

# CITY OF ARCHER

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## LAND DEVELOPMENT CODE

*Adopted*

August 24, 1992 by Ordinance No. 283-92

*Amended*

July 27, 1998 by Ordinance No. 3-98  
August 9, 1999 by Ordinance No. 5-99  
October 25, 1999 by Ordinance No. 7-99  
July 10, 2000 by Ordinance No. 4-2000  
November 26, 2001 by Ordinance No. 8-2001  
December 9, 2002 by Ordinance No. 14-2002  
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July 13, 2020 by Ordinance No. 06-2020  
August 10, 2020 by Ordinance No. 07-2020  
November 9, 2020 by Ordinance No. 10-2020  
January 11, 2021 by Ordinance No. 12-2020

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Prepared for  
City Commission

Prepared by  
Local Planning Agency

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# **LAND DEVELOPMENT CODE**

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## ARTICLE I

### INTRODUCTION

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## **ARTICLE I**

### **INTRODUCTION**

#### **SECTION 1 - TITLE AND SCOPE**

##### **1.01 ZONING ORDINANCE**

Sections one through thirty (30) shall be known as the Archer Zoning Ordinance and shall be referred to in the text as "this land development code". This land development code shall apply to the entire incorporated area of the City, Florida.

##### **1.02 GOAL**

It is the goal of this land development code to encourage and promote, in accordance with present and future needs, the aesthetic, safety morals, health, order, convenience, prosperity, and general welfare of the citizens of the City.

##### **1.03 OBJECTIVES**

To achieve the goal, this land development code is designed to accomplish the following objectives:

1. Protect the character and maintain the stability of residential, commercial, and industrial areas;
2. To conserve the value of land, buildings and resources;
3. To provide for efficiency and economy in the process of development;
4. To provide for the appropriate use of land;
5. To regulate the use and occupancy of buildings, land and water;
6. To protect historical resources and to assure that future development be in scale with those resources;
7. To enhance the beauty and visual interest of the community;
8. To provide efficient traffic circulation, parking, and circulation of people.

#### **SECTION 2 - DEFINITIONS**

##### **2.01 DEFINITIONS**

The following definitions shall apply for the purpose of interpreting this land development code:

**ACCESSORY USE OR STRUCTURE:** An accessory use or structure is a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership where a building is attached to the principal building, it shall be a part thereof, and not an accessory building.

**AGRICULTURAL USE.** A use characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, silviculture (including the harvesting of timber) and similar uses. The term "agriculture" does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. The term "agriculture" does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and ongoing agricultural activity within thirty (30) days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

**AUTOMOTIVE SERVICE AND SELF-SERVICE STATION.** An establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. In addition, an automotive service station may provide accessory facilities for car washing and polishing and may render minor repair services. However, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, tire recapping or re-grooving, storage of automobiles not in operating condition, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations are prohibited. An automotive service station is not a repair garage, a body shop, truck stop or a car wash.

For the purposes of this Land Development Code, an automotive self-service station is an establishment where motor fuel pumps are erected for the purpose of dispensing motor fuel at retail primarily for automobiles, but does not include minor automotive repair or the outside display of batteries tires and automobile accessories nor additional services which are customarily associated with an automotive service station.

Where such motor fuel pumps are erected in conjunction with a use which is herein described as an automotive self-service station, each use shall be considered as a separate principal use and as such, each must meet all applicable requirements of this Land Development Code (see Section 21.72 for special design standards for automotive service and self-service stations).

**BED AND BREAKFAST INN:** One (1) dwelling unit with two (2) to twelve (12) rooms for rent on a temporary basis (usually by the day or week). The building shall be listed as contributing in the Archer local Historic register (see Section 18.05.1).

**BED AND BREAKFAST RESIDENCE** One (1) dwelling unit with one (1) to four (4) rooms for rent on a temporary basis, usually by the day or week. The dwelling unit shall be a structure listed as contributing in the Archer local Historic register (see Section 18.05.1).

**BUFFER:** See Section 24.09

**BUILDING:** A structure intended for occupancy, shelter or storage.

**CARETAKER'S RESIDENCE.** A use of a dwelling unit by the proprietor or manager of an industry or business or a community or religious establishment which is carried on upon the same allotment or by a person having the care of the building, plant or site of such industry, business or establishment.

**CHILD CARE CENTER.** An establishment where six (6) or more children, other than members of the family occupying the premises, are cared for during the day. The term includes day nurseries, kindergartens, day care services, nursery school or play school. See Section 21.74.

**CHILD CARE CENTER, OVERNIGHT.** An establishment where six (6) or more children, other than members of the family occupying the premises, are cared for not only during the day but overnight. An overnight child care center provides full overnight sleeping facilities for such children

**CHILD CARE HOME:** A home for the care of not more than nine unrelated children, and occupied by not more than two (2) adults.

**CITY:** City of Archer, Florida.

**CITY MANAGER:** City Manager of the City of Archer, Florida.

**CITY COMMISSION:** City Commission of the City of Archer, Florida.

**COLUMBIARIUM.** A structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains.

**COMMUNITY RESIDENTIAL HOME ONE TO SIX (1-6) PERSONS.** A home of six (6) or fewer residents which otherwise meet the definition of a Community Residential Home Seven to Fourteen (7-14) Persons (see Community Residential Home Seven to Fourteen (7-14) Persons. Community Residential Home One to Six (1-6) Persons shall be deemed a single-family unit and a noncommercial, residential use for the purposes of this Land Development Code. See Section 19.03.

**COMMUNITY RESIDENTIAL HOME SEVEN TO FOURTEEN (7-14) PERSONS.** A dwelling unit licensed to serve clients of the Florida Department of Children and Family Services, which provides a living environment for seven to fourteen (7 to 14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. See Section 19.03.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the City of Archer, Florida as adopted pursuant to the requirements of Chapter 163, Florida Statutes, as amended.

**CONGREGATE LIVING FACILITY:** An establishment where lodging is provided for four or more persons who are not a family or for three or more roomers or boarders, in which residents may share common sleeping or kitchen facilities; it shall include the terms Adult Congregate Living Facility (ACLF) and Association for Retarded Citizens (ARC).

**CONVENIENCE STORES.** An establishment for the retail sale of consumable goods and may include sit-down restaurant areas.

**CONVENIENCE STORES WITH RETAIL GASOLINE SALES.** An establishment for the retail sale of consumable goods (may include sit-down restaurant areas) that is also used for the retail sale of gasoline, diesel, propane, hydrogen or other fuels intended for use in motor vehicles.

**CURB BREAK:** See Section 21.03.

**DAY CARE CENTER OR NURSERY.** See Child Care Center.

**DEVELOPER:** Any person who engages in or proposes to engage in a development activity either as the owner or as the agent for an owner of property.

**DEVELOPMENT ORDER:** A zoning permit, conditional use permit, building permit, or final approval of any subdivision plat.

**DEVELOPMENT OR DEVELOPMENT ACTIVITY:** Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining or drilling or otherwise significantly disturbing the soil of the 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 three or more parcels.
4. A tree removal for which authorization is required under this regulation.
5. Erection of a sign for which authorization is required under this land development code.
6. Alteration of a historic property for which authorization is required under this land development code.
7. Changing the use of the sites so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

**DRY CLEANER, LAUNDROMAT.** A business that provides noncommercial clothes washing and drying or ironing machines to be used by customers on the premises.

**DUPLEX.** A residential building containing two (2) dwelling units designed for or occupied by two (2) families, with the number of families in residence not exceeding one (1) family per dwelling unit.

**FUNERAL HOMES.** A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial.

**HISTORIC PRESERVATION BOARD:** Historic Preservation Board of the City, Florida.

**HOME OCCUPATION:** An occupation conducted entirely within a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. 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 thereof;
3. 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 as may be permitted by this land development code.
4. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage, or similar space not suited or intended for occupancy as living quarters. No traffic shall be generated by such home 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 operation shall be met off the street and other than in the required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, detectible to the normal senses off the premises;

**LOT:** A portion of a subdivision or any parcel of land intended as a unit for building development or for transfer of ownership or both. For the purposes of this land development code, a lot shall be of at least sufficient size

1. To meet minimum zoning requirements for use, coverage, area, and
2. To provide such yards and open spaces as are herein required (provided that certain nonconforming lots of record are exempted from certain provisions of this land development code).

The term "lot" includes the words "plot, parcel, tract, or site."

**LOT FRONTRAGE:** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street shall be considered frontage, and yards shall be provided as set out in this land development code. All lots shall front on and abut a public street for the full width of the lot unless otherwise specifically provided for in this land development code.

**LOT MEASUREMENT, DEPTH:** Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points on the side lot lines in front and the rearmost points of the side lot lines in the rear.

**LOT MEASUREMENT, WIDTH:** Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rear most points of the side lot lines in the rear, provided, however, that the width between the side lot lines at their foremost points in front shall be not less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall be not less than sixty (60) percent of the required lot width.

**MEDICAL MARIJUANA.** All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-tetrahydrocannabinol (THC) cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

**MOBILE HOME:** A mobile home meeting or exceeding the requirements of Section 320.823, Florida Statutes, as amended, and providing each of the following:

1. The width is no less than twenty five (25) percent of the total length;
2. The pitch of the home's roof has a minimal vertical rise of one (1) foot for each five (5) feet of horizontal run;
3. The roof is finished with a type of material commonly used in standard residential construction;
4. The exterior siding consists of wood, hardboard or aluminum comparable in composition, appearance, and durability to exterior siding commonly used in standard residential construction;
5. A continuous, permanent masonry skirting, unpierced except for required ventilation and access, shall completely enclose the area between the floor line of the mobile home and the ground; and
6. All towing equipment, including tongue, axles, wheels, transporting lights, etc., shall be removed.

**MOBILE HOME PARK:** A parcel of land under single ownership or management which is operated as a business engaged in providing for the parking of mobile homes to be used for non-transient living and sleeping purposes, and where lots are offered only for rent or lease, and including customary accessory uses such as owners' and managers' living quarters, laundry facilities, and facilities for parks and recreation.

**MODULAR HOME:** A manufactured building meeting the requirements of Florida Statute 553, placed on a permanent foundation, with the area between the base of the modular home and the ground fully enclosed by permanent skirting material.

**MOVIE THEATER.** An indoor place where people go to watch movies for entertainment.

**MULTIFAMILY RESIDENCES:** One (1) building under one (1) roof containing three (3) or more dwelling units.

**NURSERY SCHOOL.** See Child Care Center.

**OPEN-AIR MARKETS.** A business operation consisting of more than one (1) independent vendor who is allocated space and does business on the premises and is not in charge of the premises, and where goods and/or services are offered for sale or exchange at retail to the general public, either indoors or outside or both, including but not limited to antiques, curios, new and used merchandise, equipment, appliances and other goods and wares (excluding yard sales, auctions, pawn brokers and retail business establishments, and the like), where sales are made to the general public by the individual vendor who leases space where such sales are made.

**PLANNING AND ZONING BOARD:** Planning and Zoning Board of the City of Archer, Florida.

**PROFESSIONAL OFFICE:** An office for the use of a person or person's generally classified as professional such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians (but not including boarding of animals on premises, except as a part of treatment and only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally to an offering of consultive services.

**RETAIL SALES.** A business that provides goods for the surrounding community including, but not limited to, the sale of lumber, hardware, building materials, photo supplies, sporting goods, hobby supplies, pet supplies, home furnishings, and office equipment as well as low intensity retail establishments.

**ROOMING HOUSE BOARDING HOUSE:** One (1) dwelling unit with two (2) to five (5) rooms for rent, generally on a weekly or monthly basis.

**SHORT-TERM RENTAL.** An occupancy of a living unit of any type for a period of less than ninety (90) days or three (3) calendar months. Vacation or short-term rentals, such as Airbnb, Vacation Rentals By Owner (VRBO) and the like are considered transient uses if the rental period is less than ninety (90) days or three (3) calendar months.

**SINGLE-FAMILY RESIDENTIAL.** A single residential building that is situated on one (1) lot, contains one (1) dwelling unit, and is not attached to any other dwelling unit by any means. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

**SIGN:** See definitions relating to signs at Section 23.01.

**SITE BUILT HOME:** A residential building primarily constructed on site in accordance with applicable building regulations adopted by the City and meeting the following requirements:

1. The width is no less than twenty five (25) percent of the total;
2. The pitch of the home's roof has a minimal vertical rise of one (1) foot for each five (5) feet of horizontal run;
3. A continuous permanent masonry skirting, unpierced except for required ventilation and access, shall completely enclose the area between the floor line of the home and the ground.

**SOLAR POWER GENERATION FACILITY.** An assembly of equipment and components that has the primary purpose of converting sunlight into electricity by photovoltaic effect and has the capability of storing or transferring the electricity. See Section 21.75.

**SPECIAL EVENTS.** An organized, temporary activity or series of temporary activities held outdoors, on public property or private property that is inconsistent with the legal use of the property under this Land Development Code and open to the public by advertisement or invitation, with or without charge.

**STRUCTURE:** Anything constructed or erected including but not limited to buildings, walls, fences, signs and swimming pools.

**SUBDIVISION:** See Section 22.03.

**TEMPORARY EMERGENCY RESIDENCES.** A temporary dwelling unit used following the destruction or severe damage of a permanent dwelling unit following fire or other natural disaster while the permanent dwelling is being repaired or rebuilt.

**WHOLESALE SALES.** Sale of goods for resale, or the sale of goods produced or processed from raw or primary materials on the premises, or the sale of construction materials which require bulk delivery of the product.

## **SECTION 3 - NONCONFORMITIES**

### **3.01 INTENT**

1. There may exist lots, structures, and uses of both, and characteristics of both which were lawful before this land development code was adopted, but which would be prohibited or restricted under the terms of this ordinance.
2. It is the intent of this land development code to permit these nonconformities to continue until they are voluntarily removed or removed under the requirements of this land development code. Nonconformities shall not be enlarged upon, expanded, intensified or extended.
3. It is further the intent of this land development code to permit greater leeway in the renovation and repair of certain nonconformities to promote the safety and general appearance and to avoid the deterioration and shabby appearance that can come from longer term nonconformities.

### **3.02 NONCONFORMING LOTS OF RECORD**

1. This Section 3.02 shall apply only to nonconforming lots which have no substantial structures upon them and are considered to be undeveloped. A change in use of a developed nonconforming lot shall be governed by Section 3.04.
2. Where a nonconforming lot of record lawfully exists at the effective date of this land development code, and when a nonconforming lot of record can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the minimum lot size required by the district within which it is located, then the lot may be used as proposed just as if it were conforming.
3. When the proposed use for a nonconforming lot conforms in all other respects except setback requirements, then the City Commission may allow deviations from the applicable setback requirements upon its finding that:
  - a. The property cannot be utilized as proposed without such deviations;
  - b. The deviations are necessitated by the size or shape of the nonconforming lot, and
  - c. The property can be developed as proposed without any significant adverse impact on surrounding properties, public health, or safety.

Compliance with applicable building setback requirements is not reasonably possible if the building that serves the needs of the use proposed for the nonconforming lot cannot practically be constructed and located on the lot in conformity with setback requirements. Mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

4. If, on the date this land development code shall take effect, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to nonconforming lots if such combination of nonconforming lots would be out of character with the way the neighborhood has previously been developed and presently exists.

### **3.03 NONCONFORMING USES OF LAND**

Where lawful use of land exists, which would not be permitted by the provisions of this land development code, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased, intensified or extended to occupy a greater area of the land than was occupied at the effective date of this land development code.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this land development code.
3. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this land development code for the district in which such land is located.
4. No structures shall be added on such land except for the purposes and in a manner conforming to the regulations for the district for which such land is located.

### **3.04 NONCONFORMING STRUCTURES**

1. Where a structure exists lawfully at the effective date of this land development code, that could not be built under this land development code by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion may be altered to decrease its nonconformity.
  - b. Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of fifty (50) percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this land development code.
  - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district within which it is located after it is moved.
  - d. In addition to the foregoing, nonconforming signs shall not be:
    - (1) Continued in use when a conforming sign shall be erected on the same premises or unit;
    - (2) Continued in use when the structure housing the occupancy is demolished or required renovations, the cost of which exceeds fifty (50) percent of the assessed value of the structure;
    - (3) Continued in use after the structure housing the occupancy has been vacant for six (6) months or longer;
    - (4) Continued in use after the floor area of the structure housing the occupancy has been increased by more than ten percent;
    - (5) Continued in use after a change in use of the structure housing the occupancy;
    - (6) Continued in use when the sign face has been blank for twelve (12) months or longer.

Notwithstanding the provisions in subsection (1) above, any structure used for single family residential purposes and maintained as a nonconforming structure may be enlarged or replaced with a similar structure (even one of a larger size), so long as the enlargement or replacement does not create new nonconformities, or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

### 3.05 NONCONFORMING USES OF STRUCTURES

Where a lawful use of a structure or a structure and premises in combination would not be allowed in the district under the terms of this land development code, the lawful use may be continued so long as it remains otherwise lawful and subject to the following provisions:

1. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered without changing the use of the structure to a use permitted in the district in which it is located (except as provided in Section 3.04.2).
2. Any nonconforming use may be extended throughout any part of a building which is manifestly arranged or designed for such use at the effective date of this land development code. Any nonconforming use which occupies any portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to any land outside the building, or any additional building on the same lot or parcel, not used for such nonconforming use at the effective date of this land development code.
3. There may be a change in tenancy, ownership, or management of a nonconforming use providing there is no change in the nature or character of such nonconforming use.
4. Any nonconforming use of a structure or a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted nonconforming use provided the City Commission shall find, after due public notice and hearing, that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to the surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the City Commission may require appropriate conditions and safeguards in accordance with the intent and purpose of this land development code.
5. Any structure or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which such structure is located, and the nonconforming use shall not thereafter be resumed, nor shall any other nonconforming use be permitted.
6. If any nonconforming use of a structure or structure and premises in combination ceases for any reason (except where governmental action impedes access to the premises) for a period of more than six consecutive months, any subsequent use shall conform to the regulations of the district in which the use is located.
7. No structures shall be added on such premises except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
8. Should a structure containing a nonconforming use be destroyed by any means to the extent of more than fifty (50) percent of its replacement value at the time of destruction, its status as a nonconforming use shall be terminated and it shall not be reconstructed except in conformity with all provisions of this land development code (except as provided in Section 3.04(2)).

**3.06 NONCONFORMING CHARACTERISTICS OF USE**

If characteristics of use such as residential density, off street parking or off street loading, or other matters pertaining to the use of land, structures and premises, are made nonconforming by this land development code, no change shall thereafter be made in such characteristics of use which increases nonconformity with regulations set out in this land development code; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

**3.07 CASUAL, TEMPORARY OR ILLEGAL USE**

The casual, temporary or illegal use of land or structures, or land and structures in combination, shall not establish the existence of a nonconforming use or create rights in the continuance of such use.

**SECTION 4 - RESERVED**

**SECTION 5 - RESERVED**

## **ARTICLE II**

### **ADMINISTRATION AND PROCEDURES**

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## **ARTICLE II**

### **ADMINISTRATION AND PROCEDURES**

#### **SECTION 6 - ZONING ADMINISTRATION**

##### **PART I - ZONING ADMINISTRATOR**

###### **6.01 ZONING ADMINISTRATOR**

The City Manager, or Manager's designee, shall be the administrative official to be known as the Zoning Administrator and shall administer and enforce this land development code. The Zoning Administrator is authorized to act through aides and assistants in the performance of duties. The Zoning Administrator may request the assistance of any officer or agency of the City or any officer or agency contracting with the City for the provision of services.

###### **6.02 INTERPRETATION AND ENFORCEMENT OF ZONING ORDINANCE**

It is the intent of this land development code that questions of interpretation and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the City Commission only on appeal from a decision of the Zoning Administrator.

###### **6.03 RECORDS**

1. The Zoning Administrator shall maintain written records of all official actions relating to administration, and of all complaints and actions with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases, and the same shall be a public record.
2. The Zoning Administrator shall maintain a record of all Certificates of Appropriateness, Zoning Permits and Conditional Use Permits and copies shall be furnished upon request to any person.

##### **PART II - HISTORIC PRESERVATION BOARD**

###### **6.04 HISTORIC PRESERVATION BOARD: ORGANIZATION**

A Historic Preservation Board is hereby established.

1. The Historic Preservation Board shall consist of five registered voters of the City, who shall be appointed by the City Commission. The City Commission should, whenever possible, appoint a representative of each of the following areas of expertise:
  - a. History;
  - b. Real estate/real property appraisal;
  - c. Urban planning;
  - d. Architecture /engineering/building construction; and
  - e. Business operator in the historic district /property owner in the historic district.
2. No member of the Historic Preservation Board shall be a paid or elected official or employee of the City.
3. The term of office shall be for three (3) years; provided, however, that of the five (5) members first appointed to the Historic Preservation Board at the effective date of this land development code one shall be appointed for one (1) year; two (2) for two (2) years and two (2) shall be appointed for three (3) years; all appointments thereafter shall be for three (3) year terms.

4. Members of the Historic Preservation Board shall be removed from office for any of the following:
  - a. If the Historic Preservation Board member should cease to be a registered voter of the City; or
  - b. If a Historic Preservation Board member should have unexcused absences at two (2) consecutive regularly scheduled meetings; an absence may be excused by a majority vote of the Historic Preservation Board; or
  - c. By the City Commission after the filing of specific charges, a public hearing, and a majority vote of the City Commission. The City Commission shall determine what is "cause" and what factors determine it.
5. Vacancies in the Historic Preservation Board shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Historic Preservation Board to notify the City Commission within ten (10) days after any vacancy occurs.

**6.05 HISTORIC PRESERVATION BOARD: ALTERNATE ORGANIZATION**

In lieu of the procedure set forth in Section 6.04 above, the City Commission of the City may designate the Planning and Zoning Board to serve as the Historic Preservation Board. Such designation shall be made by resolution of the City Commission. If such designation should be made, organization shall be in accordance with provisions of Section 6.08 relating to organization of the Planning and Zoning Board.

**6.06 HISTORIC PRESERVATION BOARD: PROCEDURE**

1. The Historic Preservation Board may establish rules and regulations for its operation not inconsistent with the provisions of the applicable state statutes or of this land development code. Such rules and procedures shall be available in writing to persons appearing before the Historic Preservation Board and to the public.
2. The Historic Preservation Board shall elect from within the board a chairperson, who shall be the presiding member; a vice chairperson, who shall preside in the chairperson's absence; and a secretary. Terms of all elected officers shall be for one (1) year with eligibility for reelection.
3. The Historic Preservation Board shall hold regularly scheduled meetings. Special meetings may be held at the call of the chairperson, or upon the request of three (3) or more regular members. Three (3) members shall constitute a quorum.
4. All meetings of the Historic Preservation Board shall be public. A record of all its resolutions, transactions, findings and determinations shall be a public record on file in the office of the City Manager.
5. The concurring vote of a majority of the members of the Historic Preservation Board, who are present and voting, shall be necessary to pass any motion which is considered by the Historic Preservation Board.

**6.07 HISTORIC PRESERVATION BOARD: FUNCTIONS, POWERS AND DUTIES**

1. General Duties: The functions, powers and duties of the Historic Preservation Board in general shall be to:
  - a. Update the official inventory of historic resources and submit to the City Commission recommendations and documentation concerning updating.

- b. Develop programs to stimulate public interest in historic neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures and programs to reflect historic neighborhood conservation policies and goals.
  - c. Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic architectural, archaeological and cultural resources.
  - d. Cooperate with agencies of town, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, assist in the development of proposed and future land use plans.
  - e. Advise property owners and local government agencies concerning the proper protection, maintenance, enhancement and preservation of cultural resources.
  - f. Advise the City Commission on the effects of local governmental actions on the historic resources.
  - g. Undertake such other duties and responsibilities as may be designated by resolution of the City Commission.
2. Specific Duties: The Historic Preservation Board shall:
    - a. Review and recommend sites, buildings, structures, objects, districts, both public and private, for listing on the local Register of Historic Places.
    - b. Approve or deny petitions for Certificates of Appropriateness required under the Historic Preservation regulations in this land development code.
    - c. Notify the Zoning Administrator, who shall take appropriate action when it appears that there has not been compliance with the Historic Preservation regulations of this land development code.

### PART III - PLANNING AND ZONING BOARD

#### 6.08 PLANNING AND ZONING BOARD: ORGANIZATION

A Planning and Zoning Board is hereby established.

1. The Planning and Zoning Board shall consist of five (5) registered voters of the City, who shall be appointed by the City Commission. The City Commission may appoint up to two (2) alternate members for the Planning and Zoning Board to serve on the Planning and Zoning Board in the absence of board members. No member of the Planning and Zoning Board shall be a paid or elected official or employee of the City.
2. The term of office shall be for three (3) years, provided, however, that of the five (5) members first appointed to the Planning and Zoning Board at the effective date of this land development code, one shall be appointed for one (1) year; two (2) shall be appointed for two (2) years and two (2) shall be appointed for three (3) years; all appointments thereafter shall be for three (3) year terms. All alternate member appointments shall be for three (3) year terms.
3. Members of the Planning and Zoning Board shall be removed from office for any of the following:
  - a. If the Planning and Zoning Board member should cease to be a registered voter of the City; or
  - b. If a Planning and Zoning Board member should have unexcused absences at two (2) consecutive regularly scheduled meetings (an absence may be excused by a majority vote of the Planning and Zoning Board); or

- c. By the City Commission after the filing of specific written charges, a public hearing, and a majority vote of the City Commission, the City Commission shall determine what is "cause" and what factors determine it.
4. Vacancies in Planning and Zoning Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the chairperson of the Planning and Zoning Board to notify the City Commission within ten (10) days after any vacancy occurs.

**6.09 PLANNING AND ZONING BOARD: PROCEDURE**

1. The Planning and Zoning Board may establish rules and regulations for its own operation not inconsistent with the provisions of applicable state statutes or of this land development code. Such rules of procedure shall be available in a written form to persons appearing before the Planning and Zoning Board and to the public.
2. The Planning and Zoning Board shall elect from within the Board a chairperson, who shall be the presiding member; a vice chairperson who shall preside in the chairperson's absence; and a secretary. Terms of all elected officers shall be for one (1) year with eligibility for reelection.
3. The Planning and Zoning Board shall hold regularly scheduled meetings. Special meetings may be held at the call of the chairperson, or upon request of three (3) or more regular members. Three (3) members shall constitute a quorum. In the absence of a regular member, the alternate member shall be counted in determining whether a quorum is present and during that meeting shall have and be afforded all the rights and privileges of a regular member.
4. All meetings of the Planning and Zoning Board shall be public. A record of all its resolutions, transactions, findings, and determinations shall be a public record on file in the office of the City Manager.
5. The concurring vote of a majority of the members of the Planning and Zoning Board who are present and voting, shall be necessary to pass any motion which is considered by the Planning and Zoning Board.

**6.10 PLANNING AND ZONING BOARD: FUNCTIONS, POWERS AND DUTIES**

1. General Duties: The functions, powers and duties of the Planning and Zoning Board in general shall be:
  - a. To acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of manmade and natural physical features of the City, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important, or likely to be important, in determining the amount, directions and kind of development to be expected in the City.
  - b. To review Comprehensive Plan amendments and revisions, and make and recommend actions to the City Commission.
  - c. To recommend principles and policies for guiding action affecting development in the City and its environs.
  - d. To prepare and recommend to the City Commission ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.
  - e. To determine whether specific proposed elements conform to principles and requirements of the Comprehensive Plan.

- f. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan and ordinances, codes and regulations related to it, and to collect and compile information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.
  - g. To make or cause to be made any necessary special studies on the location, adequacy, and conditions of special facilities in the City. These include, but are not limited to, studies on housing, commercial and industrial conditions, and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, etc.
  - h. To inform and advise the City Commission on these matters.
  - i. To perform such other duties as may be assigned by the City Commission, or which may have bearing on the preparation or implementation of the Comprehensive Plan.
2. Specific Duties: The Planning and Zoning Board shall:
- a. Review all proposed amendments to this land development code and make recommendations to the City Commission.
  - b. Review subdivision plats as provided by ordinance and make recommendations to the City Commission.

## PART IV - CITY COMMISSION

### 6.11 City Commission

- 1. In its consideration of Conditional Use Permits (Section 7), Variance Applications (Section 10), and Appeals (Section 11), the City Commission shall sit in a quasi-judicial capacity.
- 2. In consideration of amendments to this land development code (Section 12) the City Commission shall sit in a legislative capacity.
- 3. If a court of competent jurisdiction should determine consideration of any issue (in addition to Section 6.11.1 to be quasi-judicial in nature, that consideration shall made pursuant to formal public hearing (see Section 9).
- 4. Unless otherwise specifically provided by this land development code, procedures and voting requirements of the City Commission shall be as provided by general law.

## SECTION 7 - PERMITS

### 7.01 CERTIFICATES OF APPROPRIATENESS, ZONING AND CONDITIONAL USE PERMITS

- 1. It shall be unlawful to erect, construct, alter, or move any building or structure, to change the use of any building or land, or to engage in any development activity until a Certificate of Appropriateness has been issued by the Historic Preservation Board, a Zoning Permit has been issued by the Zoning Administrator or a Conditional Use Permit has been issued by the City Commission in accordance with the requirements of this land development code.
- 2. Certificates of Appropriateness, Zoning Permits and Conditional Use Permits shall be issued only after submission and review of an application and plans, if applicable. The application and plans as finally considered shall be incorporated into any certificate or permit, and action taken pursuant to the certificate or permit shall be in strict compliance with the terms of the application and plans. A certificate or permit shall be issued in the name of the applicant (or owner if the applicant is an agent of the owner) and shall contain all special requirements set forth as the basis for the issuance of the certificate or permit. The use permitted by the certificate or permit shall commence within one (1) year of date of issuance of the certificate or permit; commencement of use thereafter shall require issuance of a new certificate or permit. A permitted use discontinued for six (6) months or longer shall be deemed abandoned.

**7.02 APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, ZONING OR CONDITIONAL USE PERMITS**

1. The Zoning Administrator shall promulgate an application form to be utilized in requesting a Certificate of Appropriateness, Zoning or Conditional Use Permit. The forms shall be a guideline, and shall not excuse the applicant from complying with each and every requirement of this land development code.
2. The permitting authority is not required to consider a Certificate of Appropriateness, Zoning Permit or a Conditional Use Permit unless it is deemed to be complete.
3. If the issuing authority should deem that the certificate or permit is not complete during consideration, the authority shall return it to the applicant for amendment.

**7.03 CERTIFICATE OF APPROPRIATENESS**

1. A Certificate of Appropriateness application shall be filed with the Zoning Administrator. The Certificate of Appropriateness shall be granted by the Historic Preservation Board unless it is found to:
  - a. Fail to comply with this land development code;
  - b. Be substantially out of character with the existing neighborhood; or
  - c. Conflict with the comprehensive plan.
2. The Zoning Administrator shall conduct an initial review and make recommendations to the Historic Preservation Board for its consideration, together with all relevant documentation.
3. The applicant may amend the application at any time prior to consideration by the Historic Preservation Board.

**7.04 HISTORIC PRESERVATION BOARD ACTION**

Before making a decision on any application for Certificate of Appropriateness, the Historic Preservation Board shall review the recommendation of the Zoning Administrator and conduct a formal public hearing.

**7.05 ZONING PERMITS**

1. A Zoning Permit application shall be filed with the Zoning Administrator.
2. The Zoning Administrator shall issue a Zoning Permit unless the Zoning Administrator finds that the Zoning Permit Application fails to comply with this land development code.

**7.06 CONDITIONAL USE PERMITS**

1. A Conditional Use Permit Application shall be filed with the Zoning Administrator. The Conditional Use Permit shall be granted by the City Commission unless it is found to:
  - a. Fail to comply with this land development code;
  - b. Pose a danger to public health and safety;
  - c. Pose a substantial adverse impact on adjacent property values;
  - d. Be substantially out of character with the existing neighborhood; or
  - e. Conflict with the comprehensive plan.
2. The Zoning Administrator shall conduct an initial review and make recommendations to the City Commission for its consideration, together with all relevant documentation.

3. The applicant may amend the application at any time prior to consideration by the City Commission.

**7.07 PLANNING AND ZONING BOARD ACTION**

1. The Zoning Administrator shall forward the application and the Zoning Administrator's recommendation for action to the Planning and Zoning Board for consideration.

**7.08 CITY COMMISSION ACTION**

Before making a decision on any application, the City Commission shall conduct a formal public hearing.

**SECTION 8 - ENFORCEMENT**

**8.01 COMPLAINTS**

Any interested party may file a complaint, in writing, and signed by the complaining party, with the Zoning Administrator.

1. The Zoning Administrator shall investigate the complaint and determine whether there has been a violation of this land development code.
2. The Zoning Administrator shall advise the complaining party in writing as to whether there has been a violation of this land development code, and if a violation is found, the nature of the violation and the method of enforcement to be utilized by the Zoning Administrator.

**8.02 COMPLAINT RESOLUTION**

1. The Zoning Administrator shall provide any violator of the zoning ordinance with:
  - a. Written notification as to the exact violation of the zoning ordinance; and
  - b. The minimum action that may be taken to correct the violation; and
  - c. The time within which the violation must be corrected.
2. If the Zoning Administrator finds prompt and continuous diligent effort to correct the zoning ordinance violation, the Zoning Administrator may grant an extension of time so that the violator may conform to the requirements of the zoning ordinance without further enforcement action.

**8.03 PENALTIES**

Any person who is in violation of this land development code shall be guilty of a noncriminal offense as provided by Florida Statutes Chapter 775.08(3).

**8.04 ENFORCEMENT THROUGH CODES ENFORCEMENT BOARD**

It is the intent of this land development code that if the City should have a Codes Enforcement Board in operation, that this land development code should be enforced utilizing the Codes Enforcement Board to the greatest extent permitted by law.

**SECTION 9 - FORMAL PUBLIC HEARING**

The following procedures shall be used when a formal public hearing is to be conducted.

**9.01 NOTICE**

Notice shall include the date, place, time and brief description of the subject of any formal public hearing, and should be made by:

1. Posting a copy of the notice on the appropriate bulletin board for display of notices maintained at the Archer City Hall; and
2. Mailing a copy of the notice, postage prepaid, at least ten (10) days before the hearing, to the owner of the property which is the subject of the hearing and/or to the applicant requesting the hearing; and
3. Mailing a copy of the notice, postage prepaid, at least ten (10) days before the hearing, to any landowner (according to the most recent tax roll provided to the City by the Alachua County Property Appraiser) whose property abuts the property which is the subject of the formal public hearing; and
4. Mailing a copy of the notice, postage prepaid, at least ten (10) days before the hearing, to each member of the Tree Preservation Committee in those cases where approval of the requested action will result in the removal of trees (see Section 13.04).

#### **9.02 PROCEDURES**

1. The agency conducting the hearing may place reasonable and equitable limitations on the presentation of evidence and arguments and cross examination of witnesses so that the matter at issue may be decided in a just and expeditious manner;
2. All persons who intend to present evidence shall be sworn;
3. All findings and conclusions necessary to grant or deny the requested action shall be based upon reliable evidence; that evidence which would only be admissible in a court of law shall be preferred whenever possible, but in no case may contested findings be based solely on evidence which would not be admissible in a court of law, unless such evidence is not reasonably available, the evidence in question appears to be reliable and the matter at issue is not seriously disputed;
4. Any interested party shall have the right to secure a court reporter for transcription of the hearing;
5. The agency conducting the hearing may continue the hearing until a subsequent meeting and may further continue hearings until a final decision is made; notice of a continued hearing shall not be required provided that all parties are given notice of the time and place of the continued hearing at the immediately preceding hearing.

#### **9.03 BURDEN OF PROOF**

1. The initial burden of proof shall be on the applicant, petitioner or party requesting the action as to establish compliance with this land development code;
2. The burden of presenting evidence shall then be upon any party in opposition to show noncompliance with this land development code or elements of this land development code at issue;
3. The ultimate burden of persuasion shall be upon the applicant, petitioner or person requesting the action.

#### **9.04 AGENCY DECISION**

1. The agency decision shall be to:
  - a. Grant the application or petition, or
  - b. Grant the application or petition subject to certain requirements to assure compliance with one or more elements of this land development code, or

- c. Deny the application or petition.
2. The decision of the agency shall be in writing and shall be filed with the Zoning Administrator and shall fully state the reasons for its findings;
3. A copy of the decision shall be mailed, postage prepaid, to the last known address of the applicant and all other parties who have requested copies in writing, within seven days of the filing of the written decision with the Zoning Administrator.

#### 9.05 APPEAL

1. All decisions of the agency shall be subject to appeal to the City Commission of the City, except that if the agency is the City Commission of the City, its decision shall be subject to appeal to the Circuit Court in and for Alachua County, Florida;
2. An appeal shall be taken by any aggrieved person within thirty (30) days of the filing of the written agency decision with the Zoning Administrator.

### **SECTION 10 - VARIANCES**

#### 10.01 VARIANCE

A variance shall be a relaxation of the terms of this land development code, not contrary to the public interests, where, owing to special conditions, a literal enforcement would result in unnecessary or undue hardship

#### 10.02 APPLICATION

The Zoning Administrator shall promulgate a written application form to be utilized by any applicant for a variance. The application shall be in writing and shall state:

1. The specific section, or sections, of this land development code from which the applicant seeks the variance, and
2. The specific facts upon which the applicant relies in seeking the variance, and
3. Any supplemental documentation that would be relevant in consideration of the variance application.

#### 10.03 CITY COMMISSION ACTION ON VARIANCES

Before making a decision on any variance, the City Commission shall conduct a formal public hearing.

#### 10.04 CITY COMMISSION FINDINGS

The City Commission shall not authorize a variance unless it finds:

1. Literal interpretation of this provision of this land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this land development code and would work unnecessary and undue hardship of the applicant, and
2. The variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure, and
3. That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

## **10.05 REPLACEMENT OF HOME DESTROYED BY FIRE OR NATURAL CALAMITY**

The City Commission may authorize a relaxation of size restrictions and/or dimensional requirements for replacement of a home destroyed by fire or natural calamity if it finds the grant of the variance will be in harmony with the general intent and purpose of this land development code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

## **SECTION 11 - APPEALS PROCEDURE**

### **11.01 APPEALS PROCEDURE**

Any aggrieved person may appeal an interpretation, decision or final order of the Zoning Administrator as follows:

1. A Notice of Appeal shall be filed in writing with the City Manager within thirty (30) days after the date of the interpretation, decision or final order appealed. The City Manager shall prescribe and provide a form for such filing.
2. The City Manager shall transmit to each member of the City Commission, the Zoning Administrator and the person filing the appeal all copies of all documents constituting the record of action which is appealed. The person making the appeal may apply to the City Commission to submit such additional documents as may be considered to be relevant and necessary to complete the record.
3. An appeal stays all proceedings in furtherance of the action appealed.

### **11.02 CITY COMMISSION DECISION ON APPEALS**

The Commission may affirm or reverse, in whole or in part, or amend the interpretation, decision or final order, and shall make any interpretation, decision or order, that in its opinion should be made in the case before it. To this end, the City Commission shall have all of the powers of the agency from whom the appeal was taken.

### **11.03 CITY COMMISSION ACTION**

Before making a decision on any appeal, the City Commission shall conduct a formal public hearing.

## **SECTION 12 - AMENDMENTS**

### **PART I - OFFICIAL ZONING MAP**

#### **12.01 INITIATION OF OFFICIAL ZONING MAP AMENDMENTS**

The person or agency proposing amendments to the Official Zoning Map shall be referred to as the Applicant. A zoning amendment may be proposed by:

1. City Commission , or
2. Planning and Zoning Board, or
3. Zoning Administrator, or
4. The owner of the property to be rezoned.

#### **12.02 NOTICE WHEN APPLICANT IS OWNER**

When the Applicant is the owner of the property to be rezoned, notice shall be as follows:

1. The Zoning Administrator shall notice all landowners of record (according to the most recent tax roll provided to the City by the Alachua County Property Appraiser) within three hundred (300) feet of the property to be rezoned. The notice shall contain a copy of the application appended to it, and it shall state that no further notice shall be provided unless requested in writing by the recipient of the initial notice, and directed to the Zoning Administrator.
2. The Zoning Administrator shall post a sign advertising the Application for Rezoning in a prominent position on the property to be rezoned.

#### 12.03 NOTICE GENERALLY

1. Notice of proposed zoning map amendments shall be as required by Florida Statute 166.041(3)(c)(1 and 2).
2. The Zoning Administrator shall provide notice of any hearing on the proposed application to each interested party, not less than ten days before the hearing. For the purpose of this Section the term "interested party" shall refer to the applicant, the owner and any other person who has made written request to the Zoning Administrator for such notice.

#### 12.04 PLANNING AND ZONING BOARD REPORT: ZONING MAP AMENDMENTS

1. It is the intent of this land development code that all proposed zoning map amendments shall be heard in the first instance by the Planning and Zoning Board. Within a reasonable time after a proposed amendment is officially received by the Planning and Zoning Board, the Planning and Zoning Board shall hold a public hearing to consider the proposed zoning map amendment. The Planning and Zoning Board shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, any person may appear in person or by agent or attorney. The Planning and Zoning Board shall develop and submit its report and recommendation concerning the proposed amendment to the City Commission.
2. When pertaining to the rezoning of the land, the report and recommendation of the Planning and Zoning Board shall show that the Planning and Zoning Board has studied and considered the proposed change in relation to the following criteria where applicable:
  - a. Whether the proposed change conforms with the Comprehensive Plan, and how the proposed change would impact the Comprehensive Plan;
  - b. The existing land use pattern;
  - c. Possible creation of an isolated district unrelated to adjacent and nearby districts;
  - d. The population density pattern and the effect that the proposed use would have on the public facilities such as schools, utilities, streets, etc.;
  - e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
  - f. Whether changed or changing conditions make the passage of the proposed amendment necessary;
  - g. Whether the proposed change will adversely affect living conditions in the neighborhood;
  - h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
  - i. Whether the proposed change will create a drainage problem
  - j. Whether the proposed change will seriously reduce light and air to adjacent areas;

- k. Whether the proposed change will adversely affect property values in the adjacent area;
- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with public welfare;
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning;
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the City;
- p. Whether it is impossible to find adequate sites in the City for the proposed use in districts already permitting such use.

#### 12.05 CITY COMMISSION ACTION

- 1. Before making a decision on any application, the City Commission shall conduct a public hearing.
- 2. The City Commission may place reasonable and equitable limitations on the length of the hearing. Any person may appear at the hearing in person or by agent or attorney.

#### 12.06 CITY COMMISSION DECISION

The City Commission shall:

- 1. Adopt the proposed zoning map amendment through enactment of an ordinance for that purpose, or
- 2. Deny the proposed amendment.

#### 12.07 LIMITATION ON SUBSEQUENT APPLICATION

No application by an owner of real property for amendment to the Official Zoning Map for a particular parcel of property, or part thereof, shall be made until the expiration of twelve calendar months from the date of denial of an application for an amendment to the Official Zoning Map for such property, or part thereof, unless the City Commission specifically waives said waiting period based on a consideration of the following factors:

- 1. The new application constitutes a proposed zoning classification different from the one proposed in the denied application, or
- 2. Failure to waive said twelve month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters for consideration.

### PART II - ZONING ORDINANCE AMENDMENTS

#### 12.08 INITIATION OF AMENDMENTS TO ZONING ORDINANCE

An amendment to this land development code may be proposed by:

- 1. City Commission, or
- 2. Planning and Zoning Board, or
- 3. Zoning Administrator

#### 12.09 NOTICE

Notice shall be as required by Florida Statute Chapter 166.041(3)(c)(1 and 2).

## **12.10 PLANNING AND ZONING BOARD ACTION**

It is the intent of this land development code that all proposed zoning ordinance amendments shall be heard in the first instance by the Planning and Zoning Board. Within a reasonable time after the proposed amendment, is officially received by the Planning and Zoning Board, the Planning and Zoning Board shall hold a public hearing to consider the proposed amendment. The Planning and Zoning Board shall fix a reasonable time for the hearing, and give public notice thereof. At the hearing, any person may appear. The Planning and Zoning Board shall develop and submit a report and recommendation concerning the proposed amendment to the City Commission.

## **12.11 CITY COMMISSION ACTION**

1. Before making a decision on any application, the City Commission shall conduct a public hearing.
2. The City Commission may place reasonable and equitable limitations on the length of the hearing. Any person may appear at the hearing in person or by agent or attorney.

## **12.12 CITY COMMISSION DECISION**

The City Commission shall:

1. Adopt the proposed zoning ordinance amendment through enactment of an ordinance for that purpose, or
2. Deny the proposed amendment.

## **SECTION 13 - ADMINISTRATIVE FEES**

### **13.01 INTENT**

It is the intent of the City Commission of the City that a schedule of fees be established for the purpose of defraying the cost of administration of this land development code.

### **13.02 PROVISION OF AMENDMENT**

The schedule of fees as established by the City Commission may be amended at anytime by resolution of the City Commission and shall not be subject to the procedure of amendment as set out in Section 12 which provides for amendment of this land development code.

### **13.03 SCHEDULE OF FEES**

The City Commission may set fees for submission of an application for zoning permit, application for conditional use permit, application for variance, appeal to the City Commission, and any other administrative action that may be requested under the terms of this land development code. Such fees shall be calculated to defray the cost of administrative action by the City and therefore, may vary from category to category and within categories.

## **SECTION 14 - RESERVED**

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## **ARTICLE III**

### **ZONING**

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**ARTICLE III**  
**ZONING**  
**SECTION 15 - ZONING DISTRICTS**

**15.01 ESTABLISHMENT OF DISTRICTS**

In order to classify, regulate and restrict the use of land, buildings, and structures; to regulate the area of yards and open spaces about buildings; to regulate the intensity of land use, and to promote orderly urban growth within the City, the following zoning districts are established:

Agricultural (A);

Residential-1 (R-1), Residential - 2 (R-2), Residential - 3 (R-3);

Commercial - 1 (C-1), Commercial - 2 (C-2);

Industrial, Light and Warehousing (ILW), Heavy Industrial (I); and

Historic (H) (overlay).

**15.02. AGRICULTURAL DISTRICT**

The Agricultural (A) district is intended to provide for areas primarily consisting of agriculture uses and agriculture support uses and also allow low-density single-family residential development. The maximum residential density allowed in the district is one dwelling unit per five acres; however, provided that the use of a parcel of property solely as a family homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual may be developed at one dwelling unit per two acres. This provision for a family homestead lot shall apply only once to any individual.

**15.03 RESIDENTIAL DISTRICTS**

1. The R-1 district is designed to accommodate low density single family residences that are typically not served by public potable water or central sewer facilities and are not yet appropriate for development at higher densities.
  - a. Agricultural activities, within the R-1 district, involving livestock or poultry shall not exceed the following densities per whole acre (minimum one acre):
    - (1) Four (4) chickens or other poultry (roosters are prohibited); and/or
    - (2) Two (2) horses or two (2) cows or other cattle or combination thereof; or
    - (3) Ten (10) sheep or goats (bucks are prohibited).

In all events, with respect to a single family residence with the density in subsection (3), such single family residence may not also have the densities set forth in subsection (1).

- b. The keeping of any animal which existed lawfully prior to January 11, 2021, the effective date of Ordinance No. 12-2020 amending this Section 15.03, which is not allowed under this Section 15.03, as amended on January 11, 2021, may be continued as a nonconforming use, until the nonconforming animal passes and any future keeping of animals shall be in conformity with this Section 15.03, as amended on January 11, 2021.
- c. Agricultural activities such as urban gardens shall be a permitted use.

2. The R-2 district is designed primarily to accommodate single family detached residential uses (other than mobile homes) at densities to be determined by the availability of the City potable water system and wastewater system.

Agricultural activities such as urban gardens (excluding livestock or poultry) shall be a permitted use.

3. The R-3 district is designed primarily to accommodate single family detached residential uses (including mobile homes) at densities to be determined by the availability of the City potable water system and wastewater system.

Agricultural activities such as urban gardens (excluding livestock or poultry) shall be a permitted use.

#### 15.04 COMMERCIAL DISTRICTS

1. The C-1 district is designed to accommodate general retail, commercial, office and service activities. Businesses in this category require location convenient to automotive and pedestrian traffic. Higher density residential uses are permitted. Single family structures or duplexes may be permitted.
2. The C-2 district is designed to primarily accommodate more intense commercial activities that generally require large land areas. Higher density residential uses and mobile home parks permitted.

#### 15.05 INDUSTRIAL DISTRICTS

Industrial uses are required to connect to and use the City potable water system and wastewater system unless as otherwise provided pursuant to the Comprehensive Plan.

1. The Industrial, Light and Warehousing (ILW) district is designed to accommodate warehousing and distribution, fabricating and assembly uses, certain office and light industrial uses, such as research and development and experimental laboratories and similar uses or the manufacturing or fabrication of products that have minimal off-site impacts and will not include intensive industrial uses that generate industrial waste. Industrial uses are required to connect to and use the City potable water system and wastewater system unless as otherwise provided pursuant to the Comprehensive Plan.
2. The Industrial Heavy (I) district is designed primarily to accommodate manufacturing and heavy industrial activity.

#### 15.06 HISTORIC

The "H" district is intended primarily as a historic overlay district. The "H" district designation is concurrent with one of the other zoning designations. The "H" district designation may be applied to one lot, landmark or structure or several blocks (see Section 18).

## SECTION 16 - ZONING MAP

### 16.01 OFFICIAL ZONING MAP

There shall be an official zoning map which shall show the boundaries of all zoning districts within the City's jurisdiction. This map shall be drawn on a durable material from which prints can be made, and shall be dated.

### 16.02 ADOPTION OF OFFICIAL ZONING MAP

The official zoning map bearing the signature of the mayor, the attest of the City Manager, and dated August 24, 1992, is hereby adopted as the official zoning map for the City.

### 16.03 AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments to the official zoning map shall be by the same process as amendment to this land development code.

### 16.04 UPDATES TO OFFICIAL ZONING MAP

The Zoning Administrator shall update the zoning map as soon as possible after each amendment is adopted by the City Commission. Upon entering the amendment on the map, the Zoning Administrator shall change the date of the map to indicate the latest revision.

### 16.05 COPIES OF SUPERSEDED ZONING MAPS

The Zoning Administrator shall keep copies of all superseded zoning maps for historical reference.

### 16.06 TABLE OF PERMITTED USES

1. In the Table of Permitted Uses the letter "P" indicates that the use is permitted within the indicated zoning district by right. The letter "C" indicates that a conditional use permit must be obtained from the City Commission.
2. The following is the Table of Permitted Uses for the zoning districts of the City:

**TABLE OF PERMITTED USES**

#	USES DESCRIPTION	A	R-1	R-2	R-3	C-1	C-2	ILW	I
1	<b>RESIDENTIAL</b>								
1.1	Single-family residential	P	P	P	P	C			
1.2	Site built and modular structures	P	P	P	P				
1.3	Mobile home	P	P		P				
1.4	Mobile home park						C		
1.5	Duplex		C			C			
1.6	Caretaker residences	P				P	P	P	P
1.7	Multi-family residences				P	P	P		
1.8	Child care centers		C	C	C	C			
1.9	Community residential homes (1-6 persons) providing special services (for handicapped or infirm; nursing care, halfway houses, congregate living facilities)	P	P	P	P	C			

#	USES DESCRIPTION	A	R-1	R-2	R-3	C-1	C-2	ILW	I
1	RESIDENTIAL continued								
1.10	Community residential homes (7-14 persons) providing special services (for handicapped or infirm; nursing care, halfway houses, congregate living facilities)	C	C	C	C	C			
1.11	Temporary emergency residences	P	P	P	P	P	P	P	P
1.12	Home occupations	P	P	P	P	P			
1.13	Accessory dwelling unit	P	P	P	P				
2	RETAIL SALES AND RENTAL								
2.1	Retail Stores					P	P		
2.2	Sales and rental of goods					P	P		
2.3	Convenience stores					P	P	P	
2.4	Convenience stores with retail gasoline sales						P	P	
2.5	Wholesale sales					P	P	P	P
2.6	Dry cleaner, laundromat					P	P		
2.7	Open air markets	P				C	C		
2.8	Funeral homes, cemeteries, columbaria	P				P	P		
2.9	Constructing, assembling, repairing or processing of artisan creations intended for retail sale in a fully enclosed building	P				P	P		
2.10	Repair Shop					P	P		
2.11	Pharmacies					C	C		
2.12	Medical Marijuana Dispensing facilities.					C	C		
3	OFFICES								
3.1	Professional offices to include attorneys, physicians, insurance agents, stock brokers, government offices, dentists, banks without drive-up windows					P	P		
3.2	Banks with drive-up windows					C	C		
4	INDUSTRIAL-TYPE USES								
4.1	Fabricating and assembling operations conducted within a fully enclosed building							P	P
4.2	Manufacturing, assembling, compounding, processing or treatment of items for mass production operations conducted outside of a fully enclosed building								C
4.3	Cold storage facility								P
4.4	Warehouse (distribution or storage)						P	P	P

#	USES DESCRIPTION	A	R-1	R-2	R-3	C-1	C-2	ILW	I
4	INDUSTRIAL-TYPE USES continued								
4.5	Manufacturing, assembling, compounding, processing or treatment of items for mass production operations conducted in fully enclosed building								P
5	EDUCATIONAL, CULTURAL, RELIGIOUS, SOCIAL, FRATERNAL USES								
5.1	Public, charter and private schools	P	P	P	P	P	P	P	P
5.2	Nursery school/day care center	C	C			C	C		
5.3	Structures for religious purposes	P	C	C	C	P	P	P	
5.4	Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)					P	P		
5.5	Clubs, lodges, union halls	C				C	C		
6	ENTERTAINMENT								
6.1	Bowling alleys, skating rinks, athletic and exercise facilities, and pool halls					P	P		
6.2	Movie theaters						P		
6.3	Golf and country club, swimming or tennis clubs, etc.	C	C	C	C	C	C		
6.4	Horseback riding/stables (commercial)	P	C						
7	INSTITUTIONAL								
7.1	Hospitals, clinics					C	C	P	
7.2	Nursing care institutions					C	C		
8	RESTAURANTS, BARS								
8.1	Restaurant with no drive-in window service					P	P	C	
8.2	Bars, taverns and cocktail lounges					P	P		
8.3	Restaurants with drive-thru service					P	P	C	
9	MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS								
9.1	Sales, rental, service of motor vehicles					C	P		P
9.2	Servicing and repair of motor vehicles					C	P		P
9.3	Paint and body shop								P
9.4	Automotive service and self-service station (includes car wash and detailing)	C					C	P	P

#	USES DESCRIPTION	A	R-1	R-2	R-3	C-1	C-2	ILW	I
10	STORAGE – AS PRIMARY PURPOSE								
10.1	Storage within completely enclosed structures						P	P	P
10.2	Junkyard						C	P	P
10.3	Parking of vehicles or storage of equipment outside enclosed structures						C		C
11	SERVICES AND ENTERPRISES RELATED TO ANIMALS								
11.1	Veterinarian	P	C			P	P		
11.2	Kennel	P				C	P	P	
11.3	Grooming parlor	P				C	C		
12	PUBLIC SERVICES								
12.1	Police station, fire station, rescue station, or substation etc.		C	C	C	P	P	P	P
12.2	Post office		C			P	P	P	P
13	AGRICULTURAL, SILVICULTURAL								
13.1	Agricultural operations excluding livestock or poultry	P	P	P	P				
13.2	Urban garden		P	P	P				
13.3	Agricultural operations including livestock or poultry (swine not permitted)	P	P						
13.4	Agricultural operations including livestock or poultry with swine	P	C						
13.5	Agricultural wholesale distribution	P					C		C
13.6	Silvicultural operations	P	P						
13.7	Commercial greenhouse operation	P	C			C	C		C
14	UTILITY FACILITIES								
14.1	Regional or community utility facilities						C		C
14.2	Towers and related structures more than 50 ft. tall		C			C	C	C	C
14.3	Solar Power Generation Facilities	C							
15	OTHER								
15.1	Temporary structures used in connection with construction of a permanent improvement (i.e. construction trailer)	P	P	P	P	P	P	P	P
15.2	Special events	C	C	C	C	C	C	C	C

#	USES DESCRIPTION	A	R-1	R-2	R-3	C-1	C-2	ILW	I
16	TEMPORARY LODGING								
16.1	Bed and breakfast residence	P	P	C		P			
16.2	Bed and breakfast inn	C	C	C	C	P			
16.3	Hotels and motels	C				P	P		
16.4	Rooming house/boarding house				C				

#### 16.07 USES NOT PERMITTED

The following uses shall not be permitted in the City:

1. Mining; and
2. Animal Feedlots.

### **SECTION 17 - PERFORMANCE STANDARDS AND MISCELLANEOUS ISSUES**

#### 17.01 PERFORMANCE STANDARDS

All uses and activities permitted in any zoning district within this land development code shall conform to the standards of performance described below:

1. Fire and Explosion Hazards. In any zoning district, all uses shall comply with applicable standards set forth in the Rules & Regulations of the State Fire Marshall.
2. Emissions. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code. Regulations controlling open burning shall be the same as those contained in Chapter 17-5, Florida Administrative Code.
3. Fumes. Regulations controlling the emission of any fumes, vapors, or gases of a noxious toxic or corrosive nature shall be the same as those contained in Chapter 17-2, Florida Administrative Code.
4. Atmosphere. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot lines, shall not be permitted, with the exception that in the industrial district this standard shall apply at the boundaries of the district and not at the lot lines of the individual properties located within the district.
5. Odor. Regulations controlling the emission of odorous gases and other odorous matter shall be the same as those contained in Chapter 17-2, Florida Administrative Code.
6. Glare. There shall be no direct glare, visible from any district permitting residential use, caused by unshielded flood lights or other sources of high intensity lighting.

#### 17.02 NOISE

1. Prohibited generally. It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City. The term includes the kinds of noise generated by the activities enumerated in Section 17.01.2, except as provided in Section 17.01.4. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof

- while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event from a location not less than fifty (50) feet from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source.
2. Enumeration. The following acts, as limited by section 17.01.1 and subject to the exceptions provided in section 17.01.4, are declared to be public nuisances in violation of this ordinance, namely:
    - a. The discharge into the open air of any exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises there from.
    - b. The operation between the hours of sunset and sunrise on any day or at any time on Sunday, of any pile-driver, steam shovel, pneumatic hammer, derrick dredge steam or electric hoist or other appliance, the use of which is attended by loud and raucous noise.
    - c. The operation of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
    - d. The sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.
    - e. The using, operating or permitting to be played, used or operated any radio, amplifier musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.
    - f. No amplifier or loudspeaker, in, upon or attached to a sound truck or other device for amplifying sound shall be operated or permitted to operate within the City for advertising purposes or to attract the attention of the public.
    - g. Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 10:00 p.m. and sunrise on any day.
    - h. The keeping of any animal or bird which habitually causes a loud and raucous noise.
    - i. The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling, or other loud and raucous noise or which is not equipped with a muffler in good working order and in constant operation so as to prevent loud and raucous noise.
    - j. The erection (including excavating), demolition, alteration or repair of any building so as to create aloud and raucous noise other than between the hours of sunrise and sunset on any day or at any time on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the zoning administrator, which permit may be granted for a period not to exceed three (3) working days or less while the emergency continues and which permit may be renewed for successive periods of three (3) days or less while the emergency continues. If the zoning administrator should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration, or repair of any building, or the excavation of streets and highways within the hours of sunset and sunrise, or on Sunday, the zoning administrator may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

- k. The creation of any loud and raucous noise heard within any school, public building, or church, while in use, which interferes with the workings of such institution.
  - l. The use of any drum or other instrument or device to create a loud and raucous noise.
- 3. Persons responsible. Any person, owner, agent, or supervisor in charge of operating, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited in this section, shall be deemed guilty of violating this section.
- 4. Exceptions. The term "loud and raucous noise" does not include noise or sound generated by the following:
  - a. Cries for emergency assistance and warning calls.
  - b. Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
  - c. Parades, fireworks displays and other special events for which a permit has been obtained from the City, within such hours as may be imposed as a condition for the issuance of the permit.
  - d. Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided such activities have been authorized by the owner of such property or facilities or its agent.
  - e. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
  - f. Religious worship activities, including but not limited to bells and organs.
  - g. Industrial noise generated in an Industrial district (for industrial noise see Section 21.64.1.d).

#### 17.03 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this land development code and all other ordinances of the City. (See Section 18.07.2 for relocation of historic structures.)

#### 17.04 MINIMUM LIVING AREA

No one-family, two-family or multiple-family dwelling shall be erected with less than six hundred (600) sq. ft. of floor area per dwelling unit devoted to living space, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. The City Commission may waive the minimum living area requirements if evidence is presented that such a waiver will not adversely affect the public interest or the character of the surrounding neighborhood. Such application and consideration shall be in the nature of a variance.

#### 17.05 MAJOR RECREATIONAL EQUIPMENT

Major recreational equipment is hereby defined to include boats, boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent-trailers, houseboats, and the like, and cases or boxes used to transport recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot in a residential or commercial district. Major recreational equipment may be parked or stored in a rear or side set-back, but not in a required front set-back. Notwithstanding the foregoing, a travel trailer or motor home may be utilized by a bona fide house guest for a period not to exceed twenty-one (21) days in any calendar year.

**17.06 GARAGE SALES**

Garage sales or sales open to the public of any kind in a residential district shall not exceed two (2) days in duration and shall not occur more than four (4) times in any calendar year.

**17.07 POSTING OF NUMBERS**

All new constructed buildings shall have their assigned building number properly displayed, whether or not mail is delivered to such building or property. It shall be the duty of the owners or occupants of each newly constructed building to post the assigned building number on the property in the following manner:

1. The building address number shall be affixed to the building, or to a separate structure in front of the building (such as a mailbox, post, wall, fence, etc.), in such a manner so as to be clearly visible and legible from the public or private way on which the building fronts.
2. Numerals shall be Arabic and shall not be less than four (4) inches in height and one-half (1/2) inch in width.
3. The numerals shall be of a reflective and contrasting color with the immediate background of the building or structure on which such numerals are affixed.

**SECTION 18 - HISTORIC PRESERVATION**

**18.00 INTENT**

This section is to promote historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures, and areas of historic interest or importance within the City; to safeguard the heritage of the City by preserving and regulating historic sites which reflect elements of its cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the City's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; and, to manage growth.

**18.01 LOCAL REGISTER**

The Local Register is hereby established as a means of identifying and classifying various trees, landmarks, buildings, structures and districts as historic. These shall be referred to as sites.

**18.02 STANDARDS FOR DESIGNATION TO THE LOCAL REGISTER**

A site may be placed on the local register if it:

1. Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past; or
2. Is the site of a historic event with a significant effect upon society; or
3. Exemplifies the cultural, political, economic, social or historic heritage of the community; or
4. Portrays the environment in an era of history characterized by distinctive architectural style; or
5. Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or
6. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

7. Is a part of or related to a distinctive area that should be developed or preserved according to a plan based on a historic or architectural motif; or
8. Represents an established and familiar visual feature of the City due to its unique location or singular physical characteristic; or
9. Has yielded, or may be likely to yield, information important in pre-history or history.

**18.03 PROCEDURE FOR PLACEMENT, AMENDMENT OR REMOVAL**

1. Nomination to the Local Register, or request for amendment or removal, may be by:
  - a. The City Commission, or
  - b. The Historic Preservation Board, or
  - c. The Owner
2. The Historic Preservation Board may promulgate an application form to require such proof of ownership, photographs and other information as may be relevant in consideration of the application;
3. The Historic Preservation Board may conduct a hearing at which the applicant and members of the public may be heard. On the basis of the hearing, the Historic Preservation Board shall make a specific recommendation to the City Commission to approve, approve with amendments, or deny the application for nomination, amendment or removal to/from the Local Register;
4. Before making a decision on the nomination, the City Commission shall review the Historic Preservation Board recommendation and conduct a formal public hearing.

**18.04 SUSPENSION OF PERMITS DURING PENDENCY OF NOMINATION TO LOCAL REGISTER**

No permit for the alteration, reconstruction, relocation or demolition of a site shall be issued during the pendency of consideration of the site for nomination to the Local Register, except to permit the alteration, reconstruction, relocation or demolition under such terms and conditions as they would be permitted if the structure were already placed on the Local Register.

**18.05 CLASSIFICATION OF STRUCTURES AND BUILDINGS**

Structures and buildings will be divided into two classes:

1. Contributing - Those structures and buildings identified in the Archer Local Register.
2. Non-Contributing - Those structures and buildings, within the historic district not listed in the Archer Local Register.

**18.06 CERTIFICATE OF APPROPRIATENESS - WHEN REQUIRED**

1. No building, structure, appurtenance, improvement or landscape feature within the City, which has been designated a historic site, will be erected, altered, restored, renovated, excavated, relocated or demolished until a certificate of appropriateness regarding any exterior architectural features, landscape features, or site improvements has been approved in accordance with the requirements of this section.
2. A certificate of appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure or appurtenance in any historic district established by the City under the procedure specified in this section in a historic district.
3. A certificate of appropriateness shall be required for any material change in existing walls, fences, sidewalks, or construction of new walls, fences or sidewalks.

18.07 CERTIFICATE OF APPROPRIATENESS - REVIEW GUIDELINES

The purpose of establishing guidelines in the review of an application for certificate of appropriateness is not only to preserve the old buildings and structures themselves, but to preserve the antiquity of the entire historic district. It is not the intent to limit new construction to any one period or architectural style, but to preserve the integrity of historic buildings and to insure harmony of any new work constructed in the vicinity. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement, and use of new buildings or structures in relationship to existing buildings and structures and to the setting thereof. To that end, the following criteria are hereby established:

1. Criteria for Renovation/New Construction. In considering a certificate of appropriateness related to renovation or new construction, The United States Secretary of Interior's Standards for Rehabilitating Historic Buildings and the following criteria shall be applied:
  - a. Height - is the height visually/historically compatible with adjacent buildings?
  - b. Proportion of facade - is the proportion of the width to the height of the front elevation compatible with buildings and places to which it is visually/historically related?
  - c. Proportion of openings within facility - is the relationship of the width of the windows, etc., in a building compatible with buildings and places to which it is visually/historically related?
  - d. Rhythm of solids to voids in front facades - is the rhythm of solids to voids compatible with buildings and places to which it is visually/historically related?
  - e. Rhythm of buildings - is the relationship of the buildings or structures to open spaces and adjoining buildings compatible with the buildings and places to which it is visually/historically related?
  - f. Rhythm of entrance and/or porch projection - is the relationship of entrances and projections compatible with the buildings and places to which they are visually/historically related?
  - g. Relationship of materials, texture and color - is the relationship of materials, texture and color of the facade compatible with the predominate materials used in the buildings to which it is visually/historically related?
  - h. Roof shapes - is the roof shape compatible with buildings to which it is visually/historically related?
  - i. Walls of continuity - do appurtenances of the building such as walls, fences, landscape masses, etc., form cohesive walls of enclosure along the street to insure compatibility with the buildings and places to which they are visually/historically related?
  - j. Scale of building - is the size and mass of the building and structure in relation to open space, windows, door openings, porches, balconies, etc., compatible with the buildings and places to which it is visually/historically related?
  - k. Directional expression of front elevation - is the directional character of the building compatible with buildings and places to which it is visually/historically related?
2. Criteria for Relocation. In addition to the guidelines provided in Subparagraph 1(a-k) above, relocations shall be guided by the following factors:
  - a. What historic character and aesthetic interest does the building, structure or object contribute to its present setting?

- b. Are there definite plans for the area to be vacated and what will be the effect of those plans on the character of the surrounding area?
  - c. Can the building, structure or object be moved without significant damage to its physical integrity?
  - d. Is the proposed relocation area compatible with the historical and architectural character of the building, structure or object?
3. Criteria for Demolition:
- a. What is the historic or architectural significance of the building, structure or object to be demolished?
  - b. What is the importance of the building, structure or object to the ambiance of the district?
  - c. How difficult would it be to reproduce such a building, structure or object because of its design, texture, material, detail or unique location?
  - d. Is the building structure or object a unique example of its kind in the neighborhood, county or region?
  - e. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what effect would those plans have on the surrounding area?
  - f. Can reasonable measures be taken to save the building, structure or object from collapse?
  - g. Is the building, structure or object capable of earning reasonable economic return on its value?

**18.08 CERTIFICATE OF APPROPRIATENESS - REQUIRED FILINGS**

An application for certificate of appropriateness to renovate or construct new improvements shall be accompanied by full plans and specifications thereof so far as they relate to the proposed appearance, texture of materials and the architectural design of the exterior, including the front, sides, rear, and the roof of such building alteration or addition or of any out-building, party wall, courtyard, fence or other dependency thereof.

**18.09 ORDINARY MAINTENANCE AND REPAIR - NO CERTIFICATE OF APPROPRIATENESS**

A certificate of appropriateness will not be required for general, occasional maintenance of any historic building, structure, or site, or any building or structure within a historic district. General, occasional maintenance will include, but not be limited to, lawn and landscaping care, exterior color change, and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance will not include any of the activities enumerated above for which a certificate of appropriateness is required, nor will it include addition or change of awnings, signs, or material alterations to porches and steps. General, occasional maintenance and repair shall include ordinary maintenance which does not require a building permit.

**18.10 MAINTENANCE AND REPAIR REQUIRED**

It shall be a violation of this land development code to permit any improvements to a historic site to suffer deterioration and/or be endangered by lack of ordinary maintenance and repair. It shall be unlawful to permit any improvements in visual proximity of a historical site to suffer deterioration and/or be endangered by lack of ordinary maintenance and repair to such an extent that such improvements detract from the character of the historic site.

**18.11 EMERGENCY CONDITIONS**

For the purposes of remedying emergency conditions determined to be eminently dangerous to life, health, or property, nothing contained herein will prevent the making of any temporary construction, reconstruction, demolition of limited scope and effect, or other repairs to a historic site. Such temporary construction, reconstruction or demolition of limited scope and effect will take place pursuant to permission granted by the Zoning Administrator, and provided that only such work as is reasonably necessary to correct such conditions may be carried out.

**18.12 INJUNCTION AND RESTORATION REMEDIES**

In addition to the general penalty provisions for violation of this land development code, violations of this section shall be specifically enforceable by the City through:

1. Application to the circuit court for injunctive relief to prevent acts in violation of this section, and
2. One who shall change the appearance of a historic site without obtaining a required certificate of appropriateness may be required to restore the site to its prior appearance.

**18.13 PUBLIC RECORDS NOTICE**

Within thirty (30) days of the designation of any historic site or district, the Zoning Administrator shall cause notification to be placed in the public records of Alachua County, Florida, and such notification shall remain on the public records until the designation of the historic site or district is removed in accordance with the requirements of this land development code. Failure to properly record notification in the public records shall not affect the applicability of this land development code to the property.

**SECTION 19 - DIMENSIONS**

**19.01 TABLE OF REQUIRED DIMENSIONS**

The following dimensional standards are adopted:

	A	R-1	R-2	R-3	C-1	C-2	ILW	I
Minimum Lot Size With Septic Tank and No City Water (square feet)	5 acres	43,560	22,000	22,000	22,000	22,000	22,000	43,560
Minimum Lot Size With Septic Tank or Package Plant and City Water (square feet.)	5 acres	43,560	10,000	10,000	10,000	10,000	22,000	43,560
Minimum Lot Size Per Single Family Dwelling Unit With Septic Tank and No City Water (square feet)	5 acres	43,560	22,000	22,000	22,000	22,000		
Minimum Lot Size Per Single Family Dwelling Unit With Septic Tank or Package Plant and City Water (square feet)	5 acres	43,560	10,000	10,000	10,000	10,000		

<b>Maximum Density of Multi-Family Units (Dwelling Units/Acre)</b>								
	A	R-1	R-2	R-3	C-1	C-2	ILW	I
As Accessory Uses:					3	3		
As Principal Uses:					12	12		
Maximum floor area ratio of commercial and Industrial Buildings					0.75	0.75	0.5	0.5
Minimum Lot Width (feet):	200	100	85	85	85	85	100	100
<b>Minimum Principal Building Setback (Feet):</b>								
FRONT (Arterial Road Frontage):	75	75	75	75	75	75	75	75
FRONT (Non-Arterial):	30	25	25	25	25	25	35	50
SIDE:	25	25	15	15	15	15	20	25
REAR:	25	50	15	15	15	15	25	35

<b>Minimum Accessory-Building Setback (Feet)</b>								
	A	R-1	R-2	R-3	C-1	C-2	ILW	I
FRONT (Arterial Road Frontage):	75	75	75	75	75	75	75	75
FRONT (Non-Arterial):	30	25	25	25	25	25	35	50
SIDE:	25	15	15	15	15	15	20	25
REAR:	25	5	5	5	5	5	25	35
Maximum Height of Structure (feet)	65	40	40	40	60	60	65	80

## **19.02 EXCLUSION FROM HEIGHT LIMITATIONS**

The height limitations contained in Section 19.01 do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, or other appurtenances usually required to be placed above the roof level, and, excepting airport control towers, not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Federal Aviation Administration or any other Federal or State agency.

## **19.03 COMMUNITY RESIDENTIAL HOMES**

### **1. Community Residential Homes: General Requirements**

Homes providing special services as described in Use 1.9 of the Table of Permitted Uses in Section 16 shall comply with the following requirements:

- a. All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
- b. A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.
- c. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
- d. The siting of community residential homes in areas zoned for single family shall be governed by this Land Development Code. Nothing in Section 419.001, Florida Statutes, as amended, prohibits the City from authorizing the development of community residential homes in areas zoned for single family.

### **2. Community Residential Homes One to Six (1-6) Persons**

- a. Homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of this Land Development Code. Homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multi-family zoning districts without approval by the City, provided that such homes are not located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents or within a radius of one thousand two hundred (1,200) feet of another existing community residential home.
- b. Such homes with six (6) or fewer residents are not required to comply with the notification provisions of Section 419.001, Florida Statutes, as amended; provided that, before licensure, the sponsoring agency provides the City with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the City in which the proposed site is to be located in order to show that there is not a home of six (6) or fewer residents which otherwise meets the definition of a community residential home within a radius of one thousand (1,000) feet and not a community residential home within a radius of one thousand two hundred (1,200) feet of the proposed home.

- c. At the time of home occupancy, the sponsoring agency must notify the City Manager that the home is licensed by the licensing entity.
  - d. For purposes of this Land Development Code determinations, these requirements do not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.
3. Community Residential Homes Seven to Fourteen (7-14) Persons
- a. When a site for a community residential home of seven to fourteen (7-14) persons has been selected by a sponsoring agency in an area zoned for multi-family, the agency shall notify the City Manager in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring agency shall also provide to the City the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the City in which the proposed site is to be located.
  - b. The City shall review the notification of the sponsoring agency in accordance with this Land Development Code.
    - (1) Pursuant to such review, the City may:
      - (a) Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
      - (b) Fail to respond within sixty (60) days. If the City fails to respond within such time, the sponsoring agency may establish the home at the site selected.
      - (c) Deny the siting of the home.
    - (2) The City shall not deny the siting of a community residential home unless the City establishes that the siting of the home at the site selected:
      - (a) Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
      - (b) Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
      - (c) Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of one thousand two hundred (1,200) feet of another existing community residential home in a multi-family zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of five hundred (500) feet of an area of single-family zoning substantially alters the nature and character of the area.

- c. Nothing in this section shall be deemed to affect the authority of any community residential home located within the City lawfully established prior to October 1, 1989, to continue to operate.

## **SECTION 20 - FLOOD PROTECTION**

### **SECTION 20.01 ADMINISTRATION, GENERAL**

- 20.01.1 Title. These regulations shall be known as the Floodplain Management Ordinance of the City, hereinafter referred to as this Article.
- 20.01.2 Scope. The provisions of this Article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- 20.01.3 Intent. The purposes of this Article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  5. Minimize damage to public and private facilities and utilities;
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- 20.01.4 Coordination with the Florida Building Code. This Article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, American Society of Civil Engineers 24 refers to the edition of the standard that is referenced by the Florida Building Code.

- 20.01.5 Warning. The degree of flood protection required by this Article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Article.
- 20.01.6 Disclaimer of Liability. This Article shall not create liability on the part of the City Commission or by any officer or employee thereof for any flood damage that results from reliance on this Article or any administrative decision lawfully made thereunder.

## SECTION 20.02 APPLICABILITY

- 20.02.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- 20.02.2 Areas to Which this Ordinance Applies. This Article shall apply to all flood hazard areas within the City, as established in Section 20.02.3 of this Article.
- 20.02.3 Basis for Establishing Flood Hazard Areas. The Flood Insurance Study for Alachua County, Florida and Incorporated Areas dated June 16, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall, 16870 Southwest 134th Avenue, Archer, Florida.
- 20.02.4 Submission of Additional Data to Establish Flood Hazard Areas. To establish flood hazard areas and base flood elevations, pursuant to Section 20.05 of this Article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a Flood Insurance Rate Map, the area shall be considered as flood hazard area and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- 20.02.5 Other Laws. The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.
- 20.02.6 Abrogation and Greater Restrictions. This Article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Article and any other ordinance, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Article.

- 20.02.7 Interpretation. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### SECTION 20.03 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- 20.03.1 Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- 20.03.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Section 20.07 of this Article.
- 20.03.3 Applications and Permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Article.
- 20.03.4 Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this Article is required.

20.03.5 Modifications of the Strict Application of the Requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 20.07 of this Article.

20.03.6 Notices and Orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.

20.03.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 20.06 of this Article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

20.03.8 Other Duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 20.03.4 of this Article;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency;
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to Federal Emergency Management Agency the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City are modified.

20.03.9 Floodplain Management Records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, Federal Emergency Management Agency, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City Hall, 16870 SW 134th Avenue, Archer, Florida.

## SECTION 20.04 PERMITS

- 20.04.1 Permits Required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been satisfied.
- 20.04.2 Floodplain Development Permits or Approvals. Floodplain development permits or approvals shall be issued pursuant to this Article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- 20.04.3 Buildings, Structures and Facilities Exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 Code of Federal Regulations Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes, as amended.
  3. Temporary buildings or sheds used exclusively for construction purposes.
  4. Mobile or modular structures used as temporary offices.
  5. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, as amended, which are directly involved in the generation, transmission, or distribution of electricity.

6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  7. Family mausoleums not exceeding two hundred and fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  9. Structures identified in Section 553.73(10)(k), Florida Statutes, as amended, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- 20.04.4 Application for a Permit or Approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 20.05 of this Article.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- 20.04.5 Validity of Permit or Approval. The issuance of a floodplain development permit or approval pursuant to this Article shall not be construed to be a permit for, or approval of, any violation of this Article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- 20.04.6 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred and eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred and eighty (180) days after the work commences. Extensions for periods of not more than one hundred and eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
- 20.04.7 Suspension or Revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other ordinance, regulation or requirement of this community.
- 20.04.8 Other Permits Required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Suwannee River Water Management District; Section 373.036, Florida Statutes, as amended.
2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, as amended, and Chapter 64E-6, Florida Administrative Code.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes, as amended.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

## SECTION 20.05 SITE PLANS AND CONSTRUCTION DOCUMENTS

- 20.05.1 Information for Development in Flood Hazard Areas. The site plan or construction documents for any development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed development:
1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  2. Where base flood elevations or floodway data are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, they shall be established in accordance with Section 20.05.2.2 or 20.05.2.3 of this Article.
  3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, such elevations shall be established in accordance with Section 20.05.2.1 of this Article.
  4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
  5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
  7. Existing and proposed alignment of any proposed alteration of a watercourse.
- The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Article.
- 20.05.2 Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A). Where flood hazard areas are delineated on the Flood Insurance Rate Map and base flood elevation data have not been provided, the Floodplain Administrator shall:
1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from Federal Emergency Management Agency, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

20.05.3 Additional Analyses and Certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to Federal Emergency Management Agency as specified in Section 20.05.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by Federal Emergency Management Agency, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the Flood Insurance Rate Map and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to Federal Emergency Management Agency as specified in Section 20.05.4 of this Article.

20.05.4 Submission of Additional Data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from Federal Emergency Management Agency to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on Flood Insurance Rate Maps, and to submit such data to Federal Emergency Management Agency for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 20.06 INSPECTIONS

- 20.06.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- 20.06.2 Development other than Buildings and Structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- 20.06.3 Buildings, Structures and Facilities Exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- 20.06.4 Buildings, Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 20.05.2.3.b. of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- 20.06.5 Buildings, Structures and Facilities Exempt from the Florida Building Code, Final Inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 20.06.4 of this Article.
- 20.06.6 Manufactured Homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

## SECTION 20.07 VARIANCES AND APPEALS

- 20.07.1 General. The City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this Article. Pursuant to Section 553.73(5), Florida Statutes, as amended, the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

- 20.07.2 Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Article. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- 20.07.3 Limitations on Authority to Grant Variances. The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 20.07.7 of this Article, the conditions of issuance set forth in Section 20.07.8 of this Article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.
- 20.07.4 Restrictions in Floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 20.05.3 of this Article.
- 20.07.5 Historic Buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- 20.07.6 Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Article, provided the variance meets the requirements of Section 20.07.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- 20.07.7 Considerations for Issuance of Variances. In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Article, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  4. The importance of the services provided by the proposed development to the community;
  5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  6. The compatibility of the proposed development with existing and anticipated development;
  7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- 20.07.8 Conditions for Issuance of Variances. Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards;
  2. Determination by the City Commission that:
    - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
    - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
    - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
  4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars and no cents (\$25.00) for one hundred dollars and no cents (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## SECTION 20.08 VIOLATIONS

- 20.08.1 Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this Article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a violation of this Article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- 20.08.2 Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this Article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

20.08.3 Unlawful Continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION 20.09 DEFINITIONS

### 20.09.1 General

1. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Article, have the meanings shown in this section.
2. Terms defined in the Florida Building Code. Where terms are not defined in this Article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
3. Terms not defined. Where terms are not defined in this Article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

### 20.09.2 Definitions

**ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this Article.

**AMERICAN SOCIETY OF CIVIL ENGINEERS 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. American Society of Civil Engineers 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**BASE FLOOD.** A flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one (1) percent-annual chance flood."

**BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum, North American Vertical Datum or other datum specified on the Flood Insurance Rate Map.

**BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides.

**DESIGN FLOOD.** The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one (1) percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**DESIGN FLOOD ELEVATION.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**EXISTING BUILDING AND EXISTING STRUCTURE.** Any buildings and structures for which the start of construction commenced before June 9, 1994.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 9, 1994.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY.** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**FLOOD HAZARD AREA.** The greater of the following two areas:

1. The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**FLOOD INSURANCE RATE MAP.** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

**FLOODPLAIN ADMINISTRATOR.** The office or position designated and charged with the administration and enforcement of this Article (may be referred to as the Floodplain Manager).

**FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Article.

**FLOODWAY.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**FLORIDA BUILDING CODE.** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

**FUNCTIONALLY DEPENDENT USE.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**HISTORIC STRUCTURE.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

**LETTER OF MAP CHANGE.** An official determination issued by Federal Emergency Management Agency that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A Letter of Map Amendment amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by Federal Emergency Management Agency to revise the effective Flood Insurance Rate Map.

**LIGHT-DUTY TRUCK.** As defined in 40 Code of Federal Regulations 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or American Society of Civil Engineers 24.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle or park trailer.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**NEW CONSTRUCTION.** For the purposes of administration of this Article and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after June 9, 1994 and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 9, 1994.

**PARK TRAILER.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

**RECREATIONAL VEHICLE.** A vehicle, including a park trailer, which is: [see in Section 320.01, Florida Statutes, as amended]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA.** An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on Flood Insurance Rate Map's as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

**START OF CONSTRUCTION.** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one-hundred and eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**VARIANCE.** A grant of relief from the requirements of this Article, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this Article or the Florida Building Code.

**WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through or over which water flows at least periodically.

## SECTION 20.10 BUILDINGS AND STRUCTURES

- 20.10.1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida Building Code. Pursuant to Section 20.04.3 of this Article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of American Society of Civil Engineers 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 20.16 of this Article.

## **SECTION 20.11 SUBDIVISIONS**

- 20.11.1 Minimum Requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- 20.11.2 Subdivision Plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the Flood Insurance Rate Map, the base flood elevations determined in accordance with Section 20.05.2.1 of this Article; and
  3. Compliance with the site improvement and utilities requirements of Section 20.12 of this Article.

## **SECTION 20.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

- 20.12.1 Minimum Requirements. All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- 20.12.2 Sanitary Sewage Facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- 20.12.3 Water Supply Facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- 20.12.4 Limitations on Sites in Regulatory Floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 20.05.3.1 of this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

20.12.5 Limitations on Placement of Fill. Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

## SECTION 20.13 MANUFACTURED HOMES

20.13.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, Florida Statutes, as amended, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this Article.

20.13.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this Article. Foundations for manufactured homes subject to Section 20.13.6 of this Article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

20.13.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

20.13.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 20.13.5 or 20.13.6 of this Article, as applicable.

20.13.5 General Elevation Requirement. Unless subject to the requirements of Section 20.13.6 of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

20.13.6 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are not subject to Section 20.13.5 of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

- 20.13.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.
- 20.13.8 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

#### SECTION 20.14 RECREATIONAL VEHICLES AND PARK TRAILERS

- 20.14.1 Temporary Placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
1. Be on the site for fewer than one-hundred and eighty (180) consecutive days; or
  2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- 20.14.2 Permanent Placement. Recreational vehicles and park trailers that do not meet the limitations in Section 20.14.1 of this Article for temporary placement shall meet the requirements of Section 20.13 of this Article for manufactured homes.

#### SECTION 20.15 TANKS

- 20.15.1 Underground Tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- 20.15.2 Above-Ground Tanks, Not Elevated. Above-ground tanks that do not meet the elevation requirements of Section 20.15.3 of this Article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- 20.15.3 Above-Ground Tanks, Elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- 20.15.4 Tank Inlets and Vents. Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### SECTION 20.16 OTHER DEVELOPMENT

- 20.16.1 General Requirements for Other Development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:
1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Section 20.12.4 of this Article if located in a regulated floodway;
  3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of American Society of Civil Engineers 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- 20.16.2 Fences in Regulated Floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 20.12.4 of this Article.
- 20.16.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 20.12.4 of this Article.
- 20.16.4 Roads and Watercourse Crossings in Regulated Floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 20.12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 20.05.3.3 of this Article.

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## ARTICLE IV

### DEVELOPMENT

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## **ARTICLE IV**

### **DEVELOPMENT**

#### **SECTION 21 - DEVELOPMENT AND DESIGN STANDARDS**

##### **21.01 PURPOSE AND APPLICABILITY**

1. The purpose of this section is to insure that new development and re-development comply with certain minimum criteria which are required to implement the Comprehensive Plan.
2. The development standards contained in this section are provided to also protect the public health, safety, and welfare, to insure the benefits of growth and protect the general public from any potential adverse impacts related to growth.
3. The development standards contained in this section shall apply to all requests for development building permit or site and development plan approval and shall be considered as the minimum acceptable design criteria.
4. No building permit or site and development plan shall be approved unless assurance is provided that the required improvements will be installed.
5. All development standard requirements shall be installed at the expense of the developer.
6. The development standards contained in this article do not invalidate deed restrictions or restrictive covenants, nor does the City enforce such private contractual agreements.
7. All existing developments shall continue to comply with the development standards in effect at the time the development received approval from the City. Any expansions or modifications shall conform to requirements of this land development code.
8. This section shall not replace or excuse compliance with technical codes relating to building, fire protection, or any other related activity.

##### **21.02 HANDICAPPED ACCESSIBILITY**

Accessibility to buildings and uses shall be provided from right of way and parking areas by means of a pathway leading to at least one entrance generally used by the public. Such pathways shall have been cleared of all obstructions relating to construction activity prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and the sidewalk surface, inclined curb approaches or curb cuts, having a grading of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for access by wheelchairs (see Section 21.05.5).

##### **21.03 ACCESS CONTROL**

1. A curb break is a driveway or other point of access or opening for vehicles onto a public street.
2. In order to provide ease and convenience in the ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks should be regulated relative to the intensity or size of the property served and the amount of frontage which the property has on a given street.
3. Curb breaks shall be regulated as follows:
  - a. One (1) curb break shall be permitted for ingress and egress purposes to a single property or development;

- b. Two (2) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this section are met, and if the minimum distance between the two (2) curb breaks equals or exceeds seventy (75) feet;
  - c. Three (3) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this section are met, and if the minimum distance between adjacent curb breaks equals or exceeds (one hundred fifty)150 feet;
  - d. More than three (3) curb breaks may be permitted provided all other requirements of this section are met, and the minimum distance between adjacent curb breaks equals or exceeds three hundred (300) feet.
4. The width of a curb break (measured at the street right of way) shall be a minimum of twelve (12) feet and a maximum of forty (40) feet, as more particularly defined below:

USE	MINIMUM	MAXIMUM
Residential	12 ft.	24 ft.
Planned Shopping Centers, Industrial Developments, Multifamily (with parking for 300 or more vehicles)	24 ft	40 ft
All other uses		
One Way	12 ft.	24 ft.
Two Way	24 ft	40 ft

5. No curb breaks shall be constructed:
- a. In the radius return (curved arc between intersecting street pavements) of an intersection;
  - b. Nearer than twenty (20) feet from the intersection of street right of way lines;
  - c. Nearer than five (5) feet from an interior property line;
  - d. To prevent vehicle overhang on private property in the vicinity of curb breaks, off street parking areas, and off street loading areas, a six (6) inch raised curb and/or parking stops shall be constructed a minimum distance of three (3) feet inside the street right of way line or property line;
  - e. To conflict with any public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or other similar type structures.
6. No curb break shall be permitted without first being applied for as part of a Zoning Permit, Conditional Use Permit, or Site and Development Plan.

#### 21.04 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

1. Visibility at Intersections On a Corner lot. In all zoning districts, no fence, wall, hedge, landscaping or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one half (2 1/2) feet and six (6) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines thirty (30) feet from the point of intersection.

2. Visibility at Curb Breaks In all zoning districts where a curb break intersects a right-of-way, no fence, wall, hedge, landscaping or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross visibility between a height of two and one half (2 1/2) feet and six (6) feet within the areas of property on both sides of the curb break formed by an intersection of each side of the curb break and public right of way lines with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third (3rd) being a line connecting the end of the two (2) other sides.
3. Retaining Walls This section shall not be deemed to prohibit any necessary retaining wall
4. Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights, and sight is not significantly obstructed.

#### 21.05 ACCESS TO RESIDENTIAL DISTRICT

No land in a Residential District shall be used for driveway, walkway, or access purposes to any land which is in a Commercial District or Industrial District, or used for any purpose not permitted in a Residential District, except for ingress and egress, to an existing use which does not abut on a street.

#### 21.06 OFF STREET PARKING AND LOADING

It is the intent of this land development code that public interest, welfare and safety requires the buildings and uses, erected and begun after the effective date of this land development code, shall be provided with adequate off street parking certain specified cases, off street parking facilities for the handicapped ) for the use of occupants, employees, visitors, customers or patrons. It is also the intent of this land development code that public interest, welfare and safety require that certain uses provide adequate off street parking facilities. Such off street parking and off street loading facilities shall be maintained and continued so long as the main use continues.

##### 1. Off Street Parking and Loading Facilities: General Standards

- a. Off street parking and loading facilities shall be provided as set out in this land development code. Conforming buildings and uses existing as of the effective date of this land development code may be modernized, altered or repaired without providing additional off street parking or off street loading facilities, provided there is no increase in floor area or capacity.
- b. Where conforming building or use existed as of the effective date of this land development code, and such building or use is enlarged in floor area, volume, capacity or space occupied, off street parking and loading facilities as specified in this land development code shall be provided for the additional floor area, volume, capacity or space so created or used.
- c. Change in use of a building or use existing as of the effective date of this land development code shall require additional off street parking and loading facilities to the extent that the use shall provide additional parking spaces amounting to the difference between the required number of parking spaces for the new use and the required number of parking spaces for the previous use.
- d. Required off street parking areas shall not be used for sales or display, dead storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting off street parking requirements.
- e. Unless otherwise specified and subject to meeting landscape buffer requirements, all general building setbacks may be used for off street parking.

2. Off street Parking and Off street Loading Facilities: Identification, Surfacing, Drainage, Lighting, Access. The required off street parking and off street loading facilities shall be:
  - a. Identified as to purpose and location when not clearly evident;
  - b. Surfaced with asphalt, concrete or such material as may be durable, yet, of a porous construction to permit percolation of surface runoff. The surface shall be maintained in a smooth, well graded condition, except those parking spaces for churches or other uses that can demonstrate the likelihood of use twice or fewer times per week, may be surfaced with grass or mulch (driveways and access isles must be paved);
  - c. Drained on site;
  - d. Lighted as to prevent glare or excessive light on adjacent property;
  - e. Arranged for convenient access and safety for pedestrians and vehicles;
  - f. Designed to conform to curb break requirements;
  - g. Arranged so that no vehicle shall be required to back from such facilities directly into public streets;
  - h. Designed to provide curbs or motor vehicle stops or similar devices to prevent vehicles from overhanging on or into public rights of way or adjacent property.
3. Off street Parking: Location. The required off street parking facility shall be located on the same lot or parcel of land it is intended to serve provided, however, that the Zoning Administrator may allow the establishment of such off street parking facility within three hundred (300) feet of the premises it is intended to serve when:
  - a. Practical difficulties prevent the placing of the facility on the same lot as the premises it is designed to serve, and
  - b. The owner of said parking area shall enter into a written agreement with the City with enforcement running to the City providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facility is required, and
  - c. The owner agrees to bear the expense of recording the agreement in the Public Records of Alachua County, and agrees that the agreement shall be voided by the City if other off street parking facilities are provided in accordance with the requirements of this section.
4. Off street Parking: Dimensional Standards. Each off street parking space, with the exception of handicapped parking spaces, shall be a minimum of nine (9) feet by eighteen (18) feet in size. Minimum aisle width shall be as follows:

ANGLE OF PARKING	AISLE WIDTH	
	ONE WAY	TWO WAY
Parallel	12 ft.	20 ft.
30 Degrees	12 ft.	22 ft.
45 Degrees	12 ft.	22 ft.
60 Degrees	18 ft.	24 ft.
90 Degrees	22 ft.	24 ft.

5. Off street Parking: Handicapped Parking Spaces. Required off street parking areas shall have a number of level parking spaces, as set forth in the following table identified by above grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than twelve (12) feet in width and twenty (20) feet in length, and shall meet the latest Americans With Disabilities Act standards for design.

PARKING SPACES FOR HANDICAPPED (C-1, C-2 and I Districts)	
TOTAL SPACES IN LOT	REQUIRED NUMBER OF HANDICAPPED PARKING SPACES
0-25	1
26-51	3
76-100	4
over 100	One for each additional 50 spaces.

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. These parking spaces shall be located so that physically handicapped persons are not compelled to travel behind parked cars to reach entrances, ramps, walkways and elevators (see Section 21.02).

6. Plans Required. A plan shall be submitted with each application for a building permit for any building or use that is required to provide off street parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off street parking facilities to the uses or structures such facilities are designed to serve.
7. Landscaping Requirements. Wherever off street parking facilities are provided, such off street parking facilities shall conform to the minimum landscaping requirements as hereafter set forth, except that 1.1, 1.2 and 1.3 uses as defined in the Table of Permitted Uses (Section 16.06) shall be exempted from such requirements. The landscaping requirements shall be as follows:
- a. Except as otherwise noted herein, a minimum of ten (10) percent of any off street parking area shall be landscaped with grass, plants, shrubs, and/or trees. Required landscaping may, in part, be located along the periphery of the off street parking area; however, where possible, a portion of the required landscaping shall also be located within the interior of the off street parking area and shall be located in such a manner as to divide and break up the expanse of paving and guide traffic flow and direction.
  - b. Each separate landscaped area shall contain a minimum of one hundred eighty (180) square feet and shall have a minimum dimension of at least nine (9) feet, and shall include at least one (1) canopy tree, with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material (see Section 21.44).
  - c. The total number of trees shall not be less than one for each one hundred eighty (180) square feet or fraction thereof of required landscaping. Trees shall be a minimum of one (1) inch in diameter as measured six (6) inches above the ground, and eight (8) feet in height immediately after planting. Trees shall not be planted closer than two (2) feet to public roads or other public works.

- d. Required landscaped areas shall be properly maintained (to include an irrigation system, replanting of dead or damaged vegetation and pruning of healthy vegetation) and continued so long as the main use continues. Failure to maintain the landscaped area as required herein shall be a violation of this land development code
- 8. Off street Loading: Specifications, Amounts. Off street loading facilities are required by this land development code so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys, so that adequate space is available for loading and unloading of goods, materials or things for delivery and shipping. Off street parking facilities may not be used or counted as meeting off street loading requirements. Each off street loading space shall be directly accessible from a street or alley without crossing or entering any other off street loading space. Such loading space shall be arranged for convenient ingress and egress by motor truck and/or trailer combination.
- 9. Off street Loading: Dimensional Standards. Each off street loading space shall have a clear horizontal dimension of twelve (12) feet by thirty (30) feet, exclusive of platforms and piers, and a clear vertical dimension of fourteen (14) feet.
- 10. Off street Loading: Plans Required. A plan shall be submitted with every application for a building permit for any use or structure required to provide off street loading facilities. The plan shall accurately designate the required off street loading spaces, access thereto, dimensions, and clearance.
- 11. Off street Loading: Collective Use. Collective, joint or combined provisions for off street loading facilities for two (2) or more buildings or uses may be made, provided that such off street loading facilities are equal in size and capacity to the combined requirements of all buildings or uses, and are designed, located and arranged to be usable thereby. Any arrangement for combination off street loading shall be subject to the filing of a legal instrument satisfactory to the Zoning Administrator insuring that such off street loading will be maintained in the future so long as a use or uses require such off street loading.
- 12. Off street Loading: Requirements. Off street loading spaces shall be provided and maintained as follows:
  - a. For each 2.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, and 11.0 level use (see Table of Permitted Uses, Section 16.06) which has an aggregate floor area of:

FLOOR AREA	
SQUARE FEET	NUMBER OF SPACES
5,000 - 25,000	1
25,00 - 60,000	2
60,000 - 120,000	3
120,000 - 200,000	4
200,000 - 300,000	5
Each additional 100,000	1

Applicant may request a variance to reduce or eliminate loading space request upon a showing of inapplicability.

- b. For each 1.1 level use having at least twenty (20) dwelling units: one space, plus one space for each additional fifty (50) dwelling units or major fraction thereof.

## 21.07 TABLE OF PARKING REQUIREMENTS

The following is a table of the minimum parking requirements:

#	USE	PARKING REQUIREMENT
1.0	RESIDENTIAL	
1.1	Single-family residential	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.2	Site built and modular structures	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.3	Class "A" mobile home	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.4	Mobile home park	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.5	Duplex	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.6	Caretaker residences	1.5 spaces for each bedroom
1.7	Multi-family residences	2 spaces per dwelling unit (in uses 1.4 and 1.7 1 additional space shall be provided for each 3 units or part thereof)
1.8	Child care centers	1 space per each 300 sq. ft. of floor area devoted to child care activities
1.9	Community residential homes one to six (1-6) persons providing special services (for handicapped or infirm; nursing care; child care; halfway houses; congregate living facilities)	1.5 spaces for each bedroom
1.10	Community residential homes seven to fourteen (7-14) persons providing special services (for handicapped or infirm; nursing care; child care; halfway houses; congregate living facilities)	1.5 spaces for each bedroom
1.11	Temporary emergency residence	1.5 spaces for each bedroom
1.12	Home occupations	Number not set-see below
1.13	Accessory dwelling unit	1 space per dwelling unit
2.0	RETAIL SALES AND RENTAL	
2.1	Retail sales	1 space for each 200 sq. ft. of floor area
2.2	Sales and rental of goods	1 space for each 200 sq. ft. of floor area
2.3	Convenience stores	1 space for each 200 sq. ft. of floor area
2.4	Convenience stores with retail gasoline sales	1 space for each 200 sq. ft. of floor area

#	USE	PARKING REQUIREMENT
<b>RETAIL SALES AND RENTAL continued</b>		
2.5	Wholesale sales	1 space for each 400 sq. ft. of floor area
2.6	Dry cleaner, laundromat	1 space for each 200 sq. ft. of floor area
2.7	Open air markets	1 space for each 400 sq. ft. of floor area
2.8	Funeral homes, cemeteries, columbaria	1 space for each 200 sq. ft. of floor area
2.9	Constructing, assembling, repairing or processing of artisan creations intended for retail sales in a fully enclosed building	1 space for each 200 sq. ft. of floor area
2.10	Repair shop	1 space for each 200 sq. ft. of floor area
2.11	Pharmacies	1 space for each 200 sq. ft. of floor area
2.12	Medical marijuana dispensing	1 space for each 200 sq. ft. of floor area
#	USE	PARKING REQUIREMENT
<b>OFFICES</b>		
3.1	Professional offices to include attorneys, physicians, insurance agents, stock brokers, government offices, dentists, banks without drive up windows	1 space for each 200 sq. ft. of floor area
3.2	Banks with drive up windows	1 space for each 200 sq. ft. of floor area
<b>INDUSTRIAL TYPE USES</b>		
4.1	Operations conducted within a fully enclosed building	1 space for each 500 sq. ft. of floor area
4.2	Operations conducted outside of a fully enclosed building	1 space for each 500 sq. ft. of floor area
4.3	Cold storage facility	1 space for each 500 sq. ft. of floor area
4.4	Warehouse (distribution or storage)	1 space for each 500 sq. ft. of floor area
4.5	Manufacturing, assembling, compounding, processing or treatment of items for mass production	1 space for each 500 sq. ft. of floor area
<b>EDUCATIONAL, CULTURAL, RELIGIOUS, SOCIAL, FRATERNAL USES</b>		
5.1	Public, charter, and private schools	2 spaces for each classroom in elementary or middle school, 5 spaces for each classroom in high school
5.2	Nursery school/day care center	1 space for each 300 sq. ft. of floor area devoted to child care activities
5.3	Structures for religious purposes	1 space for each 4 seats in the main sanctuary

#	USE	PARKING REQUIREMENT
5.0	EDUCATIONAL, CULTURAL, RELIGIOUS, SOCIAL, FRATERNAL USES continued	
5.4	Libraries, museums, art galleries, are centers, and similar uses (including associated educational and instructional activities)	Shall be determined on a case by case basis; the applicant may be required to submit a parking study
5.5	Clubs, lodges, union halls	1 space for each 200 sq. ft. of building area
6.0	ENTERTAINMENT	
6.1	Bowling alleys, skating rinks, athletic and exercise facilities, and pool halls	1 space for each 200 sq. ft. of building area
6.2	Movie theaters	1 space for every 4 seats
6.3	Golf and country club, swimming or tennis club, etc.	Shall be determined on a case by case basis; the applicant may be required to submit a parking study
6.4	Horseback riding/stables (commercial)	Shall be determined on a case by case basis; the applicant may be required to submit a parking study
#	USE	PARKING REQUIREMENT
7.0	INSTITUTIONAL	
7.1	Hospitals, clinics	1 space for each patient bed
7.2	Nursing care institutions	1 space for each patient bed
8.0	RESTAURANTS, BARS	
8.1	Restaurant with no drive-in window service	1 space for each 200 sq. ft. of building area
8.2	Bars, taverns, cocktail lounges	1 space for each 200 sq. ft. of building area
8.3	Restaurants with drive-thru service	1 space for each 200 sq. ft. of building area
9.0	MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS	
9.1	Sales, rental, service of motor vehicles	1 space for every 200 sq. ft. of building area
9.2	Servicing and repair of motor vehicles	1 space for every 200 sq. ft. of building area
9.3	Paint and body shop	1 space for every 200 sq. ft. of building area
9.4	Automotive service and self-service station (includes car wash and detailing)	1 space for every 200 sq. ft. of building area

#	USE	PARKING REQUIREMENT
10.0	STORAGE AS PRIMARY PURPOSE	
10.1	Storage within completely enclosed structures	1 space for each 5,000 sq. ft. of building area (minimum 4 spaces)
10.2	Junkyard	1 space for each 5,000 sq. ft. of building area (minimum 4 spaces)
10.3	Parking of vehicles or storage of equipment outside enclosed structures	Number not set-see below
11.0	SERVICES AND ENTERPRISES RELATED TO ANIMALS	
11.1	Veterinarian	1 space for each 200 sq. ft. of building area
11.2	Kennel	1 space for each 400 sq. ft. of building area
11.3	Grooming parlor	1 space for each 200 sq. ft. of building area
12.0	PUBLIC SERVICES	
12.1	Police station, fire station, rescue station, or substation etc.	1 space for each 200 sq. ft. of building area
12.2	Post office	1 space for each 100 sq. ft. of building area
13.0	AGRICULTURAL SILVICULTURAL	
13.1	Agricultural operations excluding livestock	Number not set-see below
13.2	Agricultural operation including livestock (swine not permitted)	Number not set-see below
13.3	Agricultural operations including livestock with swine	Number not set-see below
13.0	AGRICULTURAL SILVICULTURAL continued	
13.4	Agricultural wholesale distribution	Number not set-see below
13.5	Silvicultural operations	Number not set-see below
13.6	Commercial greenhouse operation	Number not set-see below
14.0	UTILITY FACILITIES	
14.1	Regional or community	Number not set-see below
14.2	Towers and related structures more than 50 ft. tall	Number not set-see below
14.3	Solar power generation facilities	2 spaces
15.1	Temporary structures used in connection with construction of a permanent improvement(s) (i.e. construction trailers)	Number not set-see below

#	USE	PARKING REQUIREMENT
15.0	OTHER	
15.2	Special events	Number not set-see below
16.0	TEMPORARY LODGING	
16.1	Bed and breakfast residence	1.5 spaces for each bedroom
16.2	Bed and breakfast inn	1.5 spaces for each bedroom
16.3	Hotels and motels	1.5 spaces for each bedroom
16.4	Rooming house/boarding house	1.5 spaces for each bedroom
17.0	All uses not herein enumerated	Number not set-see below

For any permitted use where parking requirements have not been established herein, the parking requirements shall be set by the permit issuer requiring a number of parking spaces equal to the reasonably anticipated number of vehicles parked at the site at any one time. The permit issuer shall take into consideration the number of employees at the site, the anticipated number of members of the public to visit the site, and the nature of business conducted at the site.

#### 21.08 HISTORIC PRESERVATION EXEMPTION

The preservation of any property that has been placed on the local register of historic places or that is located in the historic district and contributes to the historic character of the district, shall be grounds for a grant of a reduction in, or complete exemption from, the parking requirements in this section. 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.

#### 21.09 TREE PROTECTION EXEMPTION

The required parking may be reduced by not greater than ten (10) percent or two (2) spaces (whichever is greater) where necessary to protect existing trees on a case by case basis.

#### 21.10 STANDARDS FOR DRIVE-UP WINDOWS

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

1. The facilities and stacking lanes shall be located and designed to accommodate all vehicles on-site without obstructing any aisles, parking spaces, public rights-of-way, or pedestrian areas such as sidewalks;
2. A bypass lane shall be provided;
3. Stacking lane distance shall be measured from the service window to the property line bordering the farthest street providing access to the facility and shall be a minimum distance of one hundred twenty (120) feet.

#### 21.11 RESERVED

#### 21.12 RESERVED

#### 21.13 RESERVED

#### 21.14 RESERVED

#### 21.15 RESERVED

## **21.16 STREET CLASSIFICATION SYSTEM**

1. Reasons and Basis of Classification. Streets in the City shall be classified for the reasons and on the basis of the criteria hereafter set forth:
  - a. Streets are classified and mapped according to functions served in order to allow for regulation of access, road right-of-way width, circulation patterns, design speed, and construction standards.
  - b. 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 will be defined by road function and average daily trips, calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used upon demonstration that the alternative source better reflects local conditions.
  - c. 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 development at some future time, the classification of the street shall be based on the street in its entirety, both within and outside of any subdivision or development.
  - d. The following street hierarchy is established: Residential, Collector, and Arterial. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria herein set forth.
2. Residential Streets. Residential streets are primarily suited to providing direct access to residential development. All residential streets should be designed to minimize unnecessary and/or speeding traffic. Each residential street shall have a maximum of no greater than one thousand two hundred (1,200) average daily trips. Residential streets shall have a design speed of twenty-five (25) miles per hour.
3. Collector Streets. Collector streets provide access to non-residential uses and connect lower order residential streets to arterial streets. Collector streets may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, and may give access to residential streets. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have a maximum of no greater than six thousand one hundred (6,100) average daily trips.
4. Arterial Streets. Arterial streets provide links between communities or to limited access expressways. Arterial streets shall have a design speed of fifty-five (55) miles per hour. Arterial streets shall have a maximum of no greater than seven thousand one hundred (7,100) average daily trips.

## **21.17 MINIMUM STREET CONSTRUCTION STANDARDS**

All street improvements required by private development shall be designed and constructed to conform to the requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and amendments, the State of Florida Manual of Uniform Standards for Design, Construction, and Maintenance of Streets and Highways, and as herein set forth.

1. General Requirements
  - a. All streets, whether public or private, shall be designed and constructed in accordance with the requirements set forth herein. Typical street section drawings may be obtained from the City Engineer.

- b. Roadway base shall be constructed of Ocala limerock and compacted to ninety-eight (98) percent of maximum density in accordance with American Association of State Highway Transportation Officials Method T-180 with a minimum thickness of six (6) inches on residential streets and eight (8) inches on collector and arterial streets.
  - c. Roadway sub-grade shall have a minimum thickness of twelve (12) inches and be compacted to ninety-five (95) percent of maximum density in accordance with American Association of State Highway Transportation Officials Method T-180.
  - d. Where soils classified as American Association of State Highway Transportation Officials Soil Groups A-6, A-7, or A-8, are encountered in the sub-grade, such materials shall be removed to a minimum depth of eighteen (18) inches below base and replaced with American Association of State Highway Transportation Officials Soil Groups A-1, A-2, or A-3.
  - e. The developer shall retain a reputable, recognized commercial testing laboratory which shall certify to the City Engineer that all materials and density requirements are in accordance with these regulations:
    - (1) Sub-grade shall be tested for Limerock Bearing Ratio and field density in accordance with the Inspection Standards set by the City Engineer. Field density shall not be less than ninety-five (95) percent of maximum density.
    - (2) Lime rock base course shall be tested field density in accordance with the Inspection Standards established by the City Engineer. Field density shall not be less than ninety-eight (98) of maximum density.
    - (3) Asphaltic concrete surface course plant mix shall meet Florida Department of Transportation specifications. Extraction and/or stability tests may be required by the City Engineer.
    - (4) Roadway embankment shall be tested for field density in accordance with specifications set forth by the City Engineer.
  - f. Other types of construction and/or material may be utilized for the base and surface of the roadway if equal or greater strength requirements are met and if approved by the City Engineer (for example: colored concrete or brick pavers).
  - g. Street name and regulatory signs shall be provided by the developer and shall be of comparable size, design, and quality of street signs used by the City.
2. Drainage Systems
- a. All street classifications may be constructed with a closed (curb and gutter) drainage design. Where closed drainage system is used, standard curb and gutter (Florida Department of Transportation type "F") shall be constructed on all collector and arterial streets. Drop-type (Miami) curb and gutter may be constructed on residential streets.
  - b. Open (roadside swales) drainage systems may be permitted if the following requirements are met; provided, however, that the City Engineer shall have final approval authority for roadside swales.
    - (1) Based on the ten (10)-year storm:

Flow Velocity	Required Material
0 - 3 feet	Seed and Mulch
Over 3 - 5 feet	Sod
Over 5 feet	Pavement

Inverts and the swale flow shall not encroach on the pavement. Roadside swales shall typically have no front slopes steeper than 4:1. Any back slopes greater than 3:1 shall be sodded.

- (2) Additional right-of-way may be required to meet design standards for swale section streets.
- (3) Non-paved right-of-way of the swale section streets shall be provided with suitable vegetative cover.
- (4) The developer shall provide supporting hydrologic, soils, topographic, and erosion control data deemed necessary by the city Engineer in order to determine whether roadside swales are permissible.
- (5) Roadside swales shall not be permitted where ground water is within three feet of the proposed final profile of the roadway. Particular caution should be used in areas where the soils encountered are predominantly of Soil Conservation Service Types 7B, 7C, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 31B, 31C, 32B, 32C, 32D, 34, 44B, 48, 51, 52, 53, 54, 56, 57B, 60, and 61.
- c. Underdrains shall be constructed parallel to and along one or both sides of the paved surface wherever required to prevent the free ground water table from rising within twelve (12) inches of the bottom of the base material, where determined by the City Engineer after consultation with the developer's engineer.
- 3. Roadway Surfaces. Roadway surfaces shall be standard Florida Department of Transportation asphaltic concrete mixes. Type S-3 shall be used on residential streets and Type S shall be used on collector and arterial streets.
- 4. Minimum Pavement Thickness.
  - a. Residential streets shall have the minimum pavement thickness of one and a quarter (1-1/4) inches, a minimum base thickness of six (6) inches, and a minimum sub-grade Limerock Bearing Ratio of thirty (30).
  - b. Collector streets shall have a minimum pavement thickness of one and half (1-1/2) inches, minimum base thickness of eight (8) inches, and a minimum sub-grade Limerock Bearing Ratio of forty (40).
  - c. Arterial streets shall have a minimum pavement thickness of two (2) inches, minimum base thickness of eight (8) inches, and a minimum sub-grade Limerock Bearing Ratio of forty-five (45).
- 5. Minimum Lane and Right-of-Way Width. The specifications contained in this subsection are intended as minimum specifications. Actual lane and right-of-way widths will be determined by traffic volume, access control, type of drainage system, parking, and sidewalk requirement. Minimum widths for two (2) lane traffic shall be established by the following average daily trips volume:

Average Daily Trips	Lane Width	R/W	R/W
		W/Curb	W/Open Swale
Less than 400	10 ft.	50	50
401-1,200	11 ft.	50	60
Greater than 1,200	12 ft.	60	80

6. Drainage Requirements

- a. All drainage pipes shall have adequate capacity to carry the runoff resulting from a rainfall intensity which has a return period of once in three (3) years with a minimum time of concentration of ten (10) minutes. The Florida Department of Transportation rainfall intensity curve for Alachua County, Florida, shall be used.
- b. Where storm sewers are used, the maximum length of gutter flow shall be governed by the street grade and inlet capacity. Minimum grade for curb and gutter shall be three tenths (0.3) percent.
- c. All drainage pipes shall be reinforced concrete pipe, except that asphalt coated corrugated metal pipe may be installed in areas not under a paved road. Minimum pipe size shall be fifteen (15) inches in diameter in a closed drainage system and eighteen (18) inches in diameter in an open drainage system.
- d. All plans shall show, in addition to contours, the outlines, and sizes in acres of drainage areas at the various points of concentration.
- e. All inlet grates shall be cast iron or steel with minimum size of two (2) square feet net open area.

21.18 SIDEWALKS

- 1. The construction of all sidewalks shall comply with the following minimum criteria:
  - a. Sub-grades shall be compacted to ninety-eight (98) percent standard Proctor;
  - b. Three thousand (3,000) pounds per square inch concrete shall be required;
  - c. The concrete shall be four (4) inches thick except that sidewalks which cross driveways shall be six (6) inches and be reinforced by six (6) inch x six (6) inch x ten (10) gauge wire mesh;
  - d. All sidewalks shall extend to the curb or pavement edge and be ramped for handicapped access.
  - e. Sidewalks shall be located at least one (1) foot from the outside edge of the required right-of-way line;
  - f. Sidewalks shall be four (4) feet wide on local streets and five (5) feet wide on all collector or arterial streets.
- 2. Sidewalks shall be constructed along all sides of any development adjacent to collector or arterial streets.
- 3. Sidewalks shall be constructed in Type 1 subdivisions (Section 22.05).

**21.19 FIRE HYDRANTS**

1. The City Engineer shall determine the precise location of all fire hydrants.
2. All submissions for construction drawing, site plan, or subdivision plat approval include a hydrant assembly detail.
3. The City has adopted the Fire Prevention Code governing construction within unincorporated Alachua County, as and for building regulations apply within the corporate limits of the City.

**21.20 FIRE SAFETY LANES AND ACCESS**

1. All fire safety lanes shall be diagonally striped or appropriately labeled on the pavement and posted with "no parking-fire safety lane" signs no less than seven (7) feet above grade at the bottom of the sign and a minimum of fifty (50) feet apart. Any bowling alley, theater, retail store, shopping center grouping of connected retail stores, other commercial use or place of public assembly that has a combined gross floor area greater than twenty thousand (20,000) square feet shall provide a fire safety lane consisting of an area ten (10) feet either side of the curb and perpendicular to any entrance or exit for a width of ten (10) feet either side of the center line of said entrance or exit.

**21.21 STANDARDS FOR CENTRAL SOLID WASTE STORAGE FACILITIES**

1. Central solid waste storage facilities shall be provided by a containerized unit (which may be a compactor) for commercial, industrial, and multi-family development (including mobile home parks) in excess of six (6) units.
2. All central storage facilities shall be located on the site the facilities are intended to serve.
3. All central storage facilities and their enclosures shall be set back a minimum of five (5) feet from any property line.
4. No central storage facility shall be located within any right-of-way, easement, or required visibility triangle.
5. Central storage facilities shall be located so that they do not cause excessive nuisance or offense to adjoining properties and are not unsightly.
6. Central storage facilities shall be located to allow ease of access and pickup by collection vehicles.
7. No parking, stacking lanes, or other obstruction shall be permitted to inhibit the access area for disposal pickup.
8. A vertical clearance of fourteen (14) feet shall be provided.
9. All food service establishments shall comply with Chapter 100-13, Florida Administrative Code.
10. It shall be the responsibility of the property owner to repair and maintain central storage facilities in accordance with the requirements set forth herein.
11. In the case of multiple tenants or users, central storage facilities shall be conveniently located, and shall be of sufficient number and capacity based upon the number of users and the frequency of collection. Additional containers requested after the initial construction shall be provided in accordance with the requirements herein.

## **21.22 CONSTRUCTION OF SOLID WASTE STORAGE FACILITIES**

1. All solid waste central storage facilities shall be located on a concrete pad with a minimum thickness of six (6) inches reinforced by six (6) inch x six (6) inch x ten (10) gauge wire mesh.
2. The minimum dimension of the concrete pad shall be twelve (12) feet deep by twelve (12) feet wide.
3. The concrete pad shall be equipped with pin stops for securing the enclosure doors.
4. All central storage facilities shall be completely screened from view by an opaque enclosure of wood, concrete block, brick, stucco, masonry, or other suitable material. Gates with a minimal opening of ten (10) feet shall be required for access. The use of chain link fence with slats for screening shall be allowed only in industrial districts.
5. Bollards or bumper posts shall be installed at the rear of the container to prevent the container from hitting the enclosure.
6. All screening enclosures shall be six (6) feet high.
7. The design of the enclosure shall be compatible with the architectural design of the development

## **21.23 NON-CONTAINERIZED SOLID WASTE STORAGE**

1. The Zoning Administrator may allow the use of a non-containerized unit for the storage of solid waste under the following conditions:
  - a. Lack of space for the placement of a containerized unit for a re-development project;
  - b. Lack of accessibility to the containerized unit for a re-development project; or
  - c. The project generates less than one hundred eight (108) cubic feet (four (4) cubic yards) of loose garbage a week.
2. The following assumptions shall be made:
  - a. Offices generate one (1) cubic foot of solid waste per day per seven (700) square feet of gross floor area.
  - b. Retail uses generate one (1) cubic foot of solid waste per day per one hundred (100) square feet of gross floor area.
  - c. The amount of solid waste generated by unspecified uses shall be determined by the Zoning Administrator.
3. Non-containerized central storage facilities shall be shown on the site plan in an accessible location, on a concrete pad with a screened enclosure of three and half (3-1/2) feet in height, and shall be sized to accommodate a minimum of four (4) cans.

## **21.24 RESERVED**

## **21.25 RESERVED**

## **21.26 STORMWATER MANAGEMENT: EXEMPTIONS**

1. The following development activities shall not require submission and approval of a stormwater management plan:
  - a. The construction of single family and duplex residences and accessory structures on a lot of record.

- b. Any development within a subdivision provided the following conditions have been met:
  - (1) Stormwater management plans for the subdivision were previously approved as a part of an overall master plan approving the subdivision and related outparcels, remain effect and have not been altered, and have been completed during construction of the overall infrastructure improvement, and
  - (2) The development and related outparcels are constructed in accordance with the site plan approval authorizing the subdivision at the time of approval of the overall master plan.
- c. Any maintenance activity which does not change or affect the quality, rate, volume, or location of storm flows on the site or of stormwater runoff from the site.

#### **21.27 STORMWATER MANAGEMENT: DEFINITIONS**

- 1. Best Management Practice - A practice or a combination of practices, determined by the City Engineer to be the most effective, practical means of preventing or reducing the amount of pollution generated by a project to a level compatible with Suwannee River Water Management District regulations.
- 2. Design Storm - The storm frequency as outlined by the design criteria of this land development code. The design storm shall be considered the minimum recurrence interval storm, using rainfall data and other local information applicable to the affected area, for which a stormwater management plan shall be designed.
- 3. Detention - The temporary collection and storage of surface water for subsequent evaporation, percolation, and release at a rate of discharge which is less than the rate of inflow.
- 4. Discharge (Stormwater) - The stormwater runoff which leaves a site and subsequently directly enters natural or artificial surface drainage systems, artificial subsurface drainage systems, or other property. For water quality purposes, this term shall also include all stormwater runoff which directly or indirectly enters surface waters of the State including surface waters wholly within the site boundaries.
- 5. Discharge Rate - The amount of discharge over time.
- 6. Drainage Outfall - Any artificial structure used for the conveyance, storage, or control of stormwater runoff.
- 7. Impervious Surface - A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
- 8. Retention - The storage of surface water for subsequent disposal by evaporation or percolation.
- 9. Runoff (Stormwater) - That portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during, and for a short duration following any rainfall.

#### **21.28 STORMWATER RETROFIT**

If the additional development, re-development, or alteration of a site involves an excess of fifty (50) percent of the existing gross floor area of a previously developed site or more than a half (1/2) acre, regardless of the gross floor area percentage, or involves the subdivision of an existing developed site to increase the number of development parcels, the entire pre-existing site conditions shall be made to conform with the stormwater management requirements of this land development code.

## **21.29 STORMWATER DESIGN CRITERIA**

1. The stormwater management plan shall be designed to applicable Suwannee River Water Management District Regulations.
2. Discharge rate for the post developed or re-developed site shall not exceed in terms of peak flow and total volume which would occur from the pre-developed site under existing conditions for the required design storm. Runoff rates and volume resulting from the project in excess of the existing amounts shall be accommodated on site.
3. Discharges of stormwater shall comply with the ambient water quality standards of the Suwannee River Water Management District and Florida Department of Environmental Regulation (DER). Best Management Practices shall be utilized to achieve such discharge standards.
4. Positive drainage outfall shall be provided. Where retention areas are designed with no positive drainage outfall, the City Engineer may require an analysis of, and design for, the one hundred (100) year frequency storm. Sheet flow shall not constitute positive outfall.
5. Runoff from adjacent lands which passes through the site shall be included in the stormwater management plan design.
6. Where possible, natural vegetation shall be used as a component of the stormwater management plan.
7. The water table shall not be manipulated so as to endanger natural vegetation beneficial to water quality.
8. Six (6) inches of free board shall be provided for all detention/ retention areas.
9. Detention areas shall be designed, where possible, to completely dry within three (3) days.
10. Detention and retention areas shall be at least five (5) feet from the property line and shall have grass sodded slopes which are graded at a slope no greater than four to one (4:1).
11. Roof drains and/or interceptor swales are required when the potential exists for sheet flow to occur from the roofs of other impervious areas into adjoining properties.
12. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life (with proper maintenance).
13. Off-site stormwater management facilities may be permitted for use by the City Engineer only when the design criteria for stormwater management can be met and adequate ownership and maintenance methods can be shown to provide for their continued function.
14. All stormwater management facilities shall meet the construction standards of the City Engineer.

## **21.30 STORMWATER MANAGEMENT PLAN**

1. The stormwater management plan shall be prepared under the direction of a Florida registered professional engineer and all drawings shall be so certified.
2. The stormwater management plan shall contain the following minimum information:
  - a. Identification of the pre-development rate of discharge from the site by field review and computation.
  - b. The location and nature of all existing water courses, water bodies, and wetlands on or adjacent to the site.

- c. Grading plans and final site topography at one (1) foot contours. The existing site predevelopment at one foot intervals shall also be provided.
- d. The location, elevations, slope, design including cross sections, and capacity of all proposed storm water retention or detention facilities, control structures, culverts, lakes, canals, ditches, swales, vegetative buffers, and any other necessary facilities.
- e. A soils map or survey of the site. The City Engineer may require the submission of a test soil sample borings and a report for the site.
- f. Seasonal high water table evaluations.
- g. Percolation tests representative of design conditions shall be performed if the stormwater management conditions systems shall use swales, percolation (retention), or ex-filtration (detention with filtration) design.
- h. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- i. Drainage Basin or Watershed Boundaries.
- j. Flow paths, volumes and rates, including those for potential failures of retention/detention facilities shall be indicated throughout the proposed system, together with storage volumes, surface areas, depths, and duration and identification of final outfall locations and rates.
- k. Computations, hydrographs, and hydraulic analyses including total project size in acres, acreage by general type of land use, tabulations of the area and percent of impermeable surface by projected type of land use and identification of the frequency and duration of the design storm. Runoff computations shall be based on the most critical situation and conform to acceptable engineering practices.
  - l. Areas of the site to be used or reserved for percolation, including an assessment of the impact of ground water quality where the proposed development is near water wells.
  - m. A description of the ownership and maintenance measures to be utilized.
  - n. Any other information required by the City Engineer to demonstrate compliance with the requirements of the stormwater management component of this land development code.

### 21.31 STORMWATER FACILITY CONSTRUCTION

1. A copy of approved permits from the Suwannee River Water Management District shall be submitted prior to approval of site and development plans.
2. One finalized and approved set of stormwater management plan and design calculations sealed by the engineer of record shall be submitted to the City Engineer prior to the approval of site and development plans.
3. The development shall include sedimentation facilities and other control measures to protect against sediment discharges during clearing and construction and to protect against erosion and sedimentation of drainage facilities during the life of the development. No grading, clearing, except brush removal for surveying, or filling, shall be commenced until erosion and sedimentation measures have been applied between the disturbed area and any water bodies, water courses, or wetlands.

4. Before the issuance of a certificate of occupancy, the engineer of record shall certify that the stormwater management facilities were constructed in substantial compliance with the approved plan and a copy of the Suwannee River Water Management District Certification of Final Inspection.

**21.32 STORMWATER FACILITY MAINTENANCE**

1. Stormwater management systems in developments with private facilities or common areas shall be installed and maintained in accordance with the requirement of the stormwater element of this land development code.
2. Swales and other drainage facilities not in common areas shall be maintained in private ownership, with appropriate drainage or flow easements provided as necessary.
3. Stormwater facilities shall be continuously maintained to assure performance to design standards.

**21.33 RESERVED**

**21.34 RESERVED**

**21.35 RESERVED**

**21.36 RESERVED**

**21.37 RESERVED**

**21.38 TREE REMOVAL: EXEMPTIONS**

1. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this section, 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.
2. In residential districts all trees thirty (30) inches or less in diameter shall be exempt from the provisions of this section.
3. In all zoning districts, all pine trees twelve (12) inches in diameter or less at four (4) feet above the ground shall be exempt from the provisions of this section.

**21.39 TREE PROTECTION, LANDSCAPING, AND BUFFERING: EMERGENCY CONDITIONS**

During emergencies the City Commission may suspend these tree protection regulations by resolution.

**21.40 HISTORIC TREES**

A historic tree is one that has been designated by the City Commission as historic. Designation of a historic tree shall be the same as designation of a historic site in accordance with the Tree Preservation Regulations as contained in Section 18 of this land development code.

**21.41 TRIMMING OR REMOVAL OF TREES**

1. Authorization for trimming or removal of a tree shall be by zoning permit unless the tree trimming or removal is part of development that would require a conditional use permit; in that event, a conditional use permit shall be required.
2. No authorization shall be granted to trim or remove a tree if the applicant 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, design must attempt to preserve historic and specimen trees.

3. No authorization for 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 trimmed, 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 utility lines or services.
  - d. Bicycle or pedestrian traffic by virtue of its 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.
  - g. A valid landscaping plan provides responsible alternatives.

#### 21.42 PROTECTION OF TREES DURING DEVELOPMENT

The following minimum protective measures shall be taken where appropriate to the development activity:

1. Avoiding mechanical injuries.
  - a. Prior to any land preparation or other development activities a protective barrier, easily visible to equipment operators, shall be placed around all protected trees at the greater of the full drip line or a six (6) foot radius. Barriers are to be maintained at all times during construction.
  - b. No attachment, wires, signs or permits may be fastened to any protected tree.
  - c. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
  - d. Landscape activities within the bounds of the protective barrier shall be accomplished with light machinery or manual labor. No grubbing or similar activities are permitted.
  - e. 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 drip line of any protected trees growing within the area.
  - f. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protective area, is terminated.
2. Avoiding injuries due to chemical poisoning.
  - a. 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.
  - b. No equipment shall be cleaned within a required protective barrier or perimeter line.

3. Avoiding injuries due to grade changes. No grade change within the drip line of a protected tree shall be permitted without submission of plans prepared by a qualified landscape architect or forester showing the specific grade change to be implemented together with detailed drawings for action to be taken to prevent damage or destruction of the protected trees.
4. Avoiding injuries due to excavations. Water, sewer, and other utility lines shall be routed around the drip lines of protected trees. If a line cannot reasonably be routed around the drip line, the line shall be tunneled beneath the area within the drip line. The tunnel shall be offset to one side of the trunk to prevent damage to main tap root.
5. Avoiding injury by paving within the drip line. Pervious paving may be placed within the drip line of a protected tree, so long as no damage is inflicted to the tree by grade change, compacting of the soil or any other cause.

**21.43 VARIANCES TO PRESERVE PROTECTED TREES**

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 the requirements of this land development code.

**21.44 REQUIRED LANDSCAPING/PARKING AREAS**

Landscape requirements for off street parking facilities are outlined in Section 21.06.7.

**21.45 REQUIRED LANDSCAPING/BUFFER**

The following types of landscape buffer are hereby established:

1. Opaque buffer: This buffer shall be totally opaque from two and one half (2 1/2) feet above ground level to ten (10) feet above ground level, and forty (40) percent opaque from ten (10) feet above ground level to twenty five (25) feet above ground level. The following shall be minimum requirements, and shall not excuse compliance with the requirement of opacity:
  - a. Minimum plant only requirements:
    - (1) Minimum buffer area of thirty (30) feet in width, and
    - (2) Minimum of ten (10) canopy trees for each one hundred (100) feet in length, and
    - (3) Minimum of four (4) understory trees for each one hundred (100) feet in length, and
    - (4) Minimum of thirty (30) shrubs for each one hundred (100) feet in length.
  - b. Minimum plant/fence requirements:
    - (1) Minimum of ten (10) feet in width, and
    - (2) Minimum of two (2) canopy trees for each one hundred (100) feet in length, and
    - (3) Minimum of one (1) understory tree for each one hundred (100) feet in length, and
    - (4) Minimum of twelve (12) shrubs for each one hundred (100) feet in length, and
    - (5) Minimum of six (6) foot high closed face wooden fence (constructed of materials with a minimum life expectancy of ten (10) years) or the equivalent along the entire length of the required buffer; and

- (6) All of the shrubs enumerated above shall be planted on the public or property line side of the fence.
- c. Minimum plant/berm requirements:
  - (1) Minimum buffer area of twenty (20) feet in width, and
  - (2) Minimum of one (1) canopy tree for each one hundred (100) feet in length, and
  - (3) Minimum of six (6) shrubs for each one hundred (100) feet in length, and
  - (4) Slope of the berm shall be of a gradual design or buttressed in such a way as to prevent erosion, and the berm shall be covered with grass, ground cover, and/or shrubs to prevent erosion;
  - (5) Berm shall extend to a height of six (6) feet above the center line of any adjacent road or the average adjacent elevation.
- 2. Partially opaque buffer: This buffer shall be seventy (70) percent opaque from two and one half (2 1/2) feet above ground level to ten (10) feet above ground level, and thirty (30) percent opaque from ten (10) feet above ground level to twenty five (25) feet above ground level. The following shall be minimum requirements, and shall not excuse compliance with the percentage requirements of opacity:
  - a. Minimum plant only requirements:
    - (1) Minimum buffer area of twenty (20) feet in width, and
    - (2) Minimum of five (5) canopy trees for each one hundred (100) feet in length, and
    - (3) Minimum of three (3) understory trees for each one hundred (100) feet in length, and
    - (4) Minimum of twenty (20) shrubs for each one hundred (100) feet in length.
  - b. Minimum plant/fence requirements:
    - (1) Minimum of seven and a half (7 1/2) feet in width, and
    - (2) Minimum of two (2) canopy trees for each one hundred (100) feet in length, and
    - (3) Minimum of one (1) understory tree for each one hundred (100) feet in length, and
    - (4) Minimum of eight (8) shrubs for each one hundred (100) feet in length, and
    - (5) Minimum of six (6) foot high wooden fence (constructed of materials with a minimum life expectancy of ten (10) years) not more than thirty (30) percent open faced along the entire length of the required buffer; and
    - (6) All of the shrubs enumerated above shall be planted on the public or property line side of the fence.
  - c. Minimum plant/berm requirements:
    - (1) Minimum buffer area of twenty (20) feet in width, and
    - (2) Minimum of one (1) canopy tree for each one hundred (100) feet in length, and
    - (3) Minimum of six (6) shrubs for each one hundred (100) feet in length, and
    - (4) Slope of the berm shall be of a gradual design or buttressed in such a way as to prevent erosion, and the berm shall be covered with grass, ground cover, and/or shrubs to prevent erosion;

- (5) Berm shall extend to a height of six (6) feet above the center line of any adjacent road or the average adjacent elevation.
3. Broken buffer: Shall be generally open but provide plantings from two and one half (2 1/2) to twenty five (25) feet as a broken screen. The minimum requirements shall be as follows:
- Minimum buffer area of ten (10) feet in width, and
  - Minimum of one (1) canopy tree for each one hundred (100) feet in length, and
  - Minimum of one (1) understory tree for each one hundred (100) feet in length, and
  - Minimum of eight (8) shrubs for each one hundred (100) feet in length.

#### 21.46 APPROVED PLANTS

The following plants ranked Florida Number One or better, are specifically approved for required landscape buffers:

COMMON NAME	SCIENTIFIC NAME
1. CANOPY TREES:	
Ash, White	<i>Fraxinus americana</i>
Basswood	<i>Tilia caroliniana</i>
Black gum	<i>Nyssa sylvatica</i>
Catalpa, Southern	<i>Catalpa bignonoides</i>
Cedar, Southern Red	<i>Juniperus silicicola</i>
Cypress, Bald	<i>Taxodium distichum</i>
Cypress, Pond	<i>Taxodium ascendens</i>
Elm, Cedar	<i>Ulmus crassifolia</i>
Elm, Florida	<i>Ulmus americana floridana</i>
Elm, Winged	<i>Ulmus alata</i>
Holly, American	<i>Ilex opaca</i>
Holly, East Palatka	<i>Ilex x attenuata "E. Palat."</i>
Holly, Savannah, etc.	<i>Ilex x attenuata varieties</i>
Locust, Black	<i>Robinia pseudoacacia</i>
Locust, Honey	<i>Gleditsia triacanthos</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Maple, Florida	<i>Acer barbatum (floridamun)</i>
Maple, Red	<i>Acer rubrum</i>
Oak, Bluff (local)	<i>Quercus austrina (durandii)</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Post	<i>Quercus stellata</i>
Oak, Sand Live	<i>Quercus geminata</i>
Oak, Shumard	<i>Quercus shumardii</i>
Oak, Southern Red	<i>Quercus falcata</i>
Oak, Swamp Chestnut	<i>Quercus michauxii</i>
Oak, White	<i>Quercus alba</i>

COMMON NAME	SCIENTIFIC NAME
Palm, Cabbage	<i>Sabal palmetto</i>
Pine, Longleaf	<i>Pinus palustris</i>
Pine, Pond	<i>Pinus serotina</i>
Pine, Shortleaf	<i>Pinus echinata</i>
Pine, Spruce	<i>Pinus glabra</i>
Soapberry	<i>Sapindus marginatus</i>
Sugarberry	<i>Celtis laevigata</i>
Tulip Tree	<i>Liriodendrom tulipidera</i>
Tupelo, Ogeechee	<i>Nyssa ogeche</i>
Tupelo, Swamp	<i>Nyssa sylvatica biflora</i>
Tupelo, Water	<i>Nyassa aquatica</i>
Walnut, Black	<i>Juglans nigra</i>
2. UNDER STORY TREES:	
Buckeye, Red	<i>Aesculus pavia</i>
Bumelia	<i>Bumelia tenax or lanuginosa</i>
Dogwood, Flowering	<i>Cornus florida</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Hawthorn	<i>Crataegus spp.</i>
Holly, Dahoon	<i>Ilex cassine</i>
Hop-hornbeam	<i>Ostrya virginiana</i>
Hornbeam	<i>Carpinus caroliniana</i>
Magnolia, Ash	<i>Magnolia ashei</i>
Olive, Wild	<i>Osmanthus americanus</i>
Plum, American	<i>Prunus americana</i>
Sparkleberry Tree	<i>Vaccinium arboreum</i>
Viburnum, Walter	<i>Viburnum obovatum</i>
3. SHRUBS:	
Azaleas, Indian Hybrid	<i>Rhododendron simsii</i>
Azaleas, Native	<i>Rhododendron spp.</i>
Barberry, Japanese	<i>Berberis thunbergii</i>
Barberry, Mentor	<i>Berberis mentorensis</i>
Camellia	<i>Camellia japonica</i>
Cherry-Laurel	<i>Prunus caroliniana</i>
Glossy Abelia	<i>Abelia grandiflora</i>
Holly, Chinese	<i>Ilex cornuta</i>
Holly, Yaupon	<i>Ilex vomitoria</i>
Japanese Euonymus	<i>Euonymus japonica</i>
Kumquat	<i>Fortunella japonica</i>
Laurestinus	<i>Viburnum tinus</i>
Lemon Bottle-brush	<i>Callistemon citrinus</i>

COMMON NAME	SCIENTIFIC NAME
Nandina	<i>Nandina domestica</i>
Pineapple Guave	<i>Feijoa sellowiana</i>
Pittosporum	<i>Pittosporum tobira</i>
Privet, Chinese	<i>Ligustrum sinense</i>
Privet, Japanese	<i>Ligustrum japonicum</i>
Red-Tip Photinia	<i>Photinia glabra</i>
Sasanqua	<i>Camellia sasanqua</i>
Silverthorn	<i>Elaeagnus pungens</i>
Spirea, Reeves	<i>Spiraea cantoniensis</i>
Spirea, Thunberg	<i>Spiraea thunbergii</i>
Viburnum, Sweet	<i>Viburnum odoratissimum</i>
Wax-Myrtle, Southern	<i>Myrica cerifera</i>
4. GROUND COVERS	
Adam's Needle	<i>Yucca smalliana</i>
Azaleas, Kurume Hybrid	<i>Rhododendron obtusum</i>
Creeping Euonymus	<i>Euonymus fortunei</i>
Juniper, Chinese	<i>Juniperus chinensis</i>
Juniper, Shore	<i>Juniperus conferta</i>
Juniper, Spreading	<i>Juniperus horizontalis</i>
Nandina, Dwarf	<i>Nandina domestica compacta</i>
Serissa	<i>Serissa foetida</i>

5. Other species of canopy trees, understory trees, shrubs and ground covers may be approved upon a showing that they are suited for the climate, soil type and intended use at the site.

#### 21.47 REQUIRED LANDSCAPING AT TRANSITIONAL ZONES

The foregoing standards shall be applied to require the following landscaping in transitional zones. Designations shall be defined as follows:

- O Opaque buffer required (See Section 21.45.1)
- PO Partially opaque buffer required (See Section 21.45.2)
- B Broken buffer required (See Section 21.45.3)
- N/A Not applicable, no screen or buffering required

<b>1.</b>	<b>ALONG ABUTTING PARCEL:</b>									
	<b>PROPOSED USE</b>	ABUTTING USE OR USE ACROSS RESIDENTIAL STREET								
		A	R-1	R-2	R-3	C-1	C-2	ILW	I	
	A	N/A	O	O	O	PO	PO	B	B	
	R-1	O	N/A	N/A	N/A	B	B	B	B	
	R-2	O	N/A	N/A	N/A	B	B	B	B	
	R-3	O	N/A	N/A	N/A	B	B	B	B	
	C-1	PO	B	B	B	B	B	B	B	
	C-2	PO	PO	PO	PO	B	B	B	B	
	ILW	B	O	O	O	O	PO	B	B	
<b>2.</b>	<b>ALONG ABUTTING THOROUGHFARE:</b>									
	<b>PROPOSED USE</b>	USE ACROSS COLLECTOR OR ARTERIAL STREET								
		A	R-1	R-2	R-3	C-1	C-2	ILW	I	
	A	N/A	O	O	O	B	B	B	B	
	R-1	O	N/A	N/A	N/A	B	B	B	B	
	R-2	O	N/A	N/A	N/A	B	B	B	B	
	R-3	O	N/A	N/A	N/A	B	B	B	B	
	C-1	B	B	B	B	B	B	B	B	
	C-2	B	B	B	B	B	B	B	B	
	ILW	O	O	O	O	O	O	O	O	
	I	O	O	O	O	O	O	O	O	
<b>3.</b>	<b>BETWEEN VEHICLE USE AREA AND PRINCIPAL STRUCTURE:</b>									
	USE	SCREEN TYPE								
	C-1	B								
	C-2	B								
	ILW	B								
	I	B								

#### 21.48 LANDSCAPE DESIGN PRINCIPLES

All landscaped areas required by this land development code shall conform to the following general design principles:

1. Landscaping shall 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 generally be preserved and used to meet landscaping 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 principals of this section over time. Landscaping should enhance public safety and minimize nuisances.
7. Landscaping should maximize the shading of streets and vehicle use areas.

**21.49 INSTALLATION OF PLANTS**

1. All plants shall be healthy and free of disease and pests, and shall be selected from the list of approved species contained in this section. The Zoning Administrator may authorize the use of appropriate species not shown in this section.
2. Plants shall be installed during the period of the year most appropriate for planting that particular species. If compliance with this should require 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. 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.

**21.50 IRRIGATION REQUIRED**

All landscaped areas shall be provided with an irrigation system. If a landscaped area consists primarily of existing native drought tolerant vegetation, the developer may apply to the City Commission for a variance to waive this requirement.

**21.51 MAINTENANCE AND REPLACEMENT**

1. Mulches shall be a minimum depth of two (2) inches; impervious plastic surface covers shall not be used.
2. All required plants shall be maintained in a healthy pest free condition. All dead or severely damaged or diseased plants shall be replaced by the owner in accordance with the standards specified in this land development code.

**21.52 RESERVED**

**21.53 RESERVED**

**21.54 RESERVED**

21.55 RESERVED

21.56 RESERVED

21.57 UTILITIES: GENERAL REQUIREMENTS

The following basic utilities are required for all developments:

1. Electricity. Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate reasonable needs.
2. Telephone. Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate reasonable needs.
3. Water and Sewer. Every principal use and every lot within a subdivision shall have central potable water and waste water hookup whenever required by the Comprehensive Plan.
4. Illumination. All streets, driveways, sidewalks, bikeways, parking lots, and other common areas and facilities in developments shall provide such reasonable illumination as shall be required to use the facility after dark.

21.58 UTILITIES: UNDERGROUND INSTALLATION

All new subdivisions, commercial and industrial construction shall provide the following:

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 maybe pad mounted) and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way.
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 is placed underground.
3. Screening of all utility apparatus placed aboveground shall be required.

21.59 SANITARY SEWER AND WASTE WATER: ADOPTION OF FLORIDA ADMINISTRATIVE CODE

Sanitary sewer and waste water disposal for all buildings and uses in the City shall comply with the requirements of Chapter 10D-6 Florida Administrative Code

21.60 RESERVED

21.61 RESERVED

21.62 RESERVED

21.63 RESERVED

21.64 INDUSTRIAL ACTIVITIES: GENERAL REQUIREMENTS

1. Each industrial activity, and each use in an industrial district, shall provide satisfactory evidence of development and implementation of the following plans:
  - a. A fire suppression plan including installation of fire hydrants, building sprinkler systems, and/or such additional fire suppression equipment as shall be necessary to reasonably to assure on-site containment of any fire, explosion, or related calamity and provide for the reasonable protection of all on-site personnel.

- b. A hazardous materials plan to identify any hazardous materials to be used, proper containment of such materials, location of such materials, methods of use of such materials, and methods of disposal of such material.
  - c. An emission discharge plan to disclose any liquid, gas, or solid that might be discharged into the air, water or ground during the conduct of any industrial activity, together with satisfactory proof of compliance with all local, state, and federal environmental requirement associated therewith.
  - d. A noise emission plan listing decibels of noise, cause, times of day, frequency, and duration.
2. All plans shall be reviewed by the City Engineer and the Fire Chief who shall make specific recommendations with regard to approval, approval under certain conditions, or denial of such plans prior to granting of any development permit.
  3. All plans shall be updated by the applicant every two years and shall be subject to review of the issuing agency as part of the Zoning or Conditional Use permit process.

21.65 RESERVED

21.66 RESERVED

21.67 RESERVED

21.68 RESERVED

21.69 RESERVED

#### 21.70 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

1. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:
  - a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
  - b. Encourage the location of towers in non-residential areas;
  - c. Minimize the total number of towers throughout the community;
  - d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use tower;
  - e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflage techniques;
  - g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
  - h. Consider the public health and safety of communication towers; and
  - i. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City shall give due consideration to the City's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

## **2. DEFINITIONS**

As used in this section, the following terms shall have the meaning set forth below:

- a. ALTERNATIVE TOWER STRUCTURE means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. ANTENNA means any exterior transmitting or receiving device mounted on a tower, building or other structure and used to radiate or capture electromagnetic waves, digital signals, analog signals including radio frequency signals used for wireless telecommunication or other communications.
- c. APPLICANT means any person or entity with an application before the City for a wireless service facility.
- d. BACKHAUL NETWORK means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- e. CARRIER means a company licensed by the Federal Communications Commission that provides wireless services. A tower builder or owner is not a carrier unless also licensed by the Federal Communications Commission to provide personal wireless services.
- f. CO-APPLICANT means any person and/or entity joining with an applicant including the owner(s) of the facility, owner(s) of the subject property and any proposed tenant(s) for the facility.
- g. FAA means the Federal Aviation Administration.
- h. FCC means the Federal Communications Commission.
- i. HEIGHT means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennas and lightning rods.
- j. PREEXISTING TOWERS AND PREEXISTING ANTENNAS means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- k. TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

## **3. APPLICABILITY**

- a. New Towers and Antennas. All new towers or antennas in the City shall be subject to these regulations, except as provided in Subsections 21.70.3.b through d., inclusive.

- b. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- c. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Subsections 21.70.4.f and 21.70.4.g.
- d. Amplitude Modulation Array. For purposes of implementing this ordinance, an amplitude modulation array, consisting of one or more tower units and supporting ground system which functions as one amplitude modulation broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the amplitude modulation array. Additional tower units maybe added within the perimeter of the amplitude modulation array by right.

#### 4. GENERAL REQUIREMENTS

- a. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. Ownership Information. An applicant shall submit the following information.
  - (1) Name, address and telephone number of applicant and all co-applicants as well as any agents for the applicant or co-applicants.
  - (2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the facility.
  - (3) A licensed carrier should either be an applicant or a co-applicant.
  - (4) Written statement that the lease between the applicant and co-applicant landowner of the subject property contains the following provisions:
    - ii. Landowner can enter into leases with other carriers for co-location;
    - iii. Landowner is responsible for the removal of the facility in the event the licensed carrier fails to remove it upon abandonment; and
    - iv. Written statement from the applicant stating that co-location will or will not be permitted at this site.
- c. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with the Land Development Regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- d. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the City Manager an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within two (2) miles of the border thereof, including specific information about the location, height, and design of each tower. The City Manager may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the City Manager is not, by sharing such information in any way representing or warranting that such sites are available or suitable.

- e. Aesthetics. Towers and antennas shall meet the following requirements:
  - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual intrusiveness;
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; and
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- f. Lighting. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- g. State or Federal Requirements. All towers must meet or exceed current standards and Code of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and Code are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and Code within six (6) months of the effective date of such standards and Code, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and Code shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- h. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower design shall be based on a one hundred (100) miles per hour wind loading. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- i. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- j. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

- k. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises with the City Manager.
  - l. Public Notice. For purposes of this section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within three hundred (300) feet, in addition to any notice otherwise required by this land development code.
  - m. Signs. No signs shall be allowed on an antenna or tower except as required by Federal or State statute.
  - n. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 21.70.8.
  - o. Multiple Antenna/Tower Plan. The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
  - p. Radiation Reporting. The City reserves the right to obtain upon request and review the engineering data used to prove compliance with Federal Communications Commission non-ionizing radiation limits. Additionally, since the Federal Communications Commission requires compliance with those standards at all times, a tower owner and/or carrier and/or co-applicant is required to submit a statement of compliance after any changes in the Federal Communications Commission requirements within thirty (30) days of a compliance determination and in no case later than ninety (90) days after the Federal Communications Commission effective date of the change. Since each carrier is responsible for radiation for the entire facility, only one (1) notification is required per tower or other radiating antenna facility.
5. PERMITTED USES
- a. General. The uses listed in this subsection are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.
  - b. Permitted Uses. The following uses are specifically permitted:
    - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the City.
6. ADMINISTRATIVELY APPROVED USES
- a. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
    - (1) The City Manager may administratively approve the uses listed in this Subsection.
    - (2) Each applicant for administrative approval shall apply to the City Manager providing the information set forth in Subsections 7.b.(1) and 7.b.(3) of this section and a non-refundable fee as established by resolution of the City Commission to reimburse the City for the costs of reviewing the application.

- (3) The City Manager shall review the application for administrative approval and determine if the proposed use complies with Subsections 4, 7.b.(4), and 7.b.(5) of this section.
  - (4) The City Manager shall respond to each application within sixty (60) days after receiving it by either approving or denying the application.
  - (5) In connection with any such administrative approval, the City Manager may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - (6) If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Subsection 7 prior to filing any appeal that may be available under this land development code.
- b. List of Administratively Approved Uses. The following uses may be approved by the City Manager after conducting an administrative review.
- (1) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
    - (a) Antennas on existing structures. Any antenna that is not attached to a tower may be approved by the City Manager as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:
      - i. The antenna does not extend more than thirty (30) feet above the highest point of the structure;
      - ii. The antenna complies with all applicable Federal Communications Commission and Federal Aviation Administration Code; and
      - iii. The antenna complies with all applicable building codes.
    - (b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the City Manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
      - i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower unless the City Manager allows reconstruction as a monopole.
      - ii. Height.
        - (1) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the existing height of the tower, to accommodate the collocation of an additional antenna.
        - (2) The height change referred to in Subsection 6.b.(1)(b)ii.(1) may only occur one (1) time per communication tower.

- (3) The additional height referred to in Subsection 6.b.(1)(b)ii.(1) shall not require an additional distance separation as set forth in Section 7. The pre-modification height of the tower shall be used to calculate such distance separations. When applying for a permit to co-locate on an existing tower, applicant shall provide signed and sealed engineering calculations showing that the existing tower will accept the additional loading.
- iii. Onsite location.
- (1) After the tower is rebuilt to accommodate co-location, only one (1) tower may remain on the site.
- (2) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Subsection 7.b.(4).
- (2) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the City Manager concludes the tower is in conformity with the goals set forth in Subsection 1 and the requirements of Subsection 4; the tower meets the setback requirements in Subsection 7.b.(3) and separation distances in Subsection 7.b.(4); and the tower meets the following height and usage criteria:
- (a) For a single user, up to seventy (70) feet in height;
- (b) For two users, up to eighty-five (85) feet in height; and
- (c) For three (3) or more users, up to one hundred (100) feet in height, plus ten (10) over existing height – maximum tower heights will be one hundred ten (110) feet.
- (3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

## 7. CONDITIONAL USE PERMITS

- a. General. The following provision shall govern the issuance of conditional use permits for towers or antennas and must be heard at public hearings by the Planning and Zoning Board and the City Commission:
- (1) If the tower or antenna is not a permitted use under Subsection 5 of this section or permitted to be approved administratively pursuant to Subsection 6 of this section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna.
- (2) Applications for conditional use permits under Subsection 7 shall be subject to the procedures and requirements of Subsection 7 of the City's Land Development Regulations except as modified in Subsection 7.

- (3) In granting a conditional use permit, the Planning and Zoning Board may recommend and the City Commission may impose conditions to the extent the City Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a conditional use permit shall submit the information described in Subsection 7 and a non-refundable fee as established by resolution of the City Commission to reimburse the City for the costs of reviewing the application.

b. Towers

- (1) In addition to information required in Subsection 4, applicants for a conditional use permit for a tower shall submit the following information:
  - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the City Manager to be necessary to assess compliance with this section.
  - (b) Legal description of the parent tract and leased parcel (if applicable).
  - (c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection 4.d. shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - (e) A landscape plan showing specific landscape materials.
  - (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - (g) A description of compliance with Subsections 4.b., c., d., e., g., h., i., k., and n., 7.b.(3), 7.b.(4) and all applicable federal, state or local laws.
  - (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided throughout the use of the proposed new tower.

- (k) A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) The following factors shall be considerations in determining whether to issue a conditional use permit. However, if it is concluded the goals of this section are better served thereby, one or more of these criteria may be waived or reduced.
  - (a) Height of the proposed tower;
  - (b) Proximity of the tower to residential structures and residential district boundaries;
  - (c) Nature of uses on adjacent and nearby properties;
  - (d) Surrounding topography;
  - (e) Surrounding tree coverage and foliage;
  - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (g) Proposed ingress and egress; and
  - (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- (3) Setbacks. The following setback requirements shall apply to all towers for which a conditional use permit is required. The standard setback requirements may be reduced if the goals of this section would be better served.
  - (a) Towers must be set back a distance equal to the height of the tower from any adjoining lot line.
  - (b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (4) Separation. Provided, however, the standard separation requirements may be reduced if the goals of this section would be better served.
  - (a) Separation from off-site uses/designated areas.
    - i. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, or provided in Table 1.
    - ii. Separation requirements for towers shall comply with the minimum standards established in Table 1, below.
  - (b) Separation distances between towers.
    - i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting tower. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site plan, of the proposed tower.

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units <sup>1</sup>	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower <sup>2</sup> whichever is greater
Vacant unplatted residentially zoned lands <sup>3</sup>	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

- 1. Includes modular homes and mobile homes used for living purposes.
- 2. Separation measured from base of tower to closest building setback line.
- 3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

- (5) Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the City Commission may waive such requirements as it deems appropriate.
- (6) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the City Commission may waive such requirements if the goals of this section would be better served thereby.
  - (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

8. BUILDINGS OR OTHER EQUIPMENT STORAGE.

- a. Antennas Mounted on Structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (1) The cabinet or structure shall not contain more than twenty (20) square feet of gross floor area or be more than five (5) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over twenty (20) square feet of gross floor area or five (5) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five (5) percent of the roof area.
  - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (1) In residential districts, the equipment cabinet or structure may be located:
    - (a) In a front or side yard provided the cabinet or structure is no greater than three (3) feet in height or thirty (30) square feet of gross floor area and the cabinet/structure is located a minimum of thirty (30)feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches.
    - (b) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty (60) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
  - (2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height or two hundred fifty (250) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
- c. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than two hundred fifty (250) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- d. Modification of Building Size Requirements. The requirements of Subsections 8.a. through c. may be modified by the City Manager in the case of administratively approved uses or by the City Commission in the case of uses permitted by conditional use to encourage collocation.

## **10. REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antennas at the real property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## **11. NONCONFORMING USES**

- a. Not Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.
- c. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Subsection 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in Subsections 7.b.(3) and 7.b.(4). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Subsection 9.

## **21.71 ACCESSORY DWELLING UNIT DESIGN STANDARDS**

A single accessory dwelling unit is allowed as an accessory use to a principal structure in Agricultural (A), Residential-1 (R-1), Residential-2 (R-2), and Residential-3 (R-3) without being included in gross residential density calculations, subject to the following design standards:

1. Location. An accessory dwelling unit may be attached or detached from the principal building.
2. Style. An accessory dwelling unit shall be designed in a similar architectural style as the principal building, except for lots located in Residential-1 (R-1) or Residential-3 (R-3) zoning district where either the primary or accessory dwelling unit is a manufactured or mobile home.
3. Parking and Access
  - a. Off-street parking for the accessory dwelling, if provided, shall be located on the lot on which the principal building is located.
  - b. An accessory dwelling unit and any off-street parking spaces shall be served by the same driveways as the principal building.

4. Standards. Each accessory dwelling unit shall comply with all standards applicable with the zoning district, including required setbacks and building height limits.  
The living area of the accessory dwelling unit shall not exceed fifty (50) percent of the principal residence or one-thousand (1,000) square feet, whichever is greater.
5. Owner Occupancy Requirement. Property owner residency in either the primary or accessory dwelling unit shall be a requirement for permitting of accessory dwelling units.  
Prior to the issuance of a building permit for the construction of an accessory dwelling unit, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot unless building permits for the principal residence and accessory dwelling unit are being applied for together, in which case an affidavit must be submitted stating the property owner will reside on the lot following completion of construction of the principal residence.
6. Water and Wastewater Service. Unless located in the Agricultural (A) or Residential-1 (R-1) zoning district, an accessory dwelling unit is required to connect to the central potable water and sanitary sewer of the principal residence where available, and shall not have separate services. Where either or both central water and sanitary sewer service is not available, the accessory dwelling unit shall be required to connect to the potable water well and septic system of the primary residence in accordance with all applicable requirements for the Florida Department of Health and shall meet the residential lot requirements for potable water well and septic system.
7. Subdivision. An accessory dwelling unit may not be sold separately unless the property is subdivided in accordance with the subdivision regulations of this Land Development Code.

#### 21.72 AUTOMOTIVE SERVICE AND SELF-SERVICE STATIONS

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service and self-service stations (with the exception that for automobile self-service stations where self-service gasoline pumps in conjunction with retail and commercial outlets for sale of food, hardware and drugs, there shall be no outside sales of oil, grease, parts or accessories for automobiles and no service except for self-service water, air or carwash).

1. Lot dimensions and area. An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet. A corner lot shall have a minimum area of not less than twenty thousand (20,000) square feet and an interior lot a minimum area of not less than fifteen thousand (15,000) square feet.
2. Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.
3. Location of pumps and structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.

4. Curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage, each curb break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.
5. Trash storage. Adequate, enclosed trash storage facilities shall be provided on the site.

#### **21.73 MEDICAL MARIJUANA DISPENSING FACILITIES**

Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.

#### **21.74 CHILD CARE CENTERS**

All child care centers are subject to the following standards:

1. Permitted Use - Child care centers, provided:
  - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
  - b. Provision is made for areas for off-street pick-up and drop-off children.
2. Minimum Yard Requirement:

Front	35 square feet
Side	25 square feet for each side yard
Rear	35 square feet
3. Minimum Offstreet Parking Requirements.

One (1) space for each three hundred (300) sq. ft. of floor area devoted to child care activities.

#### **21.75 SOLAR POWER GENERATION PLANTS**

All solar power generation Plants are subject to the following standards:

1. No Conditional Use permit shall be granted for a solar power generation plant on a subject property containing less than eighty (80) acres;
2. No structure shall be located within fifty (50) feet of any property line;
3. A thirty (30) foot-landscape buffer shall be provided in accordance with Section 21.45(2) of this Land Development Code;
4. Security fencing shall be provided and shall be have a minimum height of six (6) feet and shall not be greater than ten (10) feet in height. Barbed-wire shall be prohibited below eight (8) feet above adjacent ground. Razor-wire is prohibited; and
5. All on-site electric lines and connections shall be installed underground.

## **SECTION 22 - SUBDIVISION REGULATIONS, MOBILE HOME PARKS, RECREATION VEHICLE PARKS**

### **22.01 COMPLIANCE WITH THIS SECTION CUMULATIVE**

This section sets forth the specific requirements for subdivisions, mobile home parks, and recreational vehicle parks. Compliance with this section shall not excuse compliance with all of the other sections of this land development code unless such compliance is explicitly excused by the language contained herein.

### **PART I - SUBDIVISION REGULATIONS**

#### **22.02 GENERAL REQUIREMENTS**

1. No person shall subdivide land regardless of zoning after the effective date of this code without first following the development procedure and complying with the design standards established by this land development code.
2. No person shall sell or transfer any land subdivided after the effective date of this land development code without the prior authorization of the Archer City Commission and the recording of a Final Subdivision Plat which meets all of the requirements of this code and Chapter 177, Florida Statutes.
3. No building permit or certificate of occupancy shall be issued for any lot, parcel, or structure which was created in violation of the provisions of this land development code.

#### **22.03 SUBDIVISION DEFINED**

1. The term subdivision shall mean any one or more of the following:
  - a. The division of land into three or more lots, parcels, tracts, or tiers, for the purpose, whether immediate or future, of the transfer of ownership;
  - b. The creation or establishment of new access by a street, alley, easement, or other primary means of access, whether private or public;
  - c. The resubdivision of an approved recorded subdivision plat if:
    - (1) Such resubdivision affects any street layout, or
    - (2) Such subdivision affects any reserved or dedicated area or easement for public use, or
    - (3) Such subdivision increases residential density or the number of lots previously permitted.
2. Each subdivision shall be classified as follows:
  - a. A Type 1 subdivision shall be a subdivision which contains one or more lots, parcels, tracts, or tiers of one acre in size or less.
  - b. A Type 2 subdivision shall be a subdivision which contains one (1) or more lots, parcels, tracts, or tiers, the smallest of which is greater than one (1) acre and less than ten (10) acres in size.
  - c. A Type 3 subdivision shall be a subdivision which contains one (1) or more lots, parcels, tracts, or tiers, the smallest of which is ten (10) acres or larger in size.
3. The subdivision requirements of this land development code shall not apply to the granting of public rights-of-way.

#### **22.04 SUBDIVISION: GENERAL REQUIREMENTS**

1. In addition to the requirements of this section, all subdivisions shall comply with the following regulations:
  - a. The design and development standards of Section 21, and all other applicable provisions of this land development code;
  - b. The Comprehensive Plan;
  - c. All applicable building codes of the City.
  - d. All other applicable federal, state, and local laws which govern the development of property or the transfer of land.
2. No subdivision of land shall be permitted where the site is unsuitable for the intended development due to flooding, poor drainage, unstable soil, or other such conditions which may constitute a danger to the public welfare unless adequate measures to mitigate such conditions can be, and are, undertaken in the development of the property.
3. The provision of adequate public facilities in accordance with adopted level of service standards shall be required.
4. The preservation of significant cultural and environmental features, including but not limited to, historical sites, scenic vistas, wetlands, and trees, shall be required.
5. Every subdivision shall be provided with a name. Such names shall not be the same as, or similar to, any other recorded plan located in Alachua County which will in any way confuse the public; except that when an existing subdivision is expanded or resubdivided as an additional unit or section.

#### **22.05 TYPE 1 SUBDIVISIONS**

Type 1 subdivisions shall meet all of the design and development requirements of Section 21, and shall further be required to:

1. Devote not less than ten (10) percent of the area of the subdivision to recreation. The recreation may include space for common walkways and related landscaping in block interiors, provided that the common space is at least twenty (20) feet in width as passive recreation space. At least half (1/2) of the total required recreational areas shall be comprised of facilities for active recreation, such as swimming pools, ball fields, shuffle board courts, or play lots for small children. These facilities shall be so located as to be readily available from all lots, and free from traffic hazards.
2. Sidewalks may take the form of pedestrian ways (away from street rights-of-way) provided such pedestrian ways link principal destinations within the subdivision providing convenient pedestrian access.

#### **22.06 TYPE 2 SUBDIVISIONS**

Type 2 subdivisions shall meet all of the design and development requirements of Section 21, except that subdivisions in residential districts shall not be required to:

1. Contain sidewalks (except along collector or arterial streets) or bike paths;
2. Set aside land for parks or recreation areas; or
3. Provide illumination (street lights) except at street intersections.

## **22.07 TYPE 3 SUBDIVISIONS**

Type 3 subdivisions shall meet the development and design standards of Section 21, except that subdivisions in residential districts may:

1. Access private lots by private easements of sixty (60) feet in width, with a stabilized driving surface of twenty (20) feet in width and a minimum six inch base LBR of thirty (30), provided such easements serve no more than four (4) lots and do not exceed six hundred (600) feet in length;
2. City water and fire hydrants shall only be required if reasonably available;
3. Illumination (street lights) shall be required only at street intersections or the intersection of an easement with a street;
4. Sidewalks or bike paths shall not be required; and
5. Provision for parks or recreation lands shall not be required.

## **22.08 LOTS**

1. All lots shall be designed to meet the minimum zoning dimensional regulations applicable to the property as designated by this land development code. Those dimensional requirements shall include, but not be limited to, lot width, lot depth, lot area, and density.
2. The depth and width of property subdivided for non-residential use shall be of adequate size to permit off street parking and other improvements requirements by this code and required by the type of use and development anticipated.
3. Side lot lines shall be close as practical to right angles at street lines or radial to curving street lines.
4. Each lot in a Type 1 or Type 2 subdivision shall front on public street, and each lot in a Type 3 subdivision shall have access to a public or private street.
5. No lot shall have an average length to width ratio greater than five to one (5:1).

## **22.09 BLOCKS**

1. Block width, depth, shape, and orientation shall consider the need for access, circulation, traffic control, and the safety of vehicular and pedestrian movement.
2. Block width shall be sufficient to provide for two (2) tiers of lots with the minimum depth required by zoning district regulations applied to the property. Exceptions to the two (2) tiered block width shall be permitted along thoroughfare streets, railroad rights of way, waterways, or exterior property lines of the development.
3. Block length shall not exceed one thousand three hundred and fifty (1,350) feet, or be less than three hundred (300) feet in length, except where necessary to intersect an existing street.

## **22.10 STREETS**

1. All streets shall be properly integrated with the existing and proposed system of streets in the City.
2. Subdivision streets shall be arranged in a manner which discourages their use by through traffic.

3. Subdivision street rights-of-way shall be extended to the property limit of the subdivision to allow for logical future extension of streets into adjoining undeveloped land; however, the street surface itself may be terminated by a cul-de-sac before intersecting with the property limits of the subdivision.
4. Streets shall be designed to intersect at right angles (where conditions require a seventeen (17) degree skew may be permitted from right angle). The approach to an intersection shall be at right angles for a distance of fifty (50) feet on residential streets and one hundred fifty (150) feet on collector and arterial streets.
5. "T" intersections shall be preferable to four (4) way intersections, and no intersection shall have more than four (4) street approaches.
6. New intersections along one side of an existing street shall coincide with existing intersections on the opposite side of the street. Intersection jogs on residential streets shall not be less than one hundred fifty (150) feet apart measured from center line to center line of the jogging street. Intersection jogs on collector or arterial streets shall not be less than four hundred (400) feet apart measured from center line to center line of the jogging streets.
7. Curved radii on all subdivision streets shall be adequate for the designed speed of the street.
8. The minimum curb return radius for intersections shall be as follows:

Residential Street    25 feet

Collector Street    35 feet

9. All subdivision streets shall be integrated with the adjoining topography to provide adequate site distance.

## 22.11 RIGHTS-OF-WAY

1. The minimum street right-of-way for local streets shall be fifty (50) feet when constructed with curb and gutter and sixty (60) when constructed with swale drainage.
2. The creation of reserve strips which deny access from adjoining property to a public street shall be prohibited.
3. Subdivision streets shall be dedicated along with the required right-of-way.
4. Where the use of private streets is authorized by the City Commission, continued maintenance shall be assured by means reviewed and approved by the City Commission.
5. Right-of way access easement width for private streets shall be the same as the requirements of this section for public streets.

## 22.12 DEAD END STREETS

1. A temporary dead end street shall be allowed when such street is to ultimately provide for the continuation of streets between adjoining properties. A temporary turn-a-round shall be constructed to the requirements of the City Engineer when a temporary dead end street exceeds three hundred (300) feet in length.
2. Where a road is not intended to extend beyond the limits of the subdivision a cul-de-sac shall be provided. Dead end cul-de-sac streets shall not exceed eight hundred (800) feet in length.

3. The cul-de-sac design shall have a minimum radius of forty (40) feet of pavement with a fifty (50) foot right of way radius.
- 22.13 **UTILITY EASEMENTS**
  1. Easements, a minimum of five (5) feet in width, for the purpose of accommodating surface and underground utilities and drainage shall be required along all side and rear lot lines.
  2. An easement along the perimeter of the subdivision shall be a minimum of ten (10) feet in width.
- 22.14 **COMMON PRIVATE IMPROVEMENTS**

The continued maintenance of common private improvements (including recreation facilities) shall be established and provided for in a manner acceptable to the City Commission.
- 22.15 **PERMANENT REFERENCE MONUMENTS (P.R.M.'S) AND PERMANENT CONTROL POINTS (P.C.P.'S)**
  1. P.R.M.'s and P.C.P.'s shall be constructed and installed in accordance with the requirements of Chapter 177, Florida Statutes.
  2. P.R.M.'s shall be set before the recording of the final subdivision plat and will be so stated in the surveyor's certificate on the face of the plat.
  3. P.C.P.'s shall be set prior to expiration of the performance security when where required improvements are installed after recording or prior to recording of the final subdivision plat where improvements are in place.
- 22.16 **STREET SIGNS AND NAMES**
  1. Traffic control signs shall be installed to the specifications of the Zoning Administrator.
  2. All streets (and easements in Type 3 subdivision s) shall be provided with street signs at each intersection.
  3. All street names shall be approved by the City. There shall be no duplication or similarity of street names with any other street located in the City.
- 22.17 **RESERVED**
- 22.18 **RESERVED**
- 22.19 **RESERVED**
- 22.20 **RESERVED**
- 22.21 **SUBDIVISION: ADMINISTRATION**
  1. The review, approval, and acceptance procedure for all subdivisions shall be divided into the following phases:
    - a. Site plan review;
    - b. Construction drawing review;
    - c. Installation of required improvements;
    - d. Final subdivision plat review.
  2. Phased development and the associated timing shall be indicated on and approved by the site plan. For phased developments, the overall master plan is required at the time of site plan review.

3. All construction phases of a subdivision shall be capable of operating independently with respect to the required improvements.

**22.22 SUBDIVISION: SITE AND DEVELOPMENT PLAN REVIEW**

1. A site and development plan shall be prepared, submitted, and reviewed in accordance with the requirements of this land development code for site development plans (Section 26. Site and Development Plans.)
2. Approval of the site and development plan shall not authorize recording of the final subdivision plat, nor effect the acceptance of any land or improvements proposed to be dedicated to the City.
3. Site and development plan approval shall expire one year from the date of approval unless the submission of construction drawings for final subdivision plat has been made.

**22.23 SUBDIVISIONS: CONSTRUCTION DRAWING REVIEW**

1. Within one (1) year of the approval of the site plan, the required construction drawings for the installation of all required improvements shall be submitted to the City Engineer.
2. Construction drawings shall be prepared and certified for all required improvements by a Florida registered professional engineer in a format and manner as required by the City Engineer.
3. Construction standards shall conform to the requirements of this land development code, and all other applicable building codes.
4. Construction drawings shall conform to the approved site development plan, including any conditions of approval required by the permitting agency.
5. The review of construction drawings shall be an administrative process coordinated by the Zoning Administrator.
6. Upon approval of the construction drawings by the City Engineer, permits for site development and installation of required improvements may be requested.
7. Construction drawings shall be valid for a period of six (6) months from the date of approval by the City Engineer.

**22.24 SUBDIVISIONS: INSTALLATION OF REQUIRED IMPROVEMENTS**

1. No clearing, grading, drainage, or other site preparation with the exception of brush removal for the purpose of surveying shall commence until all required construction drawings have been approved by the City Engineer and all required city, state, and local permits have been obtained.
2. Prior to approval of the final subdivision plat, the developer shall install all the improvements required under this land development code in accordance with the specifications of the approved construction drawings.
3. During construction the City shall inspect all of the required improvements for compliance with the specifications of the approved construction drawings.
4. Upon the completion of all of the required improvements, as-built drawings, prepared and certified by the developer's engineer, showing the actual installation of all required improvements shall be submitted to the City Engineer. The as-built drawings shall have a field certification from the developer's engineer stating that all the required improvements have been installed and are completed in substantial compliance with the approved construction drawings

5. Upon receipt of the required as-built drawings and certification from the engineer of record, the City Engineer shall certify that all required improvements and inspections comply with the approved construction drawings.
- 22.25 PERFORMANCE SECURITY**
1. The City Manager, may in unusual circumstances, permit the posting of performance security for the installation of required improvements in lieu of actual installation prior to final subdivision plat approval.
  2. Performance security shall comply with all statutory requirements and shall be in the form of a letter of credit from a bank licensed to do business in Florida, or a performance bond where the company is duly organized and licensed to issue bonds in the State of Florida.
  3. The amount of the performance security shall be based upon the estimate of completion costs by the developer's engineer, shall be subject to verification by the City Engineer, and shall total one hundred ten (110) percent of the estimated cost of completion.
  4. The effective period of performance security shall not exceed one year from the date of approval of the final subdivision plat.
  5. Performance security provided hereunder shall be subject to the approval of the City Commission at the time of final subdivision approval.
  6. The City shall receive payment in full in accordance with the procedure established by law for all required improvements not completed at the term of the performance security.
- 22.26 FINAL SUBDIVISION PLAT REVIEW**
1. Upon satisfactory completion and certification of all required improvements, a final subdivision plat shall be submitted to the Zoning Administrator.
  2. Final subdivision plat shall be reviewed to assure conformance with site and development plans and construction drawings.
  3. Upon determination by the Planning and Zoning Board that improvements are complete and in conformance with the requirements of this land development code, the final subdivision plat shall be forwarded to the City Commission for approval.
  4. Upon approval of the final subdivision plat by the City Commission, the plat shall be forwarded along with any of the related legal documents to the Clerk of the Circuit Court of Alachua County, Florida, for recording.
  5. Approval of a final subdivision plat shall constitute dedication and acceptance of all improvements, easements and rights specified on the plat as public.
  6. A final subdivision plat shall conform to the following minimum specifications:
    - a. The requirements of Chapter 177, Florida Statutes;
    - b. The plat shall be made under the direction of a registered land surveyor who shall certify the plat;
    - c. Plat shall be submitted in the form of one mylar, and blue line copies in the number required by the City;
    - d. The sheet size shall be twenty-four (24) inches by thirty (36) inches with a three (3) inch margin on the left side and a one-half (1/2) inch margin on each of the remaining sides;
    - e. Multiple sheets shall have clearly labeled match lines;

- f. A scale, north arrow, and legend shall be provided;
  - g. Section, township, range shall be provided;
  - h. Permanent Reference Monuments and Permanent Control Points shall be clearly marked;
  - i. Section and quarter section lines shall be shown;
  - j. Location, width, and name of all streets, water bodies, and all other rights-of-way shall be provided;
  - k. Location, width, and purpose of all easements shall be provided;
  - l. All contiguous property shall be identified by subdivision title, plat book, and page, or noted “not platted”;
  - m. Lot and block numbering shall be clearly indicated;
  - n. Lot dimensions shall be provided;
  - o. Street centerlines shall be shown;
  - p. Park, open space, or other public parcels (with dimensions) shall be shown;
  - q. Interior out parcels shall be labeled “not a part of this plat” (with dimensions);
  - r. Location, purpose, and width of all dedications shall be shown;
  - s. Building setback lines if greater than that required by normal zoning shall be shown;
  - t. Name of city and county shall be shown;
  - u. Name of subdivision shall be shown;
  - v. Each plat shall show a description of the lands to be subdivided;
  - w. The survey closure data for the lands to be subdivided shall be provided;
  - x. All common improvements and open spaces shall be noted on the plat as privately maintained;
  - y. The continued maintenance of common improvements and open spaces shall be provided for in accordance with the requirements of the City Commission.
7. All final subdivision plat applications shall include the following certifications:
- a. A title certification completed by an attorney licensed in Florida or title company showing the apparent record title to the land described on the plat and any outstanding mortgages on the same;
  - b. A certificate of ownership and dedication executed by all persons or companies having a record interest in the land to be subdivided in accordance with the title certification. All mortgagees having a record interest shall either sign a certificate of dedication or submit a separate instrument joining and ratifying the plat and dedication. No private improvements or open space shall be dedicated to the City;
  - c. Surveyor’s certificates;
  - d. Certificate of approval of the City Commission;
  - e. Certificate of approval of the Clerk of the Circuit Court;
  - f. Reservation of easement;

- g. Affidavit of no liens by the owner.

## 22.27 WAIVERS

1. In connection with the approval of the site plan for the purpose of subdivision approval, the City Commission may waive or modify any design requirement of this section. However, the City Commission may not waive the development standards of Section 21 of this land development code or the zoning district dimensional regulations as set forth in this ordinance.
2. No waiver or modification shall be granted unless one or more of the following circumstances exists and where paragraph 2.e. of this section is met:
  - a. Where the waiver or modification is necessary to preserve or enhance significant existing environmental or historical features, such as trees, scenic areas, historic sites, or public facilities, related to the development site.
  - b. Where the strict application of the requirement would effectively deprive the owner of all reasonable uses of the land, due to its unusual size, shape, topography, natural conditions or location, provided:
    - (1) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case, and
    - (2) The unusual conditions involved are not personal to, nor the result of, the actions of the developer, property owner or their predecessors in interest.
  - c. Where strict application of the requirement would be technically impractical to terms of engineering design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to an improved efficiency, performance, safety, or construction practices which will be realized, provided:
    - (1) The development will provide an alternative adequate to achieve the purposes of the requirement;
    - (2) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner.
  - d. Where all or any part of the requirement has no relationship to the development, or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved.
  - e. Where the development will provide an alternative which will achieve the purposes of the requirement through clearly superior design efficiency, or performance.

## PART II - MOBILE HOME PARKS

### 22.28 MOBILE HOME PARK DEFINED

The term mobile home park shall mean a parcel of land under single ownership or management which is operated as a business engaged in providing for the parking of mobile homes to be used for non-transient living and sleeping purposes and where lots are offered only for rent or lease, and including customary accessory uses such as owners' and managers' living quarters, laundry and convenience facilities, and facilities for parks and recreation.

## **22.29 GENERAL REQUIREMENTS**

A mobile home park shall meet the following general requirements:

1. The land on which it is developed shall be under unified control and shall planned and developed as a whole in a single development operation or programmed series of development operations. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
2. 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 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.
3. 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.

## **22.30 DESIGN STANDARDS**

In addition to the design standards as set forth in Section 21, the following additional design standards shall apply:

1. The minimum land area for a mobile home park shall be five (5) acres.
2. The maximum density for a mobile home park shall be eight (8) mobile home spaces per gross acre. The minimum lot size shall be four thousand (4,000) square feet.
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 mobile home park shall be from a collector or arterial roadway.
5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. 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 the facilities within the park calls for establishment of pedestrian ways, they shall be provided, preferably as a part of a common space system away from streets, but otherwise sidewalks. No common access to the pedestrian ways, or to facilities within the park, shall be through a mobile home lot.
6. Not less than ten (10) percent of the area of the mobile home park shall be devoted to recreation. The recreation may include space for common walkways and related landscaping in block interiors, provided that the common space is at least twenty (20) feet in width as passive recreation space. At least one-half (1/2) of the total required recreation areas shall be comprised of facilities for active recreation, such as swimming pools, ball fields, shuffle board 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.
7. 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.
8. A minimum outdoor area of not less than four hundred (400) square feet with a minimum dimension of twenty (20) feet, and a paved or hard surface area included in the outdoor living area of not less than one hundred (100) square feet with a minimum dimension of ten (10) feet shall be provided for each mobile home.

### **22.31 WATER SUPPLY SYSTEM**

An accessible, adequate, safe, and potable water supply shall be provided to each mobile home space within the mobile home park in accordance with the following standards:

1. The mobile home park shall be connected to the Archer water system.
2. A master meter shall be installed at the point of connection to the Archer water system, and the mobile home park owner and/or operator shall be responsible for the payment for all water consumed within the mobile home park.
3. Sufficient water mains shall be installed (and maintained) to supply water for the present and future anticipated needs of the mobile home park and developers' engineers shall certify that those mains are of adequate size, design, and construction to meet the 1974 ISO Fire Flow requirements and any applicable building codes of the City. On all new projects, the minimum main size shall be set at six (6) inches.
4. Water hydrants shall be installed and maintained by the developer in accordance with the requirements of Section 21.19.

## **PART III - RECREATIONAL VEHICLE PARKS**

### **22.32 RECREATIONAL VEHICLE PARK: DEFINED**

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

### **22.33 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 and building sites, 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.
6. The park shall have a central water system (Section 22.30 or equivalent) and sewerage treatment facilities (Rule 10D-6 Florida Administrative Code).

## **22.34 ALLOWABLE USES**

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

1. Recreational vehicles;
2. Park trailers as defined by Florida law provided they are placed in an area designed exclusively for that use on an approved final site plan. Park trailers are not to be set up for more than one hundred eighty (180) consecutive days or for more than forty-five (45) consecutive days in areas of special flood hazard unless elevated and anchored to comply with flood plain protection standards.
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 five (5) percent 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.

## **22.35 SITE DESIGN REQUIREMENTS**

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be five (5) 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 street.
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. If facilities must be accessed through streets serving more than fifty (50) spaces, pedestrian ways shall be provided, preferably as a part of a common open space system away from streets, but otherwise as sidewalks. No common access to pedestrian ways, or to facilities within the park, shall be through a camp ground space.
7. Not less than ten (10) percent of the area of the park 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 one-half (1/2) of the total required recreation area shall be comprised of facilities for active recreation, such as swimming pools, ball fields, shuffle board 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 as located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for 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 into 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 camp sites.
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 restricted to tents to be erected on the grounds, 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 materials suitable for driving and holding tent pegs, free of rocks, roots, or other impediments to the driving of pegs to a 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: twenty-five (25) feet;
  - d. From any other use or fueling facility: 50 feet;
16. With any 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 sixty (160) square feet in area, 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 fire places, 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.

## **SECTION 23 - SIGNS**

### **23.01 DEFINITIONS**

The following definitions shall apply to Section 23:

**ADVERTISING:** Anything visible or audible intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

**BANNER:** Cloth or vinyl signs with words or pictures generally held in place with grommets.

**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.

**COPY:** The linguistic or graphic content of a sign.

**FRONTAGE:** The length of a property line of any one premises along a street on which it borders.

**GEOMETRIC FIGURE:** Any common regular form such as a square, rectangle, parallelogram, circle, triangle, trapezoid, hexagon, or ellipse.

**GROUND SIGN:** Any sign which is mounted on or supported by an upright, uprights, or braces in or upon the ground, or from an object on the ground, where no part of the sign is attached to any part of a building.

**HARMFUL TO MINORS:** Any description or representation in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. Predominately appeals to the prurient, shameful or morbid interest of minors in sex, and
2. Is patently offensive to contemporary standards of the adult community as a whole, with respect to what is suitable sexual material for minors, and
3. When taken as a whole, lacks serious, literary, artistic, political or scientific value.

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

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

**ILLUMINATED SIGN:** Any sign which is illuminated by artificial light, including reflective or phosphorescent light.

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

**MULTIPLE OCCUPANCY:** A unified or coordinated project with a building or buildings housing more than one (1) occupant. Where it is not clear whether a group of two (2) or more buildings should be considered "unified or coordinated" the following factors shall be indicative, but not conclusive of a "unified or coordinated" project:

1. The buildings are on a single parcel of land;
2. The buildings are served by one (1) or more shared driveways;
3. The buildings have a similar use (retail, office);
4. The buildings are tied together by their architecture or landscaping, and
5. The buildings are under common ownership.

**NONCONFORMING SIGN:** Any sign on the effective date of this land development code which by its height, area, location, use or structural support does not conform to the requirements of this land development code, except those signs within ten percent of the height and size limitations of this land development code and that in all other respects conform to the requirements of this land development code shall be deemed to be in conformity with this land development code (see Section 3.04).

**OCCUPANT:** A person or entity engaged in a lawful business, professional, religious, charitable or nonresidential activity.

**OFF SITE SIGN:** Any sign which advertises a use, establishment, product or service that is sold, produced, manufactured or furnished at a place other than on the premises on which the sign is located.

**PENNANTS:** Triangular shaped flags.

**PERMANENT SIGN:** A sign which is designed, constructed and intended to be permanent.

**PORTABLE SIGN:** Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs as the wheels may be removed from and the remaining chassis, or support structure, converted to an A or T frame sign, and attached either temporarily or permanently to the ground. (See Figure 23-1)

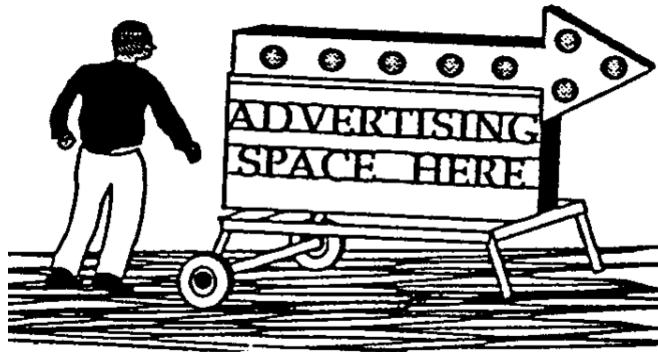


Figure 23-1 Portable Sign

**PREMISES:** A parcel of property on which a multiple occupancy complex or an occupant not located in a multiple occupancy complex is situated, including all buildings and other improvements thereon.

**ROOF LINE:** A horizontal line through the highest point of a roof.

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

**SIGN FACE:** That part of a sign that is or may be used for copy.

**SIGN STRUCTURE:** Any structure which supports, has supported, or is designed to support a sign.

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

**UNIT:** That part of a multiple occupancy complex housing one occupant.

**VEHICLE SIGN:** A sign affixed to a vehicle. (See Figure 23-2)

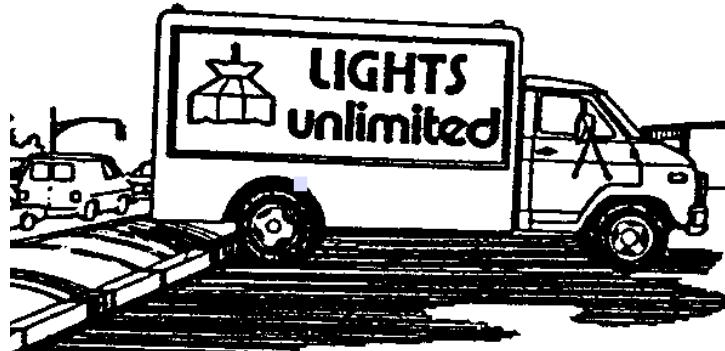


Figure 23-2 Vehicle Sign

**VISION TRIANGLE:** The area on each side of a street or driveway at the intersection of the street or driveway and any public right of way defined as a triangle with an apex at the point of intersection and two sides twenty five (25) feet long extending from the apex along the edge of the driveway and right of way line (or the two right of way lines) and with a third side connecting the ends of the first two.

#### 23.02 MEASUREMENT DETERMINATIONS

1. Distance between signs shall be measured along street rights of way from the closest parts of any two signs. (See Figure 23-3)

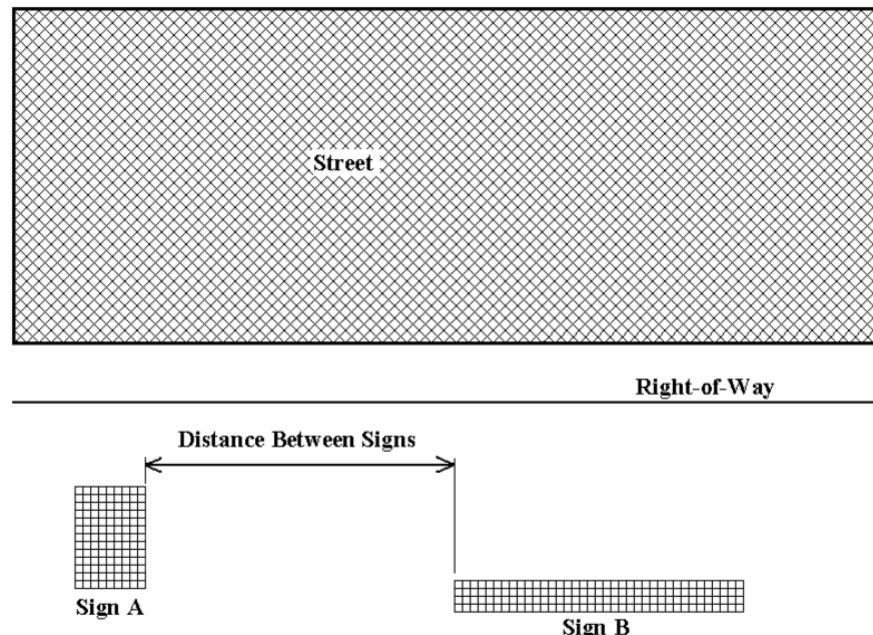


Figure 23-3 Measurement Determinations

2. Façade 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 45 degrees that form a side of a building or unit. (See Figure 23-4)

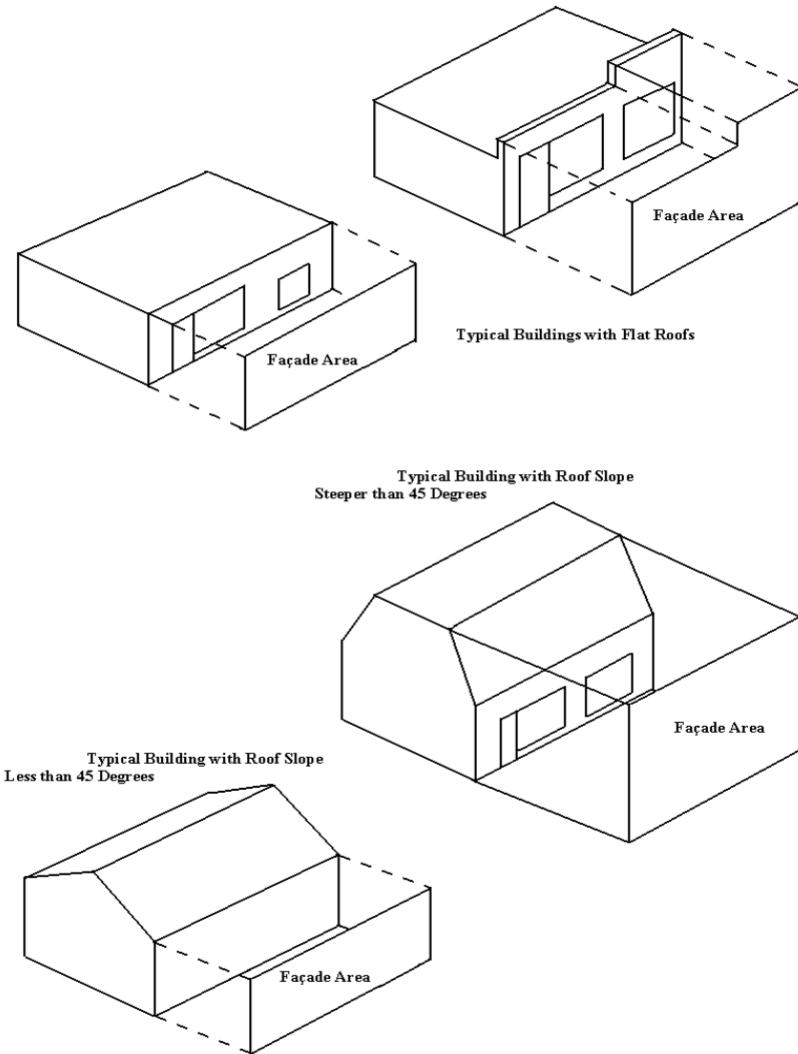


Figure 23-4 Façade Area

- The area of a sign shall be the area within the smallest geometric figure, the sides of which touch the extreme points or edges of the sign face.
- Where a sign is composed of letters or pictures attached directly to the 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 geometric figure, the sides of which touch the extreme points of the letters or pictures. (See Figure 23-5)

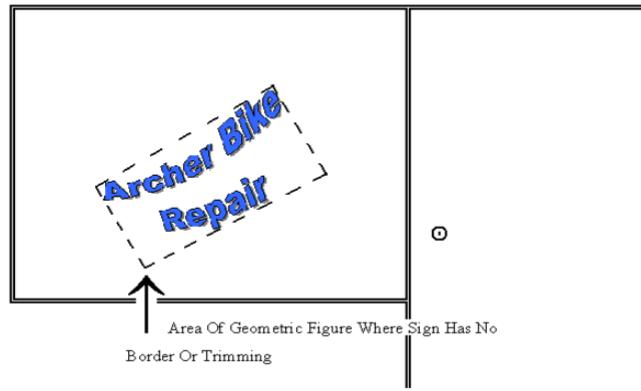


Figure 23-5 Geometric Area

- c. Where two sign faces of identical size and shape are placed back to back on a single sign structure, and the faces are at no point more than four feet apart, the area of the sign shall be counted as the area of one of the faces. It shall be counted as one sign.
- d. Where a sign has four faces arranged in a square, rectangle or diamond, the area of the sign shall be the area of the two largest faces. It shall be counted as two signs. (See Figure 23-6)

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

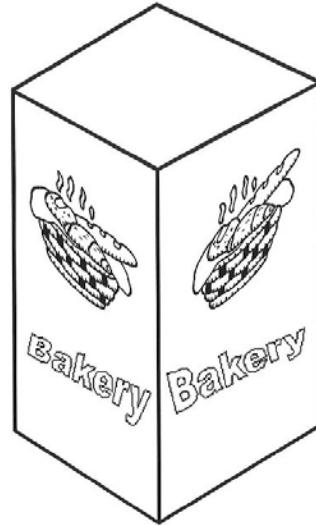


Figure 23-6 Four-Sided Sign

- e. Where a sign is in the form of a three dimensional object, the area shall be determined by drawing a geometric figure, the sides of which touch the extreme points or edges of the projected image of the sign, and multiplying that area by two. The projected image is that image created by tracing the largest possible two dimensional outlines of the sign. (See Figure 23-7)

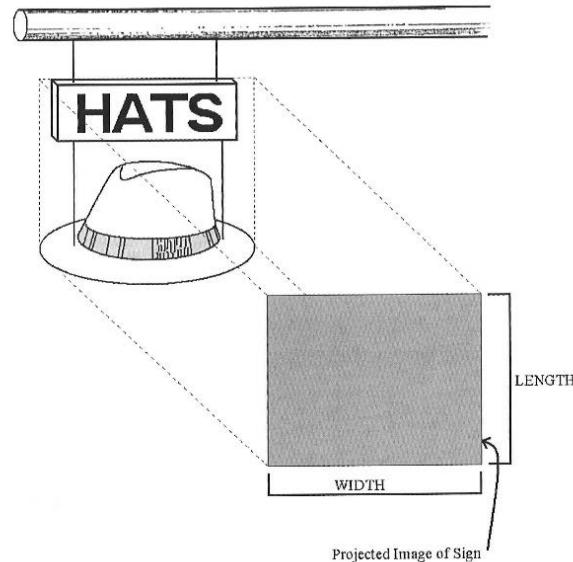


Figure 23-7 Sign Height

3. Sign height shall be 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 23-8)

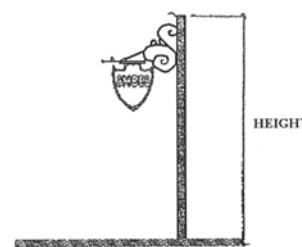
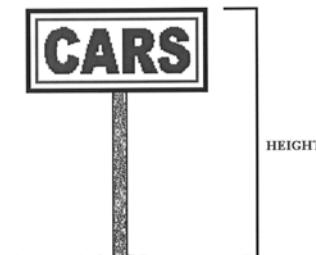


Figure 23-8 Sign Height

### 23.03 EXEMPT SIGNS

The following signs are exempt from the operation of this land development code provided they are not placed or constructed so as to cause a hazard of any kind:

1. Signs of two square feet or less, and signs that include no letters, symbols, logos or designs in excess of three inches in vertical or horizontal dimension, provided that such sign does not constitute a prohibited sign under Section 23.04 of this land development code.
2. Signs erected on public property with the approval of the appropriate public agency owning or administering the property.
3. Signs not visible from the street or adjoining property.
4. Legal notices and official instruments.
5. Flags or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations provided that the flag shall be in relation to the height of the flagpole and the maximum width of any flag shall be twenty percent of the total height of the flagpole. (See Figure 23-9)

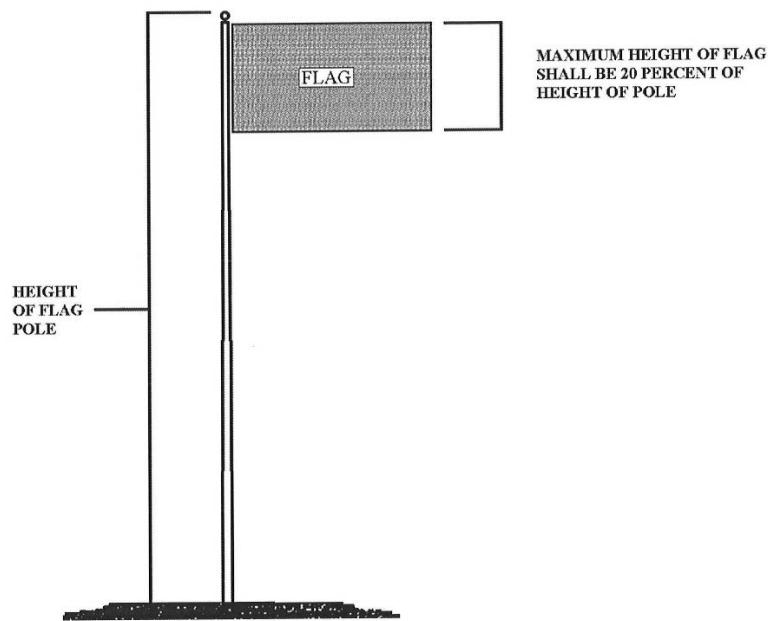


Figure 23-9 Flag and Flag Pole

6. Holiday lights and decorations that do not constitute advertising.
7. Merchandise displays behind storefront windows, provided no part of the display moves or contains flashing lights.
8. 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 the building.

9. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or services dispensed by the machine or equipment, such as would be customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
10. Advertising and identifying signs located on taxi cabs, buses, trailers, trucks or vehicle bumpers.
11. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
12. Works of art that do not constitute advertising.
13. Signs carried by a person so long as the sign's message does not constitute advertising.
14. Banners that are securely fastened to a vertical surface by at least the four corners of the banner. Banners shall not be torn, ripped, frayed, stained, or faded.

#### 23.04 PROHIBITED SIGNS

It shall be unlawful to erect or maintain any sign not expressly authorized by or exempted from this land development code.

1. The following signs are expressly prohibited unless exempted by Section 23.03 of this land development code or expressly authorized in Section 23.05 of this land development code:
  - a. Off site signs except as specifically permitted herein;
  - b. Signs which move, revolve, are animated or appear to move revolve or be animated, without limiting the foregoing: balloons, captive balloons, flags, streamers, animated display boards, pennants, propellers and spinners are prohibited. Except that these signs may be permitted for activities described in Section 23.05(2)(b). (See Figure 23-10)

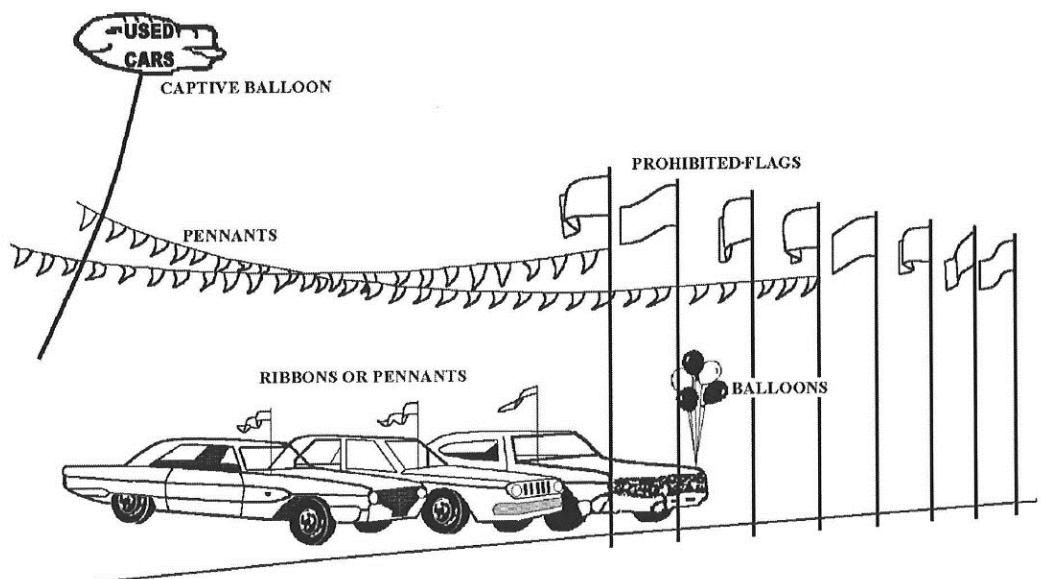


Figure 23-10 Moving Signs

- c. Signs using light other than illuminated signs specifically permitted in this land development code.
- d. Signs which emit noise, odor, smoke or steam;
- e. Signs displaying copy harmful to minors;
- f. Signs which obstruct or impair vision of motorists, cyclists, or pedestrians, or which interfere with entrances, exits or safety equipment.
- g. Signs attached in any way to utility poles, traffic control devices, City signs, etc.

#### **23.05 PERMITTED TEMPORARY SIGNS**

1. Temporary signs shall be generally permitted in all of those locations where permanent signs are permitted, but no temporary signs shall be permitted for a period of more than sixty (60) days unless otherwise stated herein.
2. Temporary signs may be used for the following types of advertisement:
  - a. 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. There shall be no time limit for the temporary sign as long as the owner is actively attempting to sell, rent or lease the property.
  - b. To designate the location of the property for sale, rent or lease as provided for in Section 23.05.2.a above. The directional real estate sign as described herein may be located off-site, on private property along arterial streets. There shall be no time limit for the temporary directional sign as long as the owner is actively attempting to sell, rent or lease the property.
  - c. To indicate garage sales or sales open to the public of any kind in a residential district at the property, which the sign is located. The temporary sign shall not be erected more than forty-eight (48) hours prior to the intended sale and shall be removed within twenty-four (24) hours after the sale.
  - d. To designate the location of garage sales as provided for in Section 23.05.2.c above. The directional sign may be located off-site, on private property along arterial streets. All temporary directional signs, described herein, shall not be erected more than forty-eight (48) hours prior to the intended sale and shall be removed within twenty-four (24) hours after the sale.
  - e. To indicate the grand opening of a business or other activity. The temporary sign may be erected for a period not exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business.
  - f. To identify construction in progress. The signs shall not be erected earlier than sixty (60) days before commencement of construction, and shall be removed no later than sixty (60) days after construction is completed or discontinued.
  - g. To announce or advertise temporary uses such as fairs, carnivals, circuses, revivals, sporting events, etc. Such messages shall be placed not more than ten (10) days before such event and shall be removed within five (5) days after the event.
  - h. To support a political issue or candidate provided that:
    - (1) Signs advocating a political candidate or election position shall not be erected more than four (4) months before the election,

- (2) Signs advocating a political candidate or election position shall be removed within fourteen (14) days after the election, and
- (3) Signs advocating a political candidate or election position shall not be limited in size or number.

3. Portable signs:

- (a) To announce or advertise temporary uses such as fairs, carnivals, circuses, revivals, sporting events, etc. provided that:
  - (1) Such signs shall be placed not more than fifteen (15) days before such event and shall be removed within ten (10) days after the event,
  - (2) A Conditional Use Permit is obtained prior to use.

23.06 PERMITTED PERMANENT SIGNS

1. Ground Signs. (See Figure 23-11)

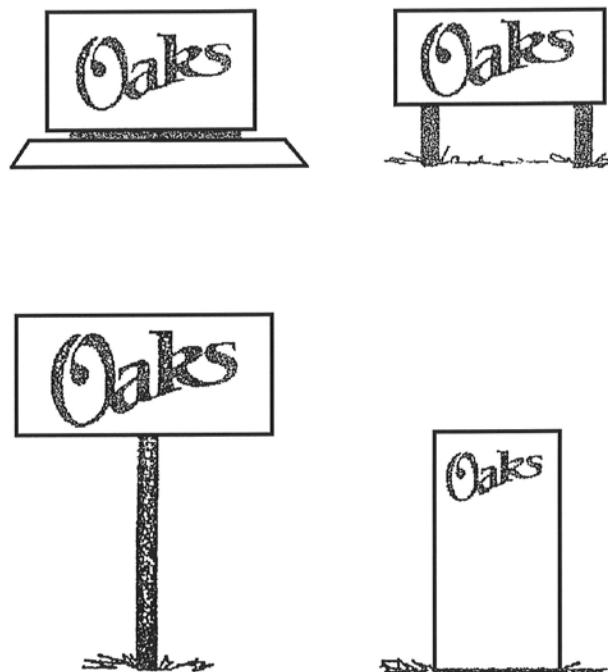


Figure 23-11 Ground Signs

The permissible number, area, spacing and height of 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 table:

Frontage on a Public Right-Of-Way (in feet)	Number of Signs Allowed	Total Sign Area Allowed / Maximum Sign Area for Individual (square feet)	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	1	48/48	20/NA	18
At least 200 but less than 300	1	64/64	50/NA	18
At least 300 but less than 400	2	72/72	50/100	18
At least 400 or more	2	96/96	50/100	18

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

2. Building Signs. (See Figure 23-12)

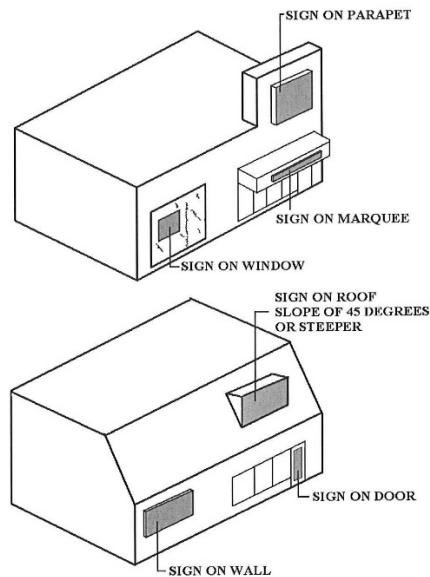


Figure 23-12 Building Signs

- a. Subject to the design criteria of this land development code, the maximum height of a building sign shall be eighteen (18) feet.
  - b. Each multiple occupancy complex may display one permanent building sign on each side of the principal building or buildings on which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area of each building side, or one hundred (100) square feet, whichever is smaller.
  - c. Each occupant of a multiple occupancy complex may display two (2) permanent building signs on any exterior portion of a complex that is part of the occupant's unit, not to exceed a combined sign area of fifteen (15) percent of the facade area of such exterior portion or one hundred (100) square feet, whichever is smaller.
  - d. Building signs for multiple occupancy complexes constructed or remodeled after the effective date of this land development 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 with the Zoning Administrator. The format shall be presented in a plan or sketch, together with written specification in sufficient detail to enable the authorization of signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions which will be permitted each occupant within the complex. The sign format shall also be of common design elements such as placement, color, shape or style of lettering, which lend unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Zoning Administrator upon submission of a revised plan and specifications detailing the revised format.
  - e. Each occupant not located in a multiple occupancy complex may display two (2) permanent building signs on each side of the principal building on which the occupancy is located, not to exceed a total combined sign area for each building side of ten (10) percent of the facade area of the building side or one hundred (100) square feet, whichever is smaller.
3. Time, Temperature, Date Signs are permitted as permanent signs on commercially developed parcels notwithstanding the general prohibition on changing signs. These signs may only display numerical information in an easy comprehensible way and shall be kept accurate. They may be ground or building signs and are subject to the regulations applicable to such signs and shall be counted as part of the occupancy's allowable sign area.
4. Directional Signs limited in area to four 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 occupancy's allowable area.
5. Signs at Entrances to Residential Developments, Farms, and Ranches:
- a. One (1) sign is permitted at each entrance to 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 signs 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 shall be illuminated in steady light only.
  - b. Such signs shall be maintained perpetually by the developer, the owner of the sign, or a permanent homeowners association legally accountable under a maintenance arrangement approved by the Zoning Administrator. If no person or entity accepts, and continues responsibility to maintain the signs, and no other provision has been made for the maintenance of such signs, the signs shall be removed by the developer or owner.

- c. Public utility signs which identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted as long as the sign and sign structure meet the following limitations:
  - (1) The maximum height shall be three (3) feet;
  - (2) The sign face shall not exceed one half (1/2) square foot;
  - (3) Signs identifying the same facility shall be spaced at least two hundred (200) feet apart;
  - (4) The sign face shall not exceed the width of the sign structure;
  - (5) Signs shall not be clustered at street corners unless required because of directional change to underground utility lines.

6. Off site signs which meet the following criteria:

- a. Located only on arterial streets (see Section 21.16.4);
- b. No two (2) off site signs shall be closer to each other than five hundred (500) feet;
- c. A maximum sign area of fifty (50) square feet;
- d. A maximum height of eighteen (18) feet

**23.07 COMPLIANCE WITH BUILDING AND ELECTRICAL CODES REQUIRED**

All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City.

**23.08 ILLUMINATION STANDARDS**

- 1. Sign lighting may not be designed or located to cause confusion with traffic lights, or to shine directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- 2. Signs in a designated historic district shall not be internally illuminated; illumination shall be by steady light projected onto the sign face.
- 3. Internal illumination shall be permitted only in industrial and in commercial zoned districts which are not designated as historic.

**23.09 CERTIFICATE OF APPROPRIATENESS REQUIRED**

No permit shall be issued, and no sign shall be constructed in any zoning district containing a "historic" designation or any district or site located on the local, state or national register of historic places unless and until a Certificate of Appropriateness has been issued therefore.

**23.10 PLACEMENT STANDARDS**

- 1. Signs in excess of two (2) feet in height and located within a vision triangle (Section 21.04) must conform to the following:
  - a. The bottom of the sign must be at least eight (8) feet above the highest crown of any adjacent street.
  - b. The sign must be supported by not more than two (2) structures that do not exceed eight (8) inches each in diameter.
- 2. No signs or sign structures shall be placed in or upon a public right of way or public easement, except under the terms of the lease between the owner of the easement and the owner of the sign.

### 23.11 CLEARANCE STANDARDS

1. All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.
2. All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

### 23.12 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 23-13)

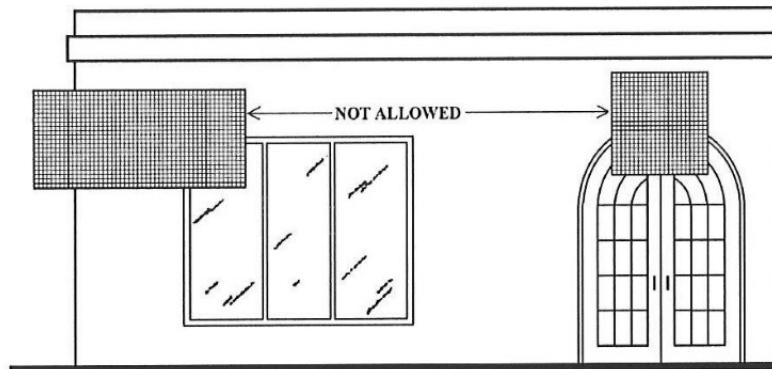


Figure 23-13 Relationship to Building Features

### 23.13 MAXIMUM PROJECTION

A building sign may project no more than four feet perpendicularly from the surface to which it is attached. (See Figure 23-14)

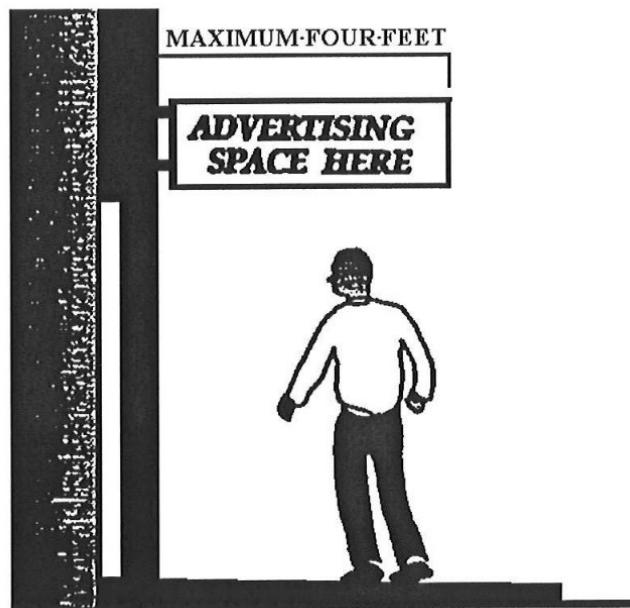


Figure 23-14 Perpendicular Projection

#### **23.14 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 sign is displayed.

#### **23.15 SIGN PERMITS**

1. A Conditional Use Permit shall be required prior to the erection of any permanent sign.
2. Sign permitting shall be governed by the requirements of Section 26 relating to Site and Development Plans (specifically see Section 26.04.17).

#### **23.16 NONCONFORMING SIGNS**

For Nonconforming Signs see Section 3.04.1.d.

#### **23.17 SIGNS OF HISTORICAL SIGNIFICANCE**

For Signs of Historical Significance see Section 18.02.

### **SECTION 24 - ENVIRONMENTAL CONSTRAINTS**

#### **24.01 ENVIRONMENTAL CONSTRAINT AREAS**

The following areas shall be deemed to be environmental constraint areas:

1. Any one hundred (100) year flood plain;
2. Wetlands as defined by state and/or federal law;
3. Endangered species habitat;
4. Lands lying within two hundred (200) feet of the edge of a sink hole;
5. Land lying within a radius of six hundred (600) feet around potable water well used to serve the general public.

#### **24.02 RELIANCE UPON STATE AND FEDERAL LAWS**

The City lacks expertise and resources to responsibly safeguard environmental constraint areas, and therefore, the City relies upon state and federal laws and rules for that purpose, and state and federal agencies including, but not limited to, the Suwannee River Water Management District, the Florida Department of Environmental Regulation, and the United States Environmental Protection Agency. All site and development plans for property lying within an environmental constraint area shall:

1. Identify the environmental constraint area and the specific action to be taken to safeguard that area;
2. Certify compliance with applicable state and federal environmental laws;
3. Identify any environmental regulatory agencies to whom applications for permits have been submitted;
4. Provide satisfactory evidence of the issuance of all required permits (where this is not feasible at the site and development plan stage, such proof shall be required before issuance of any development order).

**24.03 SINKHOLE RESTRICTIONS AND EXCLUSION ZONES**

1. There shall be no development within fifty (50) feet of the edge of any sinkhole.
2. Any development within two hundred (200) feet of the edge of any sinkhole shall require certification by the developer's engineer that such development shall not increase flow or degrade the quality of natural ground water reaching the sinkhole.

**24.04 WELL FIELD RESTRICTION AND EXCLUSION ZONES**

The following restrictions shall apply to all lands lying within six hundred (600) feet of a public water well facility:

1. The first two hundred (200) foot radius around the well shall remain a zone of exclusion where no development activities shall be permitted.
2. From a radius of two hundred (200) feet to six hundred (600) feet around the well the following uses shall be prohibited:
  - a. Landfills,
  - b. Facilities for the bulk storage, handling or processing of materials on Florida's Substance List,
  - c. Activities that require the storage, use or transportation of restricted substances, agriculture chemicals, petroleum products, hazardous, toxic or medical waste,
  - d. Feed lots or other commercial animal facilities (feed lots are not permitted uses in the City, see Section 16.07),
  - e. Waste water treatment plants, percolation ponds, or any similar facilities,
  - f. Mines,
  - g. Excavation of waterways or drainage facilities which intersect the water table.

**24.05 ENDANGERED PLANT OR ANIMAL HABITAT**

For any commercial or industrial development one half acre in size or larger, or for any residential development containing five (5) or more dwelling units or single family residential lots, no development permit shall be issued until an endangered or threatened species habitat study is performed to determine if the area to be developed is the habitat for an endangered or threatened animal or plant species. For the purposes of such study, Table V-2 of the Archer Comprehensive Plan shall be used to determine which species is endangered or threatened. The study shall be conducted by a qualified professional, who shall be approved by the zoning administrator prior to conducting this study.

If a proposed development area is determined to be an endangered or threatened plant or animal species habitat, the developer shall submit a plan which shall provide for the elimination or reduction of any adverse impact of the development through:

1. Offsite mitigation,
2. Setback adjustments,
3. Buffers,
4. Any combination of the above.

## **SECTION 25 - CONSISTENCY AND CONCURRENCY MANAGEMENT**

### **25.01 PLAN CONSISTENCY**

1. All development orders reviewed after the effective date of the Comprehensive Plan shall be issued only if they are consistent with the goals, objectives, and policies contained in the Plan. Requests for development order approval shall be reviewed in accordance with, and shall be consistent with, all elements of the Comprehensive Plan.
2. Consistency shall mean to further the intent of the Comprehensive Plan. Inconsistency exists when a development order is in conflict with the goals, objects, and policies of the Comprehensive Plan.
3. The provisions of this land development code are intended to implement the requirements of the Comprehensive Plan, and it shall be presumed that a development order which is found to meet all the requirements of this land development code is consistent with the Comprehensive Plan.

### **25.02 CONCURRENCY**

Concurrency is 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.

### **25.03 NO REDUCTION IN ADOPTED LEVELS OF SERVICE**

1. All application for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the City.
2. Notwithstanding the foregoing, the prescribed levels of service may be reduced during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

### **25.04 DETERMINATION OF AVAILABLE CAPACITY**

For purposes of this land development code the available capacity of a facility shall be determined by:

1. Adding together:
  - a. The total capacity of existing facilities operating at the required level of service, and
  - b. The total capacity of new facilities that will become available on or before the date of occupancy of the development.
2. Subtracting from that number the sum of:
  - a. The demand for the service or facility created by existing development as documented in the Comprehensive Plan; and
  - b. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.
3. Where available capacity cannot be shown, the following methods may be used to maintain adopted levels of service:
  - a. 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.

- b. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

**25.05 BURDEN OF SHOWING COMPLIANCE ON DEVELOPER**

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

**25.06 BIANNUAL (EVERY TWO YEARS) REPORT**

1. The City shall prepare a biannual report on the status of concurrency that includes:
  - a. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
  - b. A summary of building permit activity showing number of permits issued during the period, comparing number of permits issued with prior years, and showing number of certificates of occupancy issued.
  - c. An evaluation of each facility and service subject to level of service standards showing:
    - (1) The capacity available for each at the beginning of the reporting period and the end of the reporting period;
    - (2) Available capacity;
    - (3) A forecast of the capacity for the capacity for each level of service based on the most recent updated schedule of capital improvements.

**25.07 USE OF BIANNUAL REPORT**

The biannual report shall constitute *prima facie* evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the two years following the biannual report.

**25.08 ADOPTED LEVELS OF SERVICE**

1.	TRAFFIC	
	ROAD	REQUIRED LEVEL OF SERVICE
	US 27/41	C
	SR 24	D
	CR 241	C
	CR 346	C
2.	POTABLE WATER	
	FACILITY TYPE	MAXIMUM LEVEL OF SERVICE
	Archer Public Water System	120 gallons per capita per day
3.	SOLID WASTE	
	FACILITY TYPE	MAXIMUM LEVEL OF SERVICE
	Alachua County Landfill	.66 tons per person per year
4.	SANITARY SEWER	
	FACILITY TYPE	MAXIMUM LEVEL OF SERVICE
	Private Plants	120 gallons per capita per day (residential)
5.	RECREATION	
	ACTIVITY	MAXIMUM LEVEL OF SERVICE
	Picnicking	1 picnic table for 500 persons to be served
	Bicycling	1 mile of roadway for 1,000 persons to be served
	Equipped Play Area	1 play area for 2,100 persons to be served
	Tennis	1 tennis court for every 2,100 persons to be served
	Baseball/Softball	1 ball field for every 700 persons to be served
	Football/Soccer	1 multipurpose playing field for every 2,100 persons to be served
	Handball/Racquetball	1 court for every 1,100 persons to be served
	Basketball	1 goal for every 1,100 persons to be served
	Shuffleboard	1 court for every 2,100 persons to be served
6.	DRAINAGE	
	All drainage facilities shall meet the requirements of the Suwannee River Water Management District.	

## 25.09 PROPORTIONATE FAIR-SHARE

### 1 Purpose and Intent

The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Transportation Program, as required by and in a manner consistent with Section 163.3180(16), Florida Statutes.

### 2 Applicability

The Proportionate Fair-Share Transportation Program shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City Concurrency Management System, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the concurrency requirements of this Article of the Land Development Regulations. The Proportionate Fair-Share Transportation Program does not apply to developments of regional impact using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in the Comprehensive Plan and this Article of the Land Development Regulations, and/or Section 163.3180, Florida Statutes, regarding exceptions and de minimis impacts.

### 3 General Requirements

- a. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:
  - (1) The proposed development is consistent with the Comprehensive Plan and applicable land development regulations, and
  - (2) The Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term Concurrency Management System includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the Concurrency Management System. The provisions of paragraph (2) of this General Requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the Capital Improvements Element of the Comprehensive Plan or an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System.
- b. The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Transportation Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Concurrency Management System, but is not contained in the Five-Year Schedule of Capital Improvements in the Capital Improvements Element or a long-term schedule of capital improvements for an adopted long-term Concurrency Management System, where the following apply:

- (1) The City adopts, by resolution, a commitment to add the improvement to the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or long-term schedule of capital improvements for an adopted long-term Concurrency Management System no later than the next regularly scheduled annual Capital Improvements Element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Local Planning Agency, and determined to be financially feasible pursuant to Section 163.3180(16)(b)1., Florida Statutes, consistent with the Comprehensive Plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.
  - (2) If the funds allocated for the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan are insufficient to fully fund construction of a transportation improvement required by the Concurrency Management System, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one (1) or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.
  - (3) The improvement or improvements funded by the proportionate fair-share component must be adopted into the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System at the next regularly scheduled annual Capital Improvements Element of the Comprehensive Plan update.
    - c. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the Florida Department of Transportation for the state highway system.
4. Intergovernmental Coordination  
Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan and applicable policies in the North Central Florida Strategic Regional Policy Plan, the City shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.
  5. Application Process
    - a. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Transportation Program pursuant to the requirements of this section.

- b. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System, then the Florida Department of Transportation will be notified and invited to participate in the pre-application meeting.
- c. Eligible applicants shall submit an application to the City that includes an application fee, as established by a fee resolution, as amended, by the City, and the following:
  - (1) Name, address and telephone number of owner(s), developer and agent;
  - (2) Property location, including parcel identification numbers;
  - (3) Legal description and survey of property;
  - (4) Project description, including type, intensity and amount of development;
  - (5) Phasing schedule, if applicable; and
  - (6) Description of requested proportionate fair-share mitigation method(s).
- d. The City shall review the application and certify that the application is sufficient and complete within thirty (30) calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Transportation Program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within thirty (30) calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within thirty (30) calendar days of receipt of the written notification, then the application will be deemed abandoned. The City Commission may, in its discretion, grant an extension of time not to exceed sixty (60) calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- e. Pursuant to Section 163.3180(16)(e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.
- f. When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a Strategic Intermodal System facility, no later than sixty (60) calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than fifteen (15) calendar days prior to the City Commission meeting when the agreement will be considered.
- g. The City shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission.

6. Determining Proportionate Fair-Share Obligation
- a. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
  - b. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
  - c. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes, as follows:
- The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service.
- OR
- $$\text{Proportionate Fair-Share} = S[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i$$
- Where:
- Development Trips<sub>i</sub> = Those trips from the stage or phase of development under review that are assigned to roadway segment "I" and have triggered a deficiency per the Concurrency Management System;
  - SV Increase<sub>i</sub> = Service volume increase provided by the eligible improvement to roadway segment "I" per section E;
  - Cost<sub>i</sub> = Adjusted cost of the improvement to segment "I". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.
- d. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element of the Comprehensive Plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.
    - (1) An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost\_growth}_{3\text{yr}})^n$$

Where:

$\text{Cost}_n$  =The cost of the improvements in year n;

$\text{Cost}_0$  = The cost of the improvement in the current year;

$\text{Cost\_growth}_{3\text{yr}}$  = The growth rate of costs over the last three years;

n = The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

$$\text{Cost\_growth}_{3\text{yr}} = [\text{Cost\_growth}_{-1} + \text{Cost\_growth}_{-2} + \text{Cost\_growth}_{-3}] / 3$$

Where:

$\text{Cost\_growth}_{3\text{yr}}$  = The growth rate of costs over the last three years;

$\text{Cost\_growth}_{-1}$  =The growth rate of costs in the previous year;

$\text{Cost\_growth}_{-2}$  =The growth rate of costs two years prior;

$\text{Cost\_growth}_{-3}$  =The growth rate of costs three years prior.

- (2) The most recent Florida Department of Transportation *Transportation Costs* report, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted Florida Department of Transportation Work Program shall be determined using this method in coordination with the Florida Department of Transportation.
  - e. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this section.
  - f. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at one hundred twenty (120) percent of the most recent assessed value by the City Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and
7. Proportionate Fair-Share Agreements
    - a. Upon execution of a Proportionate Fair-Share Agreement the applicant shall receive City concurrency approval. Should the applicant fail to apply for a development permit within twelve (12) months of the execution of the Proportionate Fair-Share Agreement, then the Proportionate Fair-Share Agreement shall be considered null and void, and the applicant shall be required to reapply.

- b. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than twelve (12) months after the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to the Determining Proportionate Fair-Share Obligation subsection herein and adjusted accordingly.
- c. All developer improvements authorized under this section must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits.
- d. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- e. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- f. Applicants may submit a letter to withdraw from the Proportionate Fair-Share Agreement at any time prior to the execution of the Proportionate Fair-Share Agreement. The application fee and any associated advertising costs to the City are non-refundable.

8. Appropriation of Fair-Share Revenues

- a. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Capital Improvements Element of the Comprehensive Plan, or as otherwise established in the terms of the Proportionate Fair-Share Agreement. At the discretion of the City Commission, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the fifty percent (50%) local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.
- b. In the event a scheduled facility improvement is removed from the Capital Improvements Element of the Comprehensive Plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of this section.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the Florida Department of Transportation's Transportation Regional Incentive Program. Such coordination shall be ratified by the City Commission through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

## **SECTION 26 - SITE AND DEVELOPMENT PLANS**

### **26.01 SITE AND DEVELOPMENT PLANS REQUIRED**

No development order shall be issued unless a Site and Development Plan has been submitted and received final approval, except as provided in Section 26.02.

### **26.02 SITE AND DEVELOPMENT PLAN EXCEPTIONS**

A zoning permit or conditional use permit may be issued for the following development activities in the absence of submission of a site and development plan so long as the proposed development complies with the requirements of this land development code:

1. The alteration of an existing structure as long as its foot print is not changed;
2. The erection of a sign (provided written application in compliance with Section 26.04(16) is submitted) or the removal of protected trees (provided written application and compliance with Section 24.05 is submitted) on a previously developed site and independent of any other development activity on the site;
3. The resurfacing of a vehicle use area that conforms to all requirements of this land development code;
4. The construction of a single family dwelling.

### **26.03 SITE AND DEVELOPMENT PLAN SUBMISSION**

When required, a site and development plan shall be submitted as a part of the zoning permit or conditional use permit application.

### **26.04 SITE AND DEVELOPMENT PLAN CONTENTS**

A site and development plan shall include the following information:

1. Generally:
  - a. A recent aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one (1) inch equals one hundred (100) feet;
  - b. A soil map of the site (existing U.S. Soil Conservation Service Maps are acceptable);
  - c. A map of vegetative covering including adjacent wetlands;
  - d. A legal description of the property to be developed.
  - e. Grading plans that specifically include perimeter grading;
  - f. Paving, road, and building plans showing the location, dimensions, and specifications of roads and buildings, including elevations;
  - g. Floor area, height and types of buildings.
  - h. Identification of zoning designation of property and all adjoining property including property across any street.
  - i. Certification that the subject property is, or is not, within a historic district.
  - j. Certification that complies with all dimensional requirements of Section 19.
2. Certification that the property does or does not lie within an area of special flood hazard, and if the property is within a special flood hazard area, certification of compliance with Section 20.

3. A certification that handicapped accessibility requirements have been met (Section 21.02 and Section 21.06(5)).
4. Driveway access to public streets (Section 21.03).
5. An off-street parking and loading plan (Section 21.06 and Section 21.07).
6. Plans for drive-up windows (Section 21.10).
7. Classification of any streets to be constructed (Section 21.16) with detailed plans showing streets and drainage facilities (Section 21.17).
8. Plans for any sidewalks to be constructed (Section 21.18).
9. Fire hydrants and proposed locations thereof (Section 21.19) and fire safety lanes and access (Section 21.20).
10. Solid waste storage facilities (Section 21.21-23).
11. A stormwater management plan (Section 21.30) meeting the stormwater design criteria of Section 21.29.
12. With regard to tree protection:
  - a. The location and identity by common name of all protected trees to be retained and those to be removed. Groups of trees in close proximity (five feet spacing or closer) may be designated as "clusters" with the estimated total number noted. This information shall be summarized in tabular form on the plan;
  - b. Any proposed changes in the natural grade affecting trees to be retained;
  - c. A statement of why any protected trees are to be removed;
  - d. A statement of the measures to be taken to comply with the tree protection requirements during development (Section 21.42).
  - e. Identification of any required landscape buffer areas (Section 21.47) together with a detail of the actual proposed buffer in compliance with Section 21.45.
13. Industrial activities shall include a fire suppression plan, hazardous materials plan, emission discharge plan, and noise plan (Section 21.64).
14. Subdivisions of land shall meet the requirements of Section 22, Part 1.
15. Mobile home parks shall meet the requirements of Section 22, Part 2.
16. Recreational vehicle park shall meet the requirements of Section 22, Part 3.
17. With regard to signs:
  - a. A blueprint or ink drawing of the plans and specifications of the sign, and the method of its construction and attachment to the building or ground. The plans shall show all pertinent structural details, wind pressure requirements, display materials in accordance with the requirements of this land development code and the building and electrical codes adopted by the City. The plan shall clearly illustrate the type of sign or sign structure as defined in this land development code; the design of the sign, including dimensions, colors and material; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

- b. For ground signs, a plan to scale which indicates clearly:
    - (1) 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;
    - (2) All protected trees that will be damaged or removed for the construction and display of the signs;
    - (3) The speed limit on adjacent streets.
  - c. For building signs, a plan to scale which indicates clearly:
    - (1) 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;
    - (2) The number, size, type and location of all existing signs on the same parcel, except a single business unit and a multiple occupancy complex shall not be required to delineate the signs of other business units;
    - (3) A building elevation or other documentation indicating the building dimensions.
- 18. Certification that the property is or is not in an environmental constraint area as defined in Section 24.01; if the property is in an environmental constraint area, identify the area comply with required setbacks (Section 24.03 and 24.04), and comply with Section 24.02.
  - 19. If the project is one half (1/2) acre or larger in size, or five (5) or more dwelling units or single family lots an endangered species habitat study.
  - 20. Certification that the proposed development is consistent with the Comprehensive Plan and the consistency and concurrency requirements of Section 25.

## **SECTION 27 - RESERVED**

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