federal Regulations, Title 40, "Protection of Environment"
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FAC17-2	Chapter 17-2, Florida Administrative Code, "Air Pollution"
APAM	"Air Pollution Abatement Manual" of the Manufacturing Chemist Association
PHR47	U.S. Public Health Report 47, No. 12, "Measurement of Density Mineral Dust"
ICR12	Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor
CFR10	Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation"
ANSI	American National Standards Institute - Applicable Standards

9.00.00 NOISE

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

9.01.01 Instrumentation

Instrumentation used in making sound level measurements shall be certified by, and measurements conducted in accordance with ANSI Standard Methods.

9.01.02 Maximum Permissible Sound Levels By Receiving Land Use

A. Maximum Sustained Sound

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below.

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit dBA
Residential	7 a.m. - 10 p.m.	60
	10 p.m. - 7 a.m.	55
Commercial	7 a.m. - 10 p.m.	65
	10 p.m. - 7 a.m.	60
Manufacturing, Industrial or Agricultural	At All Times	75

Section 9.05.00**9.01.03 Exemptions**

The following activities or sources are exempt from these noise standards:

- A. Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
- B. The unamplified human voice.
- C. Railway locomotives and cars.
- D. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.
- E. Aircraft operations.
- F.. Construction or routine maintenance of public service utilities.
- G. Houses of worship bells or chimes.
- H. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

9.01.04 Notice of Violation

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the town.

9.01.05 Pre-Existing Uses Not in Conformance

Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

Section 9.05.00**9.02.00 AIR POLLUTION****A. Standard**

To protect and enhance the air quality of the town, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

B. Testing

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

9.03.00 ODOR**9.03.01 Evidence of Undesirable Order**

The presence of untreated or improperly treated human waste, garbage, offal, dead animals, decaying organic matter, or gases which are harmful to human or animal life or the presence of improperly built or improperly maintained sewerage treatment plants, septic tanks, water closets, privies or abattoirs shall constitute evidence of undesirable order.

9.03.02 Exceptions

The following activities and equipment are exempt from the provisions of this part:

- A. Orders incidental to and commonly associated with commercial agriculture and aquaculture.
- B. Properly maintained public equipment used in the collection of garbage.

9.03.03 Abatement of Public Nuisances

Evidence of undesirable order is hereby declared a public nuisance and shall be abated upon notice by the Administrator. The town may employ the remedies cited in Florida Statute 823 "Public Nuisances," to enforce this code.

Section 9.05.00**9.04.00 FIRE AND EXPLOSIVE HAZARDS****A. Standards**

In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

1. Storage and utilization of solid materials or products which are incombustible, or which in themselves support combustion and are consumed slowly as they burn, is permitted.
2. Storage, utilization, or manufacture of solid materials or products including free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having noncombustible walls and protected throughout by an automatic fire extinguishing system. The requirements for an automatic fire extinguishing system may be waived by the Director of Development Review in those cases where the introduction of water to a burning substance would cause additional hazard.
3. Outdoor storage of coal and other solid fuels is permitted provided storage is in conformance with the "Fire Protection Handbook" 1986 Edition, printed by the National Fire Protection Association.
4. Storage, utilization or manufacture of flammable and combustible liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with National Fire Code #30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.
5. The following classifications of liquids are unrestricted, provided that storage, handling, and use shall be in accordance with National Fire Protection Association, "Flammable and Combustible Liquids" Code #30.

CLASSIFICATION OF LIQUIDS**Class I**

Shall include those having flash points below 100 degrees Fahrenheit (37.8 degrees Celsius) and may be subdivided as follows:

Section 9.05.00

Class I-A Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point below 100 degrees Fahrenheit (37.8 degrees Celsius).

Class I-B Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point at or above 100 degrees Fahrenheit (37.8 degrees Celsius).

Class I-C Shall include those having flash points at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (37.8 degrees Celsius).

Class II

Shall include those having flash points at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).

Class III

Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and may be subdivided as follows:

Class III-A Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).

Class III-B Shall include those having flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

9.05.00 ELECTROMAGNETIC INTERFERENCE

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

ARTICLE X
HARDSHIP RELIEF
OUTLINE

10.00.00 PURPOSE

10.01.00 EXISTING NONCONFORMING DEVELOPMENT

10.01.01 Defined

10.01.02 Continuation Of

10.01.03 Termination Of

10.02.00 VARIANCES

10.02.01 Generally

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*10.02.03 Special Provisions Where Variance Is
Sought To Requirements To Flood Damage
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10.03.00 CLUSTERING AND TRANSFERABLE DEVELOPMENT RIGHTS

10.03.01 Generally

10.03.02 Clustering

10.03.03 Transferable Development Rights

ARTICLE X
HARDSHIP RELIEF

10.00.00 PURPOSE

The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Three forms of hardship are addressed: (1) Part 10.01.00 addresses hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; (2) Part 10.02.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards; and (3) Part 10.03.00 addresses the hardship that may be caused in particular cases by the Code's resource protection standards.

10.01.00 EXISTING NONCONFORMING DEVELOPMENT

10.01.01 *Defined*

Nonconforming development is development that does not conform to the use regulations in Article II and/or the development design and improvement standards in Article VI.

10.01.02 *Continuation Of*

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.

10.01.03 *Termination Of Nonconforming Development*

A. Generally

Nonconforming development must be brought into full compliance with the use regulations in Article II of this Code, and the development design and improvement standards in Article VI of this Code, in conjunction with the following activities:

1. The gross floor area of the development is expanded by more than ten (10) percent, or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.
2. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially

destroyed" if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.

B. Special Provisions For Specific Nonconformities

1. Nonconformity With The Stormwater Management Requirements Of This Code

In addition to the activities listed in SECTION 10.01.03 A, an existing development that does not comply with the stormwater management requirements of this Code must be brought into full compliance when the use of the development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.

2. Nonconformity With The Parking And Loading Requirements Of This Code

In addition to the activities listed in SECTION 10.01.03 A, full compliance with the requirements of this Code shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by ten (10) percent or more.

3. Nonconforming Signs

a. Defined

Any sign within the town on the effective date of this Code [or a sign existing within any area annexed to the city after the effective date of this Code,] which is prohibited by, or does not conform to the requirements of, this Code; except that signs that are within ten (10) percent of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, shall be deemed to be in conformity with this Code.

b. Amortization

Section 10.01.03**Alternative A:**

(1) Unless an earlier removal is required by SECTION 10.01.03 A above or SECTION 10.01.03 B 3 c below, all other nonconforming signs may be maintained for the longer of the following periods:

(a) Two (2) years from the date upon which the sign became illegal under this Code; or

(b) A period of three (3) to seven (7) years from the installation date or most recent renovation date that preceded the enactment of this Code according to the amortization table below. If the date of the more recent renovation is chosen as the starting date of the amortization period, the period of amortization shall be calculated according to the cost of the renovation and not according to the original cost of the sign.

Sign Cost or Renovation Cost	Permitted Years From Installation or Renovation Date
\$101 to \$1,000	3 years
\$1,001 to \$3,000	4 years
\$3,001 to \$10,000	5 years
more than \$10,000	7 years

(c) Any owner of a sign who requests an amortization period longer than two (2) years shall, within one (1) year from the date of enactment of these regulations, file with the Director a statement setting forth the cost of the sign, the date of erection, or the cost and date of most recent renovation, and a written agreement to remove the sign at or before the expiration of the amortization period applicable to the sign.

(d) The Town Council may grant a variance from the terms of the foregoing amortization

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schedule for up to one additional year where it finds such additional period of time is necessary in order to avoid unnecessary hardship not caused by the petitioner, and such variance is not contrary to the public interest. Multiple one-year extensions may be granted where warranted, but may only be granted one year at a time.

c. Continuation Of Nonconforming Signs

Subject to the limitation imposed by the amortization schedule above, and subject to the restrictions in SECTION 10.01.03 A and SECTION 10.01.03 B 3 above, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

- (1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- (2) Structurally altered to prolong the life of the sign, except to meet safety requirements.
- (3) Altered in any manner that increases the degree of nonconformity.
- (4) Expanded.
- (5) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Town.
- (6) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- (7) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.
- (8) Continued in use after the structure housing the occupancy has been vacant for six (6) months or longer.

Section 10.01.03**d. Nonconforming Signs Along Federal Highways**

If it is determined that nonconforming signs along a federal interstate or primary aid highway may not be removed pursuant to the above provisions, the Town Council shall develop a plan for their expeditious removal in accordance with state and federal law.

4. Nonconforming Vehicle Use Areas

a. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

b. In addition to the activities listed in SECTION 10.01.03 A above, an existing vehicle use area that does not comply with the requirements of this Code must be brought into full compliance when twenty-five (25) percent or more of the paving of the vehicle use area is replaced or resurfaced.

c. When the square footage of a vehicle use area is increased, compliance with this Code is required as follows:

(1) Expansion By Ten (10) Percent Or Less
When a vehicle use area is expanded by ten (10) percent or less, only the expansion area must be brought into compliance with this Code.

(2) Expansion By More Than Ten (10) Percent
When a vehicle use area is expanded by more than ten (10) percent, the entire vehicle use area shall be brought into compliance with this Code.

(3) Repeated Expansions
Repeated expansions, or resurfacing or replacement of paving, of a vehicle use area over a period of time commencing with the effective date of this Code shall be combined in determining whether the above threshold has been reached.

d. Any vehicle use area in existence on the date of enactment of this Code which must be brought into conformity with this Code, and which has more than the number of parking spaces required by this Code, shall be treated

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as follows:

(1) The area shall be reconfigured to comply with requirements in this Code.

(2) If, after the reconfiguration, a paved area or areas that are not needed to comply with the requirements of this Code remain, the developer may do any one or combination of the following:

(a) Conform the area(s) to comply with this Code and continue to use them for parking.

(b) Remove the paving and use as grassed overflow parking, as additional landscaped transitional zone, or for any other purpose consistent with the land use plan and approved by the Development Review Board.

10.02.00 VARIANCES

10.02.01 Generally

A. Granted By Land Development Regulation Commission (Town Council)

The Town Council may grant a variance from the strict application of any provision of this Code, except provisions in Articles II (Land Use) and IV (Consistency/Concurrency), if the following procedures are followed and findings made.

B. Variances To Be Considered As Part Of Development Review

Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the Director must be approved by the Town Council if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

10.02.02 Limitations On Granting Variances

A. Initial Determination

The Town Council shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Board shall make the following required findings based on the granting of the variance for

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that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

B. Required Findings

The Town Council shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

C. Imposition Of Conditions

In granting a development approval involving a variance, the Town Council may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

10.02.03 *Special Provisions Where Variance Is Sought To Requirements To Flood Damage Prevention Regulations***A. Additional Finding**

In addition to the findings required above, the Town Council shall find that the requested variance will not result in an increase in the elevation of the Base Flood,

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additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.

B. Considerations

Before granting a variance, the Town Council shall consider:

1. The danger that materials may be swept from the site onto other lands.
2. The danger to life and property from flooding or erosion.
3. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.
4. The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.
5. The availability of alternative locations, not subject to flooding or erosion, for the proposed use.
6. The compatibility of the proposed use with existing and anticipated neighboring development.
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
8. Safe vehicular access to the property in times of flood.
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, at the site.
10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.

C. Special Restriction For Regulatory Floodways]

Variances that would increase flood levels during the base flood shall not be issued within any Regulatory Floodway.

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D. Flowage Easements

No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the Base Flood more than one foot.

E. Notification

All variances to the flood damage prevention regulations shall:

1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
2. State that the variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
3. State that construction below the Flood Protection Level increases risks to life and property.

F. Record Of Variances To Be Maintained

The Town Clerk shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Town Clerk shall report all variances in the annual or biennial report to the Town Council.

G. Historic Properties

Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, the local register of historic places, or the State Inventory of Historic Places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

10.03.00 CLUSTERING AND TRANSFERABLE DEVELOPMENT RIGHTS**10.03.01 Generally**

The density or intensity of a use that would have been allowed on a site designated as a Protected Environmentally Sensitive

Section 10.01.03

Area in the absence of the application of this Code may be used by "clustering" the development within non-sensitive areas within the project site or off-site through the transfer of development rights.

10.03.02 Clustering

Development on parcels containing Protected Environmentally Sensitive Areas may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site. The clustered development shall meet all applicable provisions of this Code including those in the environmentally sensitive land regulations relating to development activities adjacent to environmentally sensitive areas. If the clustering of all the allowable density on the non-sensitive portions of the site is not practicable or cannot be done in compliance with applicable regulations, the developer may transfer all or part of the density off-site as provided below.

10.03.03 Transferable Development Rights**A. Development Rights Created**

Town of Bronson Development Rights are hereby created. All Protected Environmentally Sensitive Areas, except for those owned by a public agency and those subject to a conservation easement or other legal restriction precluding the physical development of the land on the effective date of this Code, are assigned Town of Bronson Development Rights at the following ratios:

1. Wetlands: Fifty (50) percent of the development potential authorized in the Comprehensive Plan or this code may be transferred.
2. Habitat of Protected Species (50) percent
Owners of Protected Environmentally Sensitive Areas smaller than five acres are entitled to fractional development rights at the ratios established above. Any fraction equal to one-half (1/2) or greater shall be rounded to the nearest whole number.

B. Severability

Town Development Rights shall be severable from the underlying fee and shall be transferable to receiver parcels of land identified pursuant to the Conservation Element/Land Use Element of the Comprehensive Plan.

C. Use Of Development Rights On Receiver Parcels

Section 10.01.03

1. Commercial

If the receiver site is designated for commercial uses, each Development Right may be used to increase the intensity of the commercial use by 50%.

2. Residential

If the receiver site is designated for residential uses, each Development Right may be used to increase the density of the residential use by one (1) du/acre.

3. Maximum Intensity/Density

a. Impervious Surface Ratio shall not exceed 50% and Floor Area Ratio may not exceed 100%

b. If the town determines, during the review process established within this Development Code, that the parcel proposed for development reflects unique or unusual circumstances, or that development of the parcel at the maximum density would affect surrounding uses in a manner contrary to the public health, safety, and welfare, or would be inconsistent with the Comprehensive Plan, the town may limit the number of development rights that may be transferred to the receiver parcel. Any development order that limits the use of development rights to less than the indicated maximum density shall include specific findings of fact on which the restriction is based and shall specify what changes, if any, would make the parcel proposed for development eligible for development at the maximum indicated density.

D. Procedure for Transferring Development Rights

1. **Timing** Development rights allotted to a Protected Environmentally Sensitive Area may be transferred to any person at any time and shall be deemed, for taxation and all other purposes, to be appurtenant to the land from which the rights are transferred until a development order is issued authorizing use of the Development Rights at a receiver parcel at which time they shall attach to the receiver parcel for all purposes.

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2. **Recordation Of Transfer Of Development Rights**
No Development Right shall increase the intensity or density of the use of a receiver site until the owner of the transferor parcel has recorded a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to a conservation zone. The deed restriction shall be expressly enforceable by the town, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction.

3. **Evidence Of Restriction Required For Development Approval**
A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions.

ARTICLE XI
BOARD AND AGENCIES
OUTLINE

- 11.00.00 GENERALLY**
- 11.01.00 PLANNING BOARD AND LAND DEVELOPMENT REGULATION COMMISSION**
 - 11.01.01 Creation and Authority
 - 11.01.02 General Function, Powers and Duties
- 11.02.00 COMMITTEE, BOARD AND AGENCY RULES**
 - 11.02.01 Terms of Office
 - 11.02.02 Code of Ethics
 - 11.02.03 Removal and Replacement
 - 11.02.04 Procedures
- 11.03.00 PLANNING AND DEVELOPMENT**
 - 11.03.01 Planning and Development Administrator
 - 11.03.02 PLANNING**
 - 11.03.03 DEVELOPMENT**
 - 11.03.04 BUILDING OFFICIAL**
 - 11.03.05 CODE ENFORCEMENT**

ARTICLE XI

11.00.00 GENERALLY

The following boards and agencies are created to administer the provisions of this Code under the Authority prescribed by this Code and Florida law.

11.01.00 PLANNING BOARD AND LAND DEVELOPMENT REGULATION COMMISSION

11.01.01 Creation and Authority

Pursuant to and in accordance with the "Local Government Comprehensive Planning and Land Development Regulation Act,: Chapter 163, Part II, Florida Statutes, the Town Council of the Town of Bronson, Florida is hereby designated as the Planning Board (Local Planning Agency) as provided in 163.3174 F.S., and is also hereby designated as the Land Development Regulation Commission as defined in 163.3164 (22) F.S. The Planning Board and Land Development Regulation Commission, which shall succeed and perform the functions of the Zoning Board and a Board of Adjustment, shall have all powers and duties enumerated by this Code and the laws of the State of Florida, except as provided by 163.3213 F.S. providing for state Administrative Review.

11.01.02 General Function, Powers and Duties

The Planning Board and Land Development Regulation Commission shall have the following general functions, powers and duties:

- A.** To consider appeals from the decisions of the Town Clerk.
- B.** To consider requests for variances from the provisions of this Code as provided by Article X, Hardship Relief.
- C.** To consider, at least semiannually, requests and proposals for amendments to the Comprehensive Plan in accordance with provisions of 163.3184 and 163.3187 F.S.
- D.** To annually review, modify and update the Capital Improvements Element of the Comprehensive Plan as provided in 163.3177(3)(a)3(b) and to incorporate the costs and revenue sources established therein in the Annual Town Budget.
- E.** To conduct an appraisal and evaluation of the Comprehensive Plan in accordance with 163.3191 F.S.
- F.** To oversee the operation, effectiveness and status of this Code and to consider amendments that are consistent with, implement and further the intent of the adopted Comprehensive Plan.

- G. To conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.
- H. To keep the general public informed and advised on the land use plan and policies of the Town.
- I. To obtain and maintain information on population, property values, the local economy, land use, resource impacts, growth, development and other information necessary to assess the amount, type, direction and impact of development to be expected in the town.
- J. To perform other lawfully assigned duties.
- K. To assist in the enforcement of this Code through the office of the Town Attorney.

11.02.00 COMMITTEE, BOARD AND AGENCY RULES

11.02.01 Terms of Office

Each citizen member of a board or committee shall be appointed to a three (3) year term, except that, initially, one-third of the appointed members shall serve a two (2) year term and one-third shall serve a one (1) year term. No person may serve more than two (2) consecutive three (3) year terms. Persons disqualified by this provision may be re-appointed after one year elapses after the expiration of the second full term of service. Elected officials and staff members from governmental agencies shall be exempt from the term of office provisions required herein so long as they continue to hold the elected or staff office.

11.02.02 Code of Ethics

Members of committees, boards and agencies shall be governed by Florida Statute 112, Part III, Code of Ethics for Public Officers and Employees.

00.02.03 Removal and Replacement

Appointed members may be removed without notice and without assignment of cause by a majority vote of the Town Council. The Town Council shall appoint a substitute member when a position becomes vacant.

11.02.04 Procedures

Each board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, the Town Charter, other Town Ordinances and State Law, including F.S. 286.011, Public Meeting and Records. Each board shall keep minutes and written findings on each proposal, indicating the attendance of each

member, and the decision on each question. Each decision must be approved by a majority vote of the members present at a duly called meeting in which a quorum is in attendance and voting. A quorum shall consist of a majority of the members of the board or committee.

11.03.00 PLANNING AND DEVELOPMENT

11.03.01 Planning and Development Administrator

There is hereby established the position of Planning and Development Administrator to be appointed by and serve at the pleasure of the Town Council. This appointment shall be the Town Clerk. the Administrator shall perform the duties and responsibilities prescribed by this Code, including, but not limited to, the following:

11.03.02 PLANNING

The Administrator shall be responsible for Comprehensive Planning and shall assist in the programming and preparation of the Annual Capital Improvements Plan. The Administrator shall schedule all applications before the Planning Board, the Land Development Regulation Commission and/or the Town Council.

11.03.03 DEVELOPMENT

The Administrator shall be responsible for the implementation of this Land Development Code including, but not limited to, the following:

- A. Receive all applications for development approval.
- B. Determine the completeness of development applications.
- C. Conduct all pre-application conferences.
- D. The Administrator may approve any application for development which does not otherwise require the approval of any other board or agency.
- E. Ensure that proper notice is given prior to all hearings on development applications.
- F. Ensure that all time limits prescribed by this Code are met.
- G. Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.
- H. Perform all other duties prescribed by this Code.

11.03.04 BUILDING OFFICIAL

The town shall enter into an agreement with the County to perform the duties and exercise the powers of the Building Official as described in the Standard Building Code.

11.03.05 CODE ENFORCEMENT

The Administrator shall perform the duties of Code Enforcement Officer in the manner prescribed in Chapter/Section 162.21 Florida Statutes.

ARTICLE XII
ADMINISTRATION AND ENFORCEMENT
OUTLINE

12.00.00 GENERALLY

12.00.01 Purpose

12.00.02 Withdrawal Of Applications

12.00.03 Definitions

**12.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED
PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

12.01.01 Generally

12.01.02 Prerequisites To Issuance Of Development Permit

*12.01.03 Exceptions To Requirement Of A Final Development
Order*

12.01.04 Post-Permit Changes

12.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

12.02.01 Pre-Application Conference

12.02.02 Designation Of Plans As Minor Or Major Developments

12.02.03 Review Of Concept Plans

*12.02.04 Review Of Preliminary And Final Development Plans
For Minor Developments*

*12.02.05 Review Of Preliminary And Final Development Plans
For Major Developments*

12.02.06 Project Phasing

*12.02.07 Required And Optional Contents Of Preliminary
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ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

12.00.00 GENERALLY

12.00.01 Purpose

This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

12.00.02 Withdrawal Of Applications

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

12.00.03 Definitions

Abut

To physically touch or border upon; or to share a common property line.

Adversely Affected Person

Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Developer

Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or Development Activity

Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.

3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.
5. Erection of a permanent sign unless expressly exempted by ARTICLE VIII of this Code.
6. Alteration of a historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

Development Order

An order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit. See sub-paragraphs below.

Preliminary Development Order

Any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include Future Land Use Map amendments, Zoning map amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Final Development Order

The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

Development Permit

For purposes of this Code a development permit is that

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official city or county document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Dwelling Unit

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Gross Density or Density

The total number of dwelling units divided by the total site area, less public right-of-way.

Gross Floor Area

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improvement

Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Minor Replat

The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Section 12.06.04**Owner**

A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel

A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

Vehicle Use Area

An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

12.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**12.01.01 Generally**

No development activity may be undertaken unless the activity is authorized by a development permit.

12.01.02 Prerequisites To Issuance Of Development Permit

Except as provided in SECTION 12.01.03 below, a development permit may not be issued unless the proposed development activity:

- A. Is authorized by a Final Development Order issued pursuant to this Code; and
- B. Conforms to the Technical Construction Standards Manual adopted by reference in Article I of this Code.

12.01.03 Exceptions To Requirement Of A Final Development Order

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code and the Technical Construction Standards Manual.

- A. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this

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Code is not required if in conflict with the previously approved plan.

- B. The construction or alteration of a one or two family dwelling a on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Replat granted pursuant to the procedures in PART 12.03.00 of this Article.
- G. Residential Accessory uses authorized by this code, includes fence, deck, or satellite dish.

12.01.04 Post-Permit Changes

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Department.

12.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS**12.02.01 Pre-Application Conference**

Prior to filing for development plan review, the developer shall meet with the Development Review Coordinator to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

12.02.02 Designation Of Plans As Minor Or Major Developments**A. Generally**

For purposes of these review procedures, all development plans shall be designated by the Coordinator as either Minor Development or Major Development according to the criteria below. Before submitting a development plan for review, the developer shall provide the Coordinator with sufficient information to make this determination. The Coordinator's determination shall be supported by written findings.

B. Major Development

A development plan shall be designated as a Major Development if it satisfies one or more of the following criteria:

1. The activity involves combined land and water area of which exceeds ten (10) acres.
2. The development is a residential project of ten (10) or more dwelling units per acre of land and water area, or of hundred (100) or more dwelling units.
3. The development involves more than twenty thousand (20,000) square feet of non-residential floor space.
4. Any development that the Director designates as a Major Development project because:
 - a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of 1, 2, or 3 above; or
 - b. The proposed development should be more thoroughly and publicly review because of its complexity, hazardousness, or location.
 - c. The proposed development is one which is likely to be controversial despite its small size, and should thus be more thoroughly and publicly reviewed.

C. Minor Development

A development plan shall be designated as a Minor Development if it is neither a Major Development nor a development exempt under SECTION 12.01.03 of this Article from the requirement of a development plan.

Section 12.06.04**12.02.03 Review Of Concept Plans**

- A. All Major Developments must be submitted to Concept Review. Minor Developments need not be submitted to Concept Review, but this review is recommended to Developers for proposals that may be controversial.
- B. The developer shall file a completed application and a Concept Plan as a prerequisite to obtaining Concept Review.
- C. Within five (5) working days of receipt of an application and Concept Plan, the Town shall:
 - 1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may submit an amended application within thirty (30) working days without payment of a re-application fee, but, if more than thirty (30) working days have elapsed, must thereafter re-initiate the application and pay an additional fee; or,
 - 2. Determine that the submittals are complete and proceed with the following procedures.
- D. The proposal shall be placed on the agenda of the next meeting of the Land Development Regulation Commission that allows the giving of required notice.
- E. Notice of Concept Review shall be mailed by the Town to the developer and all persons who, according to the most recent tax rolls, own property within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before Concept Review. The expense of this mailing shall be borne by the developer.
- F. A copy of the Concept Plan and notice of the time and date of the Concept Review shall be delivered to each member of the Land Development Regulation Commission. The members shall review the proposal and submit comments if any.
- G. The Land Development Regulation Cimmission shall consider:
 - 1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
 - 2. Whether the concurrency requirements of ARTICLE IV of this Code could be met if the development were built.
 - 3. The nature of the proposed development, including land

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use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.

4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
 5. Applicable regulations, review procedures, and submission requirements.
 6. Concerns and desires of surrounding landowners and other affected persons.
 7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.
- H. The Land Development Regulation Commission shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

12.02.04 Review Of Preliminary And Final Development Plans For Minor Developments

A. Option

1. The Developer of a proposed Minor Development may choose to submit the proposed development to both a preliminary and final review, or to a single final review.
2. If the developer chooses to submit to both a preliminary and final review, the procedures in B and C below shall be followed.
3. If the developer chooses to submit to a single final review, only the procedures of B below shall be followed.

B. General Procedures

1. The developer of a proposed Minor Development shall submit a Preliminary Development Plan or a Final

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Development Plan to the Town.

2. Within five (5) working days of receipt of a Plan, the Town shall:
 - a. Determine that the Plan is complete and proceed with the procedures below; or
 - b. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Plan within thirty (30) working days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee.
3. A copy of the plan shall be sent to each member of the Lane Development Regulation Commission. Each member shall review the proposal and submit written comments at the next meeting.
4. The Town shall review the Plan and determine whether the proposal complies with the requirements of this Code.
5. Within ten (10) working days of the meeting of the Land Development Regulation Commission, the Town shall:
 - a. Issue a Preliminary Development Order complying with SECTION 12.02.07 below if it was a Preliminary Development Plan that was reviewed;
 - b. Issue a Final Development Order complying with SECTION 12.02.08 below if it was a final development plan that was reviewed; or
 - c. Refuse to issue a Preliminary or Final Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

C. Approval of Final Development Plans

1. If the Developer chose to submit a Preliminary Development Plan for review, a Final Development Plan shall be submitted within six (6) months of approval of the Preliminary Plan. If this deadline is not met, the Preliminary Development Order expires.
2. Within fifteen (15) working days the Town shall determine whether the Final Development Plan should be approved or

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denied based on whether the plan conforms to the approved Preliminary Plan and the conditions, if any, imposed during preliminary review. The Town shall:

- a. Issue a Final Development Order complying with SECTION 12.02.08 below; or
- b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary Development Order.

12.02.05 Review Of Preliminary And Final Development Plans For Major Developments

A. Review Of Preliminary Development Plans

1. The developer shall, within six (6) months after completion of Concept Review, submit a Preliminary Development Plan to the Town. If more than six (6) months elapse, the developer must re-submit the plan for Concept Review.
2. Within five (5) working days of receipt of a Preliminary Development Plan, the Development Review Coordinator shall:
 - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) working days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
 - b. Determine that the plan is complete and proceed with the following procedures.
3. The Development Review Coordinator shall send a copy of the Preliminary Development Plan to each member of the Land Development Regulation Commission and shall place the plan on the agenda of the next meeting that allows giving, for at least fifteen (15) days, the following notices:
 - a. Mailed notice to the developer; and
 - b. Posted notice on the development site.
4. Each member shall submit written comments as to the proposed development's probable effect on the public

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facilities and services. Interested persons shall be given a reasonable opportunity to comment orally or in writing.

5. Within ten (10) to fifteen (15) working days giving notice to consider the plan and comments, the Coordinator shall issue a written report setting forth findings and conclusions to:
 - a. Issue a Preliminary Development Order complying with SECTION 12.02.07 below; or
 - b. Refuse to issue a Preliminary Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.
6. On the earliest available date that allows the giving of required notice, the Land Development Regulation Commission shall conduct an administrative hearing on the Preliminary Development Plan to determine whether the plan satisfies the requirements of this Code.
7. The Land Development Regulation Commission shall:
 - a. Issue a Preliminary Development Order complying with SECTION 12.02.07 below; or
 - b. Refuse to issue a Preliminary Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

B. Review Of Final Development Plans

1. The developer shall submit a Final Development Plan for review within the time period in which the Preliminary Development Order is valid.
2. Within twenty (20) working days the Coordinator shall determine whether the Final Development Plan should be approved or denied based on whether the plan conforms to the Preliminary Development Order.
3. The Coordinator shall:
 - a. Issue a Final Development Order complying with SECTION 12.02.07 below; or
 - b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the

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conditions imposed by the Preliminary Development Order.

12.02.06 Project Phasing

A Master Plan for the entire development site must be approved for a Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Development Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Plan for the first phase. A Preliminary and Final Development Plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

12.02.07 Required And Optional Contents Of Preliminary Development Orders

A. Required Contents

A Preliminary Development Order shall contain the following:

1. An approved Preliminary Development Plan (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the Preliminary Development Plan that must be made, in order for a Final Development Order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.
3. A listing of federal, state, and regional permits that must be obtained in order for a Final Development Order to be issued.
4. With regard to the concurrency management requirements in Article IV:
 - a. The initial determination of concurrency.
 - b. The time period for which the preliminary development order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a final development

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order is submitted prior to the expiration date of the preliminary development order.

- c. Notice that the Preliminary development order does not constitute a Final Development Order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a Final Development Order.
- d. Notice that issuance of a Preliminary Development Order is not binding with regard to decisions to approve or deny a Final Development Order, and that it does not constitute a binding commitment for capacity of a facility or service.

B. Optional Contents

A Preliminary Development Order may include one or more of the following as conditions of approval:

- 1. Agreement by the Developer in a recordable written instrument running with the land that no Final Development Order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
- 2. Commitment by the Developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
- 3. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
- 4. Such other conditions as may be required by the Development Review Board to ensure that concurrency will be met for all applicable facilities and services.

12.02.08 Required And Optional Contents Of Final Development Orders

A. Required Contents

A Final Development Order shall contain the following:

- 1. A determination that, where one was required, a valid Preliminary Development Order exists for the requested development.

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2. An approved Final Development Plan with findings and conclusions.
3. A determination that all conditions of the Preliminary Development Order have been met.
4. If modifications must be made to the development plan before a Final Development Order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A Final Development Order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
6. A commitment by city commit to the following:
 - a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject final development order expires or is rescinded prior to the issuance of a certificate of occupancy.
 - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

B. Optional Contents

A Final Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
3. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
4. A bond in the amount of 110% of the cost of services or facilities that the applicant is required to construct, contract for construction, or otherwise provide.

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5. Such other conditions as may be required to ensure compliance with the concurrency requirement.

1.02.09 Notice

Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this Code shall be obtained from the records of the County Tax Collector. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements of this Code.

12.02.10 Administrative Hearing

Each administrative hearing shall conform to the following procedures, as supplemented by law, rule or decision.

A. Burden And Nature Of Proof

The applicant for any development permit must prove by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.

B. Order Of Proceedings

1. The Land Development Regulation Commission shall:
 - a. Determine whether it has jurisdiction over the matter.
 - b. Determine whether any member must abstain or is disqualified.
2. The Board may take official notice of known information related to the issue, including:
 - a. State law and applicable ordinances, resolutions, rules and official policies of the city.
 - b. Other public records and facts judicially noticeable by law.
3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The Board may take notice without prompting or suggestion of matters listed in paragraph 2 above and shall state all matters officially noticed for the record.

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4. Board members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the view in the record.
5. Staff, the developer, and interested persons may present information. The Board may approve or deny a request from a person attending the hearing to ask a question. Unless the Board specifies otherwise, if the request to ask a question is approved, the Board will direct the question to the person submitting testimony.
6. Before the hearing has concluded, the Board shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.

C. Findings And Order

Unless the Board and the developer agree to an extension, the Board shall, within ten (10) working days of the hearing, prepare an order including:

1. A statement of the applicable criteria and standards against which the proposal was tested.
2. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
3. The reasons for a conclusion to approve, conditionally approve, or deny.

D. Record Of Proceedings

1. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the Board.
2. The Board shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.
3. The findings and order shall be included in the record.

12.02.11 Submittals**A. Application**

Applications for development review shall be available from the Town. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. General Plan Requirements

All Preliminary and Final Development Plans submitted pursuant to this Code shall conform to the following standards:

1. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the Coordinator determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The trim line sheet size shall be twenty-four (24) inches by thirty-six (36) inches. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
 - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
 - b. A complete legal description of the property.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address, and telephone number of

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those individuals responsible for the preparation of the drawing(s).

- e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
 - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
 - g. The area of the property shown in square feet and acres.
5. Seven (7) copies of the submittal shall be required.
6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

C. Concept Plan

Each Concept Plan shall show:

- 1. Existing Conditions
 - a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
 - b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
 - c. Contour lines at five (5) foot intervals.
 - d. All water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types and vegetative cover.
 - e. The approximate location of Protected

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Environmentally Sensitive Zones and Restricted Development Zones as established in ARTICLE V of this Code.

- f. Existing land use/zoning district of the parcel.
- g. A depiction of the abutting property within four hundred (400) feet of the proposal, not including public right of way in the measurement, showing:
 - (1) Land uses and locations of principal structures and major landscape features.
 - (2) Densities of residential use.
 - (3) Traffic circulation systems.
- h. Location of proposed development in relation to any established urban service areas.

2. Proposed Development Activities And Design

- a. The approximate location and intensity or density of the proposed development.
- b. A general parking and circulation plan.
- c. Points of ingress to and egress from the site vis a vis existing or planned public or private road rights-of-way, pedestrian ways, or bicycle paths, and proposed access points to existing or planned public transportation facilities.
- d. Existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public water management systems.
- e. Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
- f. Proposed open space areas on the development site and types of activities proposed to be permitted on them.
- g. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.

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- h. A description of how the plan mitigates or avoids potential conflicts between land uses.
- i. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.

D. Preliminary Development Plan

A Preliminary Development Plan shall include the information required in a Concept Plan plus the following additional or more detailed information:

- 1. Existing Conditions
 - a. A recent official aerial photograph encompassing the project area and identifying the project area and total land areas.
 - b. A list of soils on the site (existing U. S. Soil Conservation Service maps are acceptable).
 - c. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number noted. This information shall be summarized in tabular form on the plan.
 - d. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.
 - e. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
 - f. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.
 - g. A map showing the locations of any soil borings or percolation tests as may be required by this Code. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or exfiltration (detention with filtration) designs.

- h. A depiction of the site, and all land within four hundred (400) feet of any property line of the site, showing the locations of Protected Environmentally Sensitive Zones and Restricted Development Zones.
 - i. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
 - j. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.
 - k. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.
 - l. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
2. Proposed Development Activities And Design
- a. Generally
 - (1) Area and percentage of total site area to be covered by an impervious surface.
 - (2) Grading plans specifically including perimeter grading.
 - (3) Construction phase lines.
 - b. Buildings And Other Structures
 - (1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
 - (2) Front, rear and side architectural elevations of all buildings.
 - (3) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.

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(4) Minimum floor elevations of buildings within any 100-year floodplain.

(5) The location, dimensions, type, composition, and intended use of all other structures.

c. Potable Water And Wastewater Systems

(1) Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.

(2) The boundaries of proposed utility easements.

(3) Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.

(4) Exact locations of onsite and nearby existing and proposed fire hydrants.

d. Streets, Parking And Loading

(1) The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.

(2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on site traffic flow.

(3) The location of all exterior lighting.

(4) The location and specifications of any proposed garbage dumpsters.

(5) Cross sections and specifications of all proposed pavement.

(6) Typical and special roadway and drainage sections and summary of quantities.

e. Tree Removal And Protection

(1) All protected trees to be removed and a statement of why they are to be removed.

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(2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

(3) A statement of the measures to be taken to protect the trees to be retained.

(4) A statement of tree relocations and replacements proposed.

f. Landscaping

(1) Location and dimensions of proposed buffer zones and landscaped areas.

(2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

g. Stormwater Management

(1) A Water Management District permit when required.

(2) A description of the proposed stormwater management system, including:

(a) Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.

(b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.

(c) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.

(d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.

(e) Linkages with existing or planned stormwater management systems.

(f) On- and off-site right-of-ways and easements for the system including locations and a statement

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of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.

(g) The entity or agency responsible for the operation and maintenance of the Stormwater Management System.

(3) The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

h. Environmentally Sensitive Lands

(1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Protected Environmentally Sensitive Zone or Restricted Development Zone.

(2) Detailed statement or other materials showing the following:

(a) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

(b) The distances between development activities and the boundaries of the Protected Environmentally Sensitive Zones.

(3) The manner in which habitats of endangered and threatened species are protected.

i. Signs

(1) Two drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the building official by a licensed sign contractor for standard signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of

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this Code and the building and electrical codes adopted by the city. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

(2) For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

(a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

(b) All regulated trees that will be damaged or removed for the construction and display of the sign.

(c) The speed limit on adjacent streets.

(3) For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

(a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

(b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

(c) A building elevation or other documentation indicating the building dimensions.

j. Subdivision

Proposed number, minimum area and location of lots, if development involves a subdivision of land.

k. Land Use And Dedications

(1) Location of all land to be dedicated or reserved for all public and private uses including

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rights-of-way, easements, special reservations, and the like.

(2) Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

(3) The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.

(4) Location of proposed development in relation to any established urban service areas.

1. Wellfield Protection

Location of onsite wells, and wells within one thousand (1,000) feet of any property line, exceeding 100,000 gallons per day.

m. Historic And Archaeologic Sites

The manner in which any officially designated historic and archaeologic sites on the site, or within one thousand (1,000) feet of any boundary of the site, will be protected.

E. Final Development Plan

A Final Development Plan shall include the information required in a Preliminary Development Plan plus the following additional or more detailed information:

1. A metes and bounds description of lands to be subdivided, from which and without reference to the plat, the starting point and boundary can be determined.

2. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit," "replat," "amended," and the like. The name of the development shall be indicated on every page.

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3. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout several additions.
4. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."
5. All contiguous properties shall be identified by development title, plat book, and page, or if the land is unplatted, it shall be so designated. If a subdivision to be platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. All abutting existing easements and rights-of-way must be indicated. The abutting existing rights-of-way must be indicated to the center line.
6. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.
7. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the city/county or any other public agency.
8. All man-made lakes, ponds, and other man-made bodies of water excluding retention/detention areas shown on the final development plan shall be made a part of adjacent private lot(s) as shown on the final plat. The ownership of these bodies of water shall not be dedicated to the public unless approved by the city.

F. Master Plan

A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:

1. A Concept Plan for the entire Master Plan area.

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2. A Development Plan for the first phase or phases for which approval is sought.
3. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
4. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
5. Number, height and type of residential units.
6. Floor area, height and types of office, commercial, industrial and other proposed uses.
7. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
8. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
9. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
10. A vicinity map of the area within one (1) mile surrounding the site showing:
 - a. Land use designations and boundaries.
 - b. Traffic circulation systems.
 - c. Major public facilities.
 - d. Municipal boundary lines.
 - e. Urban service area boundaries.
11. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Director.

Section 12.06.04**12.02.12 Platting****A. Generally**

Where proposed Minor or Major development includes the subdivision of land, the final approval of the development plan by the Land Development Regulation Commission shall be made contingent upon approval by the Town Council of a plat conforming to the development plan.

B. Filing With Department

After receiving plat-contingent final development plan approval, the developer shall submit to the Town a plat conforming to the development plan and the requirements of Chapter 177, Florida Statutes. Alternatively, the developer may submit a plat at any point in the development review process.

C. Review By Coordinator or Engineer

The Coordinator or Town engineer shall, within five (5) working days of receiving the plat, determine whether the plat conforms to the approved development plan and the requirements of Chapter 177, Florida Statutes. If the Department determines that the plat so conforms, it shall place the plat on the next available consent agenda of the Town Council Commission allowing for required notice. If it does not conform, the Department shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be resubmitted for approval.

D. Review By Town Council

Review of the plat by the Town Council shall be strictly limited to whether the plat conforms to the requirements of Chapter 177, Florida Statutes. A conforming plat shall be approved and the Department shall forthwith issue the development order allowing development to proceed. The Town Council shall return nonconforming plats to the developer with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

12.02.13 Guarantees And Sureties**A. Applicability**

1. The provisions of this section apply to all proposed developments in the city, including private road subdivisions.

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2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article IV of this Code.
3. This section does not modify existing agreements between a developer and the city or county for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreements Required

The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 - a. Estimate prepared and provided by the applicant's engineer.
 - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.

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6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the city.

C. Amount And Type Of Security

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the Land Development Regulation Commission.
2. Security requirements may be met by but are not limited to the following:
 - a. Cashiers check
 - b. Certified check
 - c. Developer/Lender/Town Agreement
 - d. Interest Bearing Certificate of Deposit
 - e. Irrevocable Letters of Credit
 - f. Surety Bond
3. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commiserate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.
4. Standard forms are available from the Town Attorney's office and approved by the Town Council.

D. Completion Of Improvements

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the Town Engineer. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.
2. As required improvements are completed and accepted, the

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developer may apply for release of all or a portion of the bond consistent with the requirement in Section 12.02.13.C.3 above.

E. Maintenance Of Improvements

1. A maintenance agreement and security shall be provided to assure the town that all required improvements shall be maintained by the developer according to the following requirements:
 - a. The period of maintenance shall be a minimum of three (3) years.
 - b. The maintenance period shall begin with the acceptance by the town of the construction of the improvements.
 - c. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.
 - d. The original agreement shall be maintained by the Town.
2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the town a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of Ch. 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
 - c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the Town Attorney.
3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the town shall be created by covenants running with

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the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the town.

12.03.00 PROCEDURE FOR OBTAINING A MINOR REPLAT**12.03.01 Review By Department****A. Generally**

The Department may approve a Minor Replat that conforms to the requirements of this Part.

B. Submittals

The Department shall consider a proposed Minor Replat upon the submittal of the following materials:

1. An application form provided by the Department accompanied;
2. Three (3) paper copies of the proposed Minor Replat;
3. A statement indicating whether water and/or sanitary sewer service is available to the property; and
4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

C. Review Procedure

1. The Coordinator shall transmit a copy of the proposed Minor Replat to the Town Council for review and comments.
2. If the proposed Minor Replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the Coordinator shall approve the Minor Replat by signing the application form.

D. Recordation

Upon approval of the Minor Replat, the Department shall record the replat on the appropriate maps and documents, and shall,

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at the developer's expense, record the replat in the official county records.

12.03.02 Standards And Restrictions**A. Standards**

All Minor Replats shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot width for the zoning district/category where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

B. Restriction

No further division of an approved Minor Replat is permitted under this section, unless a development plan is prepared and submitted in accordance with this Article.

12.04.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS**12.04.01 Application**

Application for a Development Permit shall be made to the Levy County Department of Planning and Development on a form provided by the Department and may be acted upon by the Department without public hearing or notice, provided the Town has authorized the proposed use.

12.04.02 Review And Issuance By Department

Permits shall be authorized only when in compliance with all applicable parts of this code.

12.05.00 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN**12.05.01 State Law Controlling**

The procedures in this part shall be followed in amending this Code

12.05.02 Application

Any person, board or agency may apply to the Department to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by the Department.

12.05.03 Amending This Code

The Coordinator shall refer applications to amend this Code to the Development Review Board for comment. The Director shall set the application for hearing before the Planning Board upon receipt of comments from the Development Review Board, or sixty (60) days from the date the application was referred to the Development Review Board, whichever comes first.

12.05.04 Amending The Comprehensive Plan

Applications to amend the Comprehensive Plan shall be set for hearing before the Planning Board.

12.05.05 Recommendation Of Planning Board

The Planning Board shall hold a legislative hearing on each application to amend this Code or the Comprehensive Plan and thereafter submit to the Town Council Commission a written recommendation which:

- A. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
- B. States factual and policy considerations pertaining to the recommendation.
- C. In the case of proposed amendments to this Code, includes the written comments, if any, received from the Development Review Board.

12.05.06 Decision By City/County Commission

The Town Council shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

12.05.07 Legislative Hearing

Each legislative hearing shall conform to the following requirements:

Section 12.06.04**A. Notice**

Notice that complies with the requirements of state law shall be given.

B. Hearing

The public hearing shall as a minimum:

1. Comply with the requirements of state law.
2. Present the Department's analysis of the proposed decision.
3. Present the Department's summary of reports by other agencies.
4. Permit any person to submit written recommendations and comments before or during the hearing.
5. Permit a reasonable opportunity for interested persons to make oral statements.

12.06.00 PROCEDURE FOR APPEALING DECISIONS**12.06.01 *Appeals From Decisions Of The Department of Planning And Development***

A developer or any adversely affected person may appeal a final decision of the Department on an application for a development permit, development order, or a decision as to whether a development is a Minor Development or a Major Development. Appeals are made to the Hearings Division by filing a notice of appeal with the Department within thirty (30) working days of the decision.

12.06.02 *Appeals From Decisions Of The Development Review Board*

A developer, an adversely affected party, or any person who appeared orally or in writing before the Development Review Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan reached at the conclusion of an administrative hearing to the Hearings Division.

12.06.03 *Notice Of Appeal To Hearings Division*

The notice of appeal shall contain:

- A. A statement of the decision to be reviewed, and the date of the decision.
- B. A statement of the interest of the person seeking review.

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C. The specific error alleged as the grounds of the appeal.

12.06.04 Appellate Hearing

When a decision is appealed to the Hearings Division, the Hearing Officer assigned to hear the appeal shall conduct the hearing in compliance with the following procedures as supplemented where necessary:

A. Scope of Review

1. The Hearing Officer's review shall be limited to the record and applicable law.
2. The Hearing Officer shall have the authority to review questions of law only, including interpretations of this Code, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force. For this purpose, an allegation that a decision of the decision-maker is not supported by competent substantial evidence in the record as a whole is deemed to be a question of law. The Hearing Officer may not reweigh the evidence but must decide only whether any reasonable construction of the evidence supports the decision under review.

Section 12.06.04**B. Authority Of Hearing Officer**

A Hearing Officer shall have the authority:

1. To request briefs to be filed on behalf of any party and prescribe filing and service requirements.
2. To hear oral argument on behalf of any party.
3. To adjourn, continue, or grant extensions of time for compliance with these rules, either on his own motion or upon application of the party, provided no requirement of law is violated.
4. To dispose of procedural requests or similar matters including motions to amend and motions to consolidate.
5. To keep a record of all persons requesting notice of the decision in each case.

C. Improper Influence

1. No person who is party, nor a person who is reasonably likely to become a party in the near future, nor anyone appearing on behalf of a party, shall communicate ex parte, i.e. outside a hearing, with a Hearing Officer concerning any application pending or proposed, provided, however, a Hearing Officer may consider requests regarding scheduling of hearings when made in writing.
2. A person who accepts an appointment as a Hearing Officer is, for a period of two (2) years from the date of termination as a Hearing Officer, hereby expressly prohibited from acting as agent or attorney in any proceeding, application or other matter before any commission, board, agent or office of city/county government, involving property which was the subject of an application which was pending during the person's term as a Hearing Officer.
3. A Hearing Officer shall neither initiate nor consider ex parte, i.e. outside a hearing, communications concerning a pending or impending proceeding. A Hearing Officer, however, may obtain the advice of a disinterested expert on law, planning or other subject applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

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D. Decision Of Hearing Officer And Final Action

1. The Hearing Officer must affirm each contested decision or find it to be in error. The Hearing Officer shall prepare a written opinion stating the legal basis for each ruling.
2. When the Hearing Officer affirms a contested decision pertaining to a final action of a decision-maker, that action shall be deemed to be the final action of the decision-maker and shall be subjected to no further review under this Code. The Hearing Officer shall submit the opinion to the decision-maker, the parties, and the Department.
3. When the Hearing Officer finds any decision to be in error, that decision shall be referred back to the decision-maker for reconsideration in light of the Hearing Officer's opinion. If the decision-maker reaffirms the original decision, it shall be deemed to be the final action of the decision-maker and shall be submitted to no further review under this Code. Revised decisions of the decision-maker shall also be deemed to be final action of the decision-maker and shall be submitted to no further review under this Code, unless the revised decision raises issues of law not considered in the initial appellate hearing, in which case it may be appealed pursuant to the procedures in this Part. If the decision-maker takes no action within fifteen (15) days of the Hearing Officer's decision, the original decision of the decision-maker shall be deemed re-affirmed.

E Custody of Books and Papers

The Department of Planning and Development shall be the custodian of all documents including the application, the Hearing Officer's decision, and the record of the proceedings.

12.07.00 JUDICIAL REVIEW**12.07.01 Review Of Legislative Decisions**

A final legislative action of the Town Council may be reviewed in a court of proper jurisdiction as prescribed by law.

12.07.02 Review Of Final Action Of A Hearing Officer

Final actions as defined in SECTION 12.07.04 D of this Code may be reviewed in a court of proper jurisdiction as prescribed by law.

Section 12.06.04**12.08.00 SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE AND APPELLATE DECISION-MAKERS****12.08.01 Challenges to Impartiality**

A party to an administrative or appellate hearing may challenge the impartiality of any member of the hearing body or of the Hearing Officer. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Director no less than forty-eight (48) hours preceding the time set for the hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

12.08.02 Disqualification

No member of a hearing body and no Hearing Officer shall hear or rule upon a proposal if:

- A. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
- B. The decision-maker owns property within the area entitled to receive notice of the hearing; or
- C. The decision-maker has a direct private interest in the proposal; or
- D. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

**12.08.03 Participation By Interested Officers
Or Employees**

No officer or employee of the city who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the hearing body or Hearing Officer on the proposal without first declaring for the record the nature and extent of the interest.

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12.08.04 Ex Parte Contacts

Administrative decision-makers shall reveal any pre-hearing or ex parte, i.e. outside the hearing, contacts with regard to any matter at the commencement of the hearing on the matter. Typical pre-application discussions that do not dwell upon the particulars of the proposal are presumed and need not be stated. If the decision-maker's impartiality or ability to vote on the matter has been impaired, the decision-maker shall so state and shall abstain from participation in the decision. Appellate decision-makers shall have no ex parte contacts.

12.08.05 Involuntary Disqualification

A majority of the members of a hearing body present and voting may for reasons prescribed by the Code or other applicable law vote to disqualify a member who has refused to disqualify himself.

12.08.06 Rights Of Disqualified Member Of The Hearing Body

- A. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.
- B. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.
- C. If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be re-qualified and proceed to resolve the issues.
- D. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

12.09.00 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS**12.09.01 Definitions****A. Minor Deviations**

A minor deviation is a deviation from a Final Development Plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

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1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

B. Major Deviations

A major deviation is a deviation other than a Minor Deviation, from a Final Development Plan.

12.09.02 On-Going Inspections

A. Inspection

The Department shall implement a procedure for periodic inspection of development work in progress to insure compliance with the Development Permit which authorized the activity.

B. Minor Deviations

If the work is found to have one or more Minor Deviations, the Department shall amend the Development Order to conform to actual development. The Department may, however, refer any Minor Deviation that significantly affects the development's compliance with the purposes of this Code to the Development Review Board for treatment as a Major Deviation.

C. Major Deviations

1. If the work is found to have one or more Major Deviations, the Department shall:
 - a. Place the matter on the next agenda of the Development Review Board, allowing for adequate notice, and recommend appropriate action for the Board to take.
 - b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Department determines that work or occupancy may proceed pursuant to the decision of the Development Review Board.

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- c. Refer the matter to the Code Inspector, if it appears that the Developer has committed violations within the jurisdiction of the Code Enforcement Board.
- 2.. The Development Review Board shall hold a public hearing on the matter and shall take one of the following actions:
 - a. Order the developer to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time. The Development Order or Permit may be revoked if this order is not complied with.
 - b. Amend the Development Order or Permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
 - c. Revoke the relevant Development Order or Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Order or Permit should not be amended to accommodate the deviations.

D. Action Of Developer After Revocation Of Development Order

After a Development Order or Permit has been revoked, development activity shall not proceed on the site until a new Development Order or Permit is granted in accordance with procedures for original approval.

12.09.03 Application For Certificate Of Occupancy

Upon completion of work authorized by a Development Permit or Development Order, and before the development is occupied, the developer shall apply to the Department for a Certificate of Occupancy. The Department shall inspect the work and issue the Certificate if found to be in conformity with the Permit or Order.

Section 12.06.04**12.10.00 ENFORCEMENT OF CODE PROVISIONS****12.10.01 Generally**

The Town may designate a Code Enforcement Officer who shall enforce this Code in accordance with Chapter 162, Part II, Florida Statutes.

12.10.02 Enforcement Procedures

- A. The appointed Code Enforcement Officer, who may be the contractual building official, may issue a citation when reasonable cause exists to believe that a person has committed an act in violation of a code or ordinance. Said citation shall be in the form and contain that information required by Florida Statute 162, Part II. Any person who willfully refuses to accept to sign a citation shall be guilty of a misdemeanor of the second degree.
- B. Any citation may be contested in county court.
- C. A code or ordinance violation is a civil infraction.
- D. A maximum civil penalty of \$500 shall apply.
- E. A minimum civil penalty of \$100 shall apply when the person who has committed the civil infraction does not contest the citation and remedies the cause within a reasonable time, when applicable.

12.10.03 Other Penalties And Remedies**A. Generally**

If the Department determines that the code enforcement process delineated above would be an inadequate response to a given violation, it may pursue the following penalties and remedies, as provided by law.

B. Civil Remedies

If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Director, through the Town Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct, or abate the violation.

C. Criminal Penalties

Any person who violates any provision of this Code shall be