

TOWN OF BELL

LAND DEVELOPMENT CODE

Adopted

November 5, 1992 by Ordinance No. 92-05

Amended

December 7, 2006 by Ordinance No. 06-16

March 1, 2007 by Ordinance No. 07-01

May 7, 2009 by Ordinance No. 09-02

April 1, 2010 by Ordinance No 10-01

April 7, 2011 by Ordinance No. 11-01

August 4, 2011 by Ordinance Nos. 11-03 and 11-04

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Prepared for

Town Council

Prepared by

Local Planning Agency

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LAND DEVELOPMENT CODE

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ARTICLE I

INTRODUCTION

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Section 2.	Definitions
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ARTICLE I - INTRODUCTION

SECTION 1. TITLE AND SCOPE

1.01 ZONING ORDINANCE

Sections one (1) through twenty-nine (29) shall be known as the Town Land Development Code 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 Town.

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 Town.

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; and
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 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.

ADDITION (to an existing building): means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

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.

AREA OF SHALLOW FLOODING: means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD: means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: means that portion of a building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST INN: One dwelling unit with two to twelve rooms for rent on a temporary basis (usually by the day or week). The building shall be listed as contributing in the Bell local Historic register (see Section 19.05 (1)).

BED AND BREAKFAST RESIDENCE: One dwelling unit with one to four 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 Bell local Historic register (see Section 19.05(1)).

BEST MANAGEMENT PRACTICE. Best management practice means a practice or a combination of practices, determined by the Town 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 Florida Water Quality Standards, as found in the Florida Administrative Code.

BREAKAWAY WALL: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUFFER: See Section 24.09

BUILDING: means:

1. Any structure built for support, shelter, or enclosure for any occupancy or storage; and/or
2. A structure intended for occupancy, shelter or storage.

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.

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

COMPREHENSIVE PLAN: The Comprehensive Plan of the Town, 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 and Association for Retarded Citizens.

COPY: The linguistic or graphic content of a sign.

CURB BREAK: See Section 21.03.

DESIGN STORM. Design storm means the storm frequency as outlined by the design criteria of this zoning ordinance. 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.

DETENTION. Detention means 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.

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 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 code;
5. Erection of a sign for which authorization is required under this zoning ordinance;
6. Alteration of a historic property for which authorization is required under this zoning ordinance;
7. Changing the use of the sites so that the need for parking is increased; and
8. Construction, elimination or alteration of a driveway onto a public street.

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

DISCHARGE (STORMWATER). Discharge of stormwater means 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.

DISCHARGE RATE. Discharge rate means the amount of discharge over time.

DRAINAGE OUTFALL. Drainage outfall means any artificial structure used for the conveyance, storage, or control of stormwater runoff.

ELEVATED BUILDING: means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of this zoning ordinance.

EXISTING MOBILE HOME PARK OR SUBDIVISION: means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile 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) was completed before the effective date of this zoning ordinance.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION: means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile 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).

FLOOD OR FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD HAZARD BOUNDARY MAP (FHBM): means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODWAY: means the channel of a river or other 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 foot.

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

FLOOR: means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

FUNCTIONALLY DEPENDENT FACILITY: means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

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 word or picture when it:
 - a. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
 - b. As a whole, lacks serious, literary, artistic, political or scientific value.

HELIPORT: means an area, either at ground level or elevated on a structure, that is used for the landing and takeoff of helicopters, operated in whole or in part as a commercial or business enterprise, where a fee or charge is made for the services available, and which may include some or all of the facilities relative to helicopter operation, including helicopter parking, waiting room, fueling facilities, and equipment for the operation of helicopters. Heliports may presently only be located within a Commercial or Industrial zoning district within the Town upon approval of a Conditional Use Permit.

HELISTOP: means a minimum facility heliport; either at ground level or elevated on a structure, without those auxiliary facilities which are customarily available at a "heliport", and which is not operated as a commercial or business enterprise, there being no fees or charges for any service in connection therewith; the purpose of such facility being intended primarily for the use and benefit of the property owner on whose property the landing facility is located. Helistops may be located within any zoning district other than a Historical District within the Town, upon approval of a Conditional Use Permit.

HIGHEST ADJACENT GRADE: means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

HISTORIC PRESERVATION BOARD: Historic Preservation Board of the Town.

HISTORIC STRUCTURE: means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; and
3. Individually listed as contributing in Section 19.05.

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 zoning ordinance;
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; and

5. 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, detectable to the normal senses off the premises.

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

IMPERVIOUS SURFACE. Impervious surface means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

LOS: Level of Service

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 zoning ordinance, a lot shall be of at least sufficient size to:

1. Meet minimum zoning requirements for use, coverage, area; and
2. Provide such yards and open spaces as are herein required (provided that certain nonconforming lots of record are exempted from certain provisions of this zoning ordinance).

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

LOT FRONTAGE: 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 zoning ordinance. All lots shall front on and abut a public street for the full width of the lot unless otherwise specifically provided for in this zoning ordinance.

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.

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.

MEAN SEA LEVEL: means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum.

MOBILE HOME: means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

MOBILE HOME. CLASS "A": A mobile home constructed after July 1, 1976, meeting or exceeding the requirements of Florida Statute Chapter 320.8285, 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 foot for each five feet of horizontal run;
3. The roof is finished with a type of shingle 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. CLASS "B": A mobile home constructed after July 1, 1976 that meets or exceeds the requirements of Florida Statute Chapter 320.8285, and providing each of the following:

1. A continuous permanent 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
2. 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.

MULTIFAMILY RESIDENCES: One building under one roof containing three or more dwelling units.

MULTIPLE OCCUPANCY: A unified or coordinated project with a building or buildings housing more than one occupant. Where it is not clear whether a group of two 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 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.

NATIONAL GEODETIC VERTICAL DATUM: as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Any structure for which the "start of construction" commenced after the effective date of this zoning ordinance.

NEW MOBILE HOME PARK OR SUBDIVISION: means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile 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 the effective date of floodplain management regulations adopted by the Town.

NON-CONFORMING SIGN: Any sign on the effective date of this zoning ordinance which by its height, area, location, use or structural support does not conform to the requirements of this zoning ordinance, except those signs within ten percent of the height and size limitations of this zoning ordinance and that in all other respects conform to the requirements of this zoning ordinance shall be deemed to be in conformity with this zoning ordinance,

NURSERY SCHOOLS/DAY CARE CENTER: An establishment where five 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, or play school.

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.

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

PLAN BOARD: Plan Board of the Town.

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.

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.

PROFESSIONAL OFFICE: An office for the use of a person or persons, 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

RECREATIONAL VEHICLE: means a vehicle which is:

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.

RETENTION. Retention means the storage of surface water for subsequent disposal by evaporation or percolation.

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

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

RUNOFF (STORMWATER). Runoff of stormwater means 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.

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.

SITE BUILT HOME: A residential building primarily constructed on site in accordance with applicable building codes adopted by the Town.

START OF-CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a mobile home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. 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.

STORMWATER MANAGEMENT:

1. **Best Management Practice:** A practice or a combination of practices, determined by the Town 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 Florida Water Quality Standards as found in the Florida Administrative Code.
2. **Design Storm:** The storm frequency as outlined by the design criteria of this zoning ordinance. 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.

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

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

SUBDIVISION: See Section 22.03.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: means any combination of repairs, reconstruction, alteration, or improvements to a building (including electrical, plumbing and heating/air conditioning), taking place during a two (2) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be:

1. The appraised value of the building prior to the start of the initial repair or improvement, or
2. In the case of damage, the value of the building prior to the damage occurring.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official, which have been cause for issuance of a citation or condemnation, and which are solely necessary to assure safe living conditions.

SUBSTANTIALLY IMPROVED EXISTING MOBILE HOME PARKS OR SUBDIVISIONS: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

TOWN: Town of Bell, Florida.

TOWN ADMINISTRATOR: Town Administrator of the Town.

TOWN COUNCIL: Town Council of the Town.

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

VEHICLE SIGN: A sign affixed to a vehicle.

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.

SECTION 3. RESERVED

SECTION 4. RESERVED

SECTION 5. RESERVED

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ARTICLE II

ADMINISTRATION AND PROCEDURES

- Section 6. Zoning Administration
- Section 7. Permits
- Section 8. Variances
- Section 9. Formal Public Hearing
- Section 10. Appeals Procedure
- Section 11. Enforcement
- Section 12. Amendments
- Section 13. Administrative Fees
- Section 14. Reserved

SECTION 6. ZONING ADMINISTRATION

PART I - ZONING ADMINISTRATOR

6.01 ZONING ADMINISTRATOR

The Town Clerk, or Clerk's designee, shall be the administrative official to be known as the Zoning Administrator and shall administer and enforce this zoning ordinance. 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 Town or any officer or agency contracting with the Town for the provision of services.

6.02 INTERPRETATION AND ENFORCEMENT OF ZONING ORDINANCE

It is the intent of this zoning ordinance that questions of interpretation and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Town Council 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 - PLAN BOARD

6.04 PLAN BOARD: ORGANIZATION

The Town Council shall serve as the Town Plan Board.

Should the Town Council at some future date decide to appoint a separate Town Plan Board it shall be established in the following manner:

1. The Plan Board shall consist of five (5) registered voters of the Town, who shall be appointed by the Town Council. No member of the Plan Board shall be a paid or elected official or employee of the Town.
2. The term of office shall be for three (3) years, provided, however, that of the five (5) members first appointed to the Plan Board at the effective date of this zoning ordinance, one (1) 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.
3. Members of the Plan Board shall be removed from office for any of the following:
 - a. If the Plan Board member should cease to be a registered voter of the Town; or
 - b. If a Plan Board member should have unexcused absences at two (2) consecutive meetings (an absence may be excused by a majority vote of the Plan Board); or
 - c. By the Town Council after the filing of specific written charges, a public hearing, and a majority vote of the Town Council, the Town Council shall determine what "cause" is and what factors determine it.

4. Vacancies in Plan Board membership shall be filled by appointment by the Town Council for the unexpired term of the member affected. It shall be the duty of the Chair of the Plan Board to notify the Town Council within ten (10) days after any vacancy occurs.

6.05 PLAN BOARD: PROCEDURE

1. The Plan Board may establish rules and regulations for its own operation not inconsistent with the provisions of applicable state statutes or of this zoning ordinance. Such rules of procedure shall be available in a written form to persons appearing before the Plan Board and to the public.
2. The Plan Board shall elect from within the Board a Chair, who shall be the presiding member; a Vice Chair who shall preside in the chair person's absence; and a Secretary. Terms of all elected officers shall be for one (1) year with eligibility for reelection.
3. The Plan Board shall hold regularly scheduled meetings. Special meetings may be held at "the call of the Chair", or upon request of three (3) or more regular members. Three (3) members shall constitute a quorum.
4. All meetings of the Plan 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 Town Clerk.
5. The concurring vote of a majority of the members of the Plan Board who are present and voting, shall be necessary to pass any motion which is considered by the Plan Board.

6.06 PLAN BOARD: FUNCTIONS, POWERS AND DUTIES

1. General Duties: The functions, powers and duties of the Plan 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 Town, 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 Town.
 - b. To review Comprehensive Plan amendments and revisions, and recommend actions to the Town Council.
 - c. To recommend principles and policies for guiding action affecting development in the Town and its environs.
 - d. To recommend to the Town Council 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 principals 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 Town. 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 Town Council on these matters.
 - i. To perform such other duties as may be assigned by the Town Council, or which may have bearing on the preparation or implementation of the Comprehensive Plan.
2. Specific Duties: The Plan Board shall:
- a. Review all proposed amendments to this zoning ordinance and make recommendations to the Town Council.
 - b. Review subdivision plats and make recommendations to the Town Council.
 - c. Grant or deny applications for Conditional Use Permits.
 - d. Grant or deny applications for variances.

PART III - HISTORIC PRESERVATION BOARD

6.07 PLAN BOARD TO ACT AS HISTORIC PRESERVATION BOARD

The Plan Board shall assume all of the duties and functions of the Historic Preservation Board, and there shall not be a separate Historic Preservation Board unless the Town Council shall provide for one by resolution, in which event the duties of each board shall be as set forth in this zoning ordinance.

6.08 HISTORIC PRESERVATION BOARD: ORGANIZATION

In the event of a resolution by the Town Council providing for a separate Historic Preservation Board, that Board shall be established as hereinafter set forth:

1. The Historic Preservation Board shall consist of five (5) registered voters of the Town, who shall be appointed by the Town Council. The Town Council 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;
 - e. Business operator in the historic district/property owner in the historic district; and
 - f. Residential 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 Town.
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 designation of the Historic Preservation Board, one (1) 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 Town; or
 - b. If a Historic Preservation Board member should have unexcused absences at two (2) consecutive meetings; an absence may be excused by a majority vote of the Historic Preservation Board; or
 - c. By the Town Council after the filing of specific charges, a public hearing, and a majority vote of the Town Council. The Town Council shall determine what "cause" is and what factors determine it.
5. Vacancies on the Historic Preservation Board shall be filled by appointment by the Town Council for the unexpired term of the member affected. It shall be the duty of the Chairman of the Historic Preservation Board to notify the Town Council within ten (10) days after any vacancy occurs.

6.09 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 zoning ordinance. 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 Chair, who shall be the presiding member; a Vice Chair, who shall preside in the absence of the Chair; 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 Chair, 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 Town Clerk. All materials generated by the Board (designation reports, inventory forms, etc., shall be open for public inspection.
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.

6.10 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 Town Council recommendations and documentation concerning updating. All inventory materials produced by the Board will be compatible with the requirements of the Florida Master Site File;
 - b. Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures and programs to reflect urban 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 historic resources;
 - f. Advise the Town Council on the effects of local governmental actions on the historic resources; and
 - g. Undertake such other duties and responsibilities as may be designated by resolution of the Town Council.
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, and review proposed National Register nominations within its jurisdiction;
 - b. Approve or deny petitions for Certificates of Appropriateness required under the Historic Preservation regulations in this zoning ordinance; and
 - 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 zoning ordinance.

PART IV - TOWN COUNCIL

6.11 Town Council

- 1. In its consideration of Appeals (Section 10) the Town Council shall sit in a quasi-judicial capacity.
- 2. In consideration of amendments to this zoning ordinance (Section 12) the Town Council 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 zoning ordinance, procedures and voting requirements of the Town Council 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, or to change the use of any building or land 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 Town Council in accordance with the requirements of this zoning ordinance.

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 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 may 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 zoning ordinance.
2. The issuing 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 may 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 unless it is found to:
 - a. Fail to comply with the provisions of this zoning ordinance, or
 - 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

1. 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.
2. The Historic Preservation Board shall take one of the following actions:
 - a. Grant the Certificate of Appropriateness with an immediate effective date; or
 - b. Grant the Certificate of Appropriateness with special modifications and conditions; or
 - c. Grant the Certificate of Appropriateness with a deferred effective date, which date shall not exceed one year from the date of issuance; or

- d. Grant the Certificate of Appropriateness if the Historic Preservation Board finds that the property cannot be put to a reasonable beneficial use without the approval of the approved work. In case of income producing property, the Board shall, before making its decision, determine whether the applicant can obtain a reasonable return from the property without the approval of the proposed work; or
- e. Deny the Certificate of Appropriateness.

7.05 ZONING PERMITS

- 1. A Zoning Permit application shall be filed with the Zoning Administrator; and
- 2. The Zoning Administrator shall issue a Zoning Permit unless the Zoning Administrator finds that the Zoning Permit Application fails to meet requirements of this zoning ordinance.

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 unless it is found to:
 - a. Fail to comply with the zoning ordinance, or
 - b. Pose a danger to public health and safety, or
 - c. Pose a substantial adverse effect on adjacent property values, or
 - 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 Plan Board for its consideration, together with all relevant documentation.
- 3. The applicant may amend the application at any time prior to consideration by the Town Council, and Town Council may refer the amended plan for review and comment by the Plan Board before the hearing before the Town Council.

7.07 PLAN BOARD ACTION

- 1. The Zoning Administrator shall forward the application and the Zoning Administrator's recommendation for action to the Plan Board for consideration.
- 2. Before making a decision on any application, the Plan Board shall conduct a formal public hearing at which the applicant and members of the public may be heard. On the basis of the hearing, the Plan Board shall make a specific recommendation to the Town Council to approve the Conditional Use Permit, approve the Conditional Use Permit with amendments, or to deny the Conditional Use Permit. The Plan Board shall include with its recommendation detailed reasons supporting that recommendation.

7.08 TOWN COUNCIL ACTION

Before making a decision on any application, the Town Council shall review the Plan Board recommendation and report and conduct a formal public hearing.

SECTION 8. VARIANCES

8.01 VARIANCE

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

8.02 APPLICATION

The Zoning Administrator may 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 zoning ordinance 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.

8.03 PLAN BOARD ACTION ON VARIANCES

Before making a decision on any variance, the Plan Board shall conduct a formal public hearing.

8.04 PLAN BOARD FINDINGS

The Plan Board shall not authorize a variance unless it finds:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning ordinance to other lands, buildings or structures in the same zoning district;
4. Literal interpretation of the provision of this zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this zoning ordinance and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that would make possible the reasonable use of the land, building or structure; and
6. The grant of the variance will be in harmony with the general intent and purpose of this zoning ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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 shall be made by:

1. Posting a copy of the notice at least ten (10) days before the hearing on the appropriate bulletin board for display of notices maintained at the Bell Town Hall;
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 Town by the Gilchrist County Property Appraiser) whose property abuts the property which is the subject of the formal public hearing;
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 24.04); and
5. Posting a sign on the property at least ten (10) days before the hearing, facing the nearest public right of way, and stating that the property is the subject of a formal public hearing to be held in the Town and the public is invited to obtain more information from the office of the Town Clerk.

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; and
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 zoning ordinance;
2. The burden of presenting evidence shall then be upon any party in opposition to show noncompliance with this zoning ordinance or elements of this zoning ordinance at issue; and
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 zoning ordinance, 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; and
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 (7) 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 Town Council of the Town, except that if the agency is the Town Council of the Town, its decision shall be subject to appeal to the Circuit Court in and for Gilchrist County, Florida; and
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. APPEALS PROCEDURE

10.01 APPEALS PROCEDURE

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

1. A Notice of Appeal shall be filed in writing with the Town Clerk within thirty (30) days after the date of the interpretation, decision or final order appealed. The Clerk may prescribe and provide a form for such filing.
2. The Clerk shall transmit to each member of the Town Council, 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 Town Council 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.

10.02 TOWN COUNCIL DECISION ON APPEALS

The Council 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 Town Council shall have all of the powers of the agency from whom the appeal was taken.

10.03 TOWN COUNCIL ACTION

Before making a decision on any appeal, the Town Council shall conduct a formal public hearing; except that if the decision appealed from was reached at a formal public hearing before the Plan Board or the Historic Preservation Board, the Town Council shall limit its review to a review of the transcript of the formal public hearing and consideration of any applicable law to determine whether a reasonable basis exists to support the agency decision.

1. If the Town Council finds that a reasonable basis exists for the finding of the agency at the formal public hearing, the decision of the agency shall be affirmed.
2. If the Town Council finds that a sufficient reasonable basis does not exist to support the agency decision, the decision of the agency shall be modified in whole or in part. To this end, the Town Council shall have all of the powers of the agency from whom the appeal was taken.

SECTION 11. ENFORCEMENT

11.01 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 zoning ordinance.
2. The Zoning Administrator shall advise the complaining party in writing as to whether there has been a violation of this zoning ordinance, and if a violation is found, the nature of the violation and the method of enforcement to be utilized by the Zoning Administrator.

11.02 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.
3. If the Zoning Administrator should fail to act on a complaint, the complainant may appeal to the Town Council (see Section 10).

11.03 PENALTIES

Any person who is in violation of this zoning ordinance shall be guilty of a noncriminal offense as provided by Section 775.08(3), Florida Statutes, as amended.

11.04 ENFORCEMENT THROUGH CODES ENFORCEMENT BOARD

It is the intent of this zoning ordinance that if the Town should have a Codes Enforcement Board in operation, that this zoning ordinance should be enforced utilizing the Codes Enforcement Board to the greatest extent permitted by law.

11.05 CERTIFICATE OF OCCUPANCY UPON COMPLETION

No Certificate of Occupancy shall be issued until all requirements of this ordinance have been met.

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. Town Council, or
2. Plan 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 Town by the Gilchrist 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 166.04 1(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 (10) 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 PLAN BOARD REPORT: ZONING MAP AMENDMENTS

1. It is the intent of this zoning ordinance that all proposed zoning map amendments shall be heard in the first instance by the Plan Board. Within a reasonable time after a proposed amendment is officially received by the Plan Board, the Plan Board shall hold a public hearing to consider the proposed zoning map amendment. The Plan 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 Plan Board shall develop and submit its report and recommendation concerning the proposed amendment to the Town Council.
2. When pertaining to the rezoning of the land, the report and recommendation of the Plan Board shall show that the Plan Board has studied and considered the proposed change in relation to all relevant criteria including the following criteria where applicable:
 - a. Whether the proposed change conforms to 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 of the Town; and
- p. Whether it is impossible to find adequate sites in the Town for the proposed use in districts already permitting such use.

12.05 TOWN COUNCIL ACTION

- 1. Before making a decision on any application, the Town Council shall conduct a public hearing.
- 2. The Town Council 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 TOWN COUNCIL DECISION

The Town Council 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 (12) 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 Town Council 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 (12) 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 zoning ordinance may be proposed by:

- 1. Town Council, or
- 2. Plan Board, or
- 3. Zoning Administrator.

12.09 NOTICE

Notice shall be as required by Section 166.041(3)(c)(1 and 2), Florida Statutes, as amended.

12.10 PLAN BOARD ACTION

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

12.11 TOWN COUNCIL ACTION

1. Before making a decision on any application, the Town Council shall conduct a public hearing.
2. The Town Council 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 TOWN COUNCIL DECISION

The Town Council 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 Town Council of the Town that a schedule of fees be established for the purpose of defraying the cost of administration of this zoning ordinance.

13.02 PROVISION OF AMENDMENT

The schedule of fees as established by the Town Council may be amended at any time by resolution of the Town Council and shall not be subject to the procedure of amendment as set out in Section 12 which provides for amendment of this zoning ordinance.

13.03 SCHEDULE OF FEES

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

SECTION 14. RESERVED

ARTICLE III

ZONING

- Section 15. Zoning Districts
- Section 16. Zoning Map
- Section 17. Nonconformities
- Section 18. Performance Standards and
Miscellaneous Issues
- Section 19. Historic Preservation
- Section 20. Dimensions

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 Town, the following zoning districts are established:

RESIDENTIAL-1	R-1
RESIDENTIAL-2	R-2
RESIDENTIAL-3	R-3
COMMERCIAL-1	C-1
INDUSTRIAL	I
HISTORIC	H

15.02 RESIDENTIAL DISTRICTS - R-1, R-2 and R-3.

The R-1 district is designed primarily to accommodate low density single family residences and agricultural activities in areas within the Town's planning jurisdiction that are not served by public water or central sewer facilities, if and when available, and are not yet appropriate for development at high densities. Some types of mobile homes are allowed to be used for single family residential purposes in this district.

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 public water and central sewer facilities, if and when available.

The R-3 district is designed primarily to accommodate single family detached residential uses (including Class "A" mobile homes) at densities to be determined by the availability of public water and central sewer facilities, if and when available.

15.03 COMMERCIAL DISTRICTS - C-1

The C-1 district is intended for 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.

15.04 INDUSTRIAL DISTRICT - I

The "I" district is intended primarily for manufacturing, industrial activity, wholesaling, warehousing, and distribution. This activity should be scaled to the Town.

15.05 HISTORIC DISTRICT - H

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 19).

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 Town'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 *Town Clerk, and dated September 25, 1992 is hereby adopted as the official zoning map for the Town.

16.03 AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments to the official zoning map shall be by the same process as amendment to this zoning ordinance.

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 Town 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 "Z" indicates that the use is permitted within the indicated zone with a zoning permit issued by the Zoning Administrator. The letter "C" indicates that a conditional use permit must be obtained from the Plan Board.
2. With regard to residential uses "ZC" indicates that such developments of less than five (5) dwelling units (or less than five (5) rooms for rent in the case of a hotel, bed and breakfast, etc.) must be pursuant to a zoning permit, and developments of five (5) or more dwelling units (or five (5) or more rooms in the case of a hotel, bed and breakfast, etc.) require a conditional use permit.
3. With regard to non-residential uses, the designation "ZC" indicates that such developments require a zoning permit if the lot to be developed is less than one half (1/2) acre in size and a conditional use permit if the lot is one half (1/2) acre or larger in size.

The following is the Table of Permitted Uses for the zoning districts of the Town:

LEVEL OF USE	USES DESCRIPTION	R-1	R-2	R-3	C-1	I
1.0	RESIDENTIAL					
1.1	Site built and modular structures	Z	Z	Z	ZC	
1.2	Site built and modular structures as an accessory use	Z	Z	Z	C	
1.3	Class "A" mobile home	Z	Z	Z		
1.4	Mobile home park				C	
1.5	Duplex	C			C	
1.6	One or two family apartment				C	
1.7	Multifamily residences		ZC		ZC	
1.8	Homes providing special services (for handicapped or infirm; nursing care, child care, halfway houses, congregate living facilities)				C	
1.9	Room for rent				C	
1.10	Bed and breakfast residence	C	C	C	Z	
1.11	Bed and breakfast inn	ZC			ZC	
1.12	Hotels and motels				ZC	
1.13	Temporary emergency residences	Z	Z	Z	Z	Z
1.14	Home occupations	C	C	C		
2.0	RETAIL SALES AND RENTAL					
2.1	Primary focus on pedestrians/storage and display of goods inside fully enclosed building/miscellaneous retail trade.				ZC	
2.2	Sales and rental of goods (not to include heavy equipment or equivalent)				ZC	
2.3	Convenience stores				C	
2.4	Convenience stores with retail gasoline sales				C	
2.5	Wholesale sales				ZC	
2.6	High volume traffic generation				ZC	
2.7	Dry cleaner, Laundromat				ZC	
2.8	Open air markets				C	
2.9	Funeral homes				ZC	
3.0	OFFICES					
3.1	Professional offices to include attorneys, physicians, insurance agents, stock brokers, government offices, dentists, banks without drive-up windows					ZC
3.2	Banks with drive-up windows					ZC
4.0	ASSEMBLY, MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, MERCHANDISE AND EQUIPMENT					
4.1	Operations conducted within a fully enclosed building					ZC
4.2	Operations conducted outside of a fully enclosed building					C

LEVEL OF USE	USES DESCRIPTION	R-1	R-2	R-3	C-1	I
5.0	EDUCATIONAL, CULTURAL, RELIGIOUS, SOCIAL, FRATERNAL USES					
5.1	Schools	C	C	C	C	
5.2	Nursery school/day care center	C			C	
5.3	Structures for religious purposes	ZC	ZC	ZC	ZC	
5.4	Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)				C	
5.5	Clubs, lodges, union halls			C	ZC	
6.0	ENTERTAINMENT					
6.1	Bowling alleys, skating rinks, athletic and exercise facilities, and pool halls				ZC	
6.2	Movie theaters				ZC	
6.3	Golf and country club, swimming or tennis clubs, etc.	C	C	C	C	
6.4	Horseback riding/stables	C				
6.5	Recreational vehicle parks				C	
7.0	INSTITUTIONAL					
7.1	Hospitals, clinics				C	
7.2	Nursing care institutions				C	
8.0	RESTAURANTS, BARS					
8.1	Restaurant with no drive-in window service				ZC	
8.2	Restaurant with carry-out or delivery service				ZC	
8.3	Bars, taverns, etc.				C	
9.0	MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS					
9.1	Sales, rental, service of motor vehicles				C	
9.2	Servicing and repair of motor vehicles				ZC	
9.3	Sales, service & repair of vintage cars (pre 1940)				C	
9.4	Paint and body shop				ZC	
10.0	STORAGE AS PRIMARY PURPOSE					
10.1	Storage within completely enclosed structures				C	
10.2	Storage inside or outside completely enclosed structures				ZC	
10.3	Parking of vehicles or storage of equipment outside enclosed structures				ZC	
11.0	SERVICES AND ENTERPRISES RELATED TO ANIMALS					
11.1	Veterinarian	C			ZC	
11.2	Kennel	C			ZC	
11.3	Grooming Parlor	C			ZC	
	SERVICES AND ENTERPRISES NON-ANIMAL RELATED					
11.4	Heliport				ZC	ZC
11.5	Helistop (Not allowed within a Historic District.)	C	C	C	C	C

LEVEL OF USE	USES DESCRIPTION	R-1	R-2	R-3	C-1	I
12.0	PUBLIC SERVICES					
12.1	Police station, fire station, rescue station, etc.	C	C	C	C	
12.2	Post Office	C			C	
12.3	Recreation facilities	C	C	C	C	
13.0	AGRICULTURAL, SILVICULTURAL					
13.1	Agricultural operations excluding livestock	Z	Z	Z	Z	
13.2	Agricultural operations including livestock (swine not permitted)	Z				
13.3	Agricultural operations including livestock (swine permitted)					
13.4	Agricultural wholesale distribution				C	
13.5	Silvicultural operations	Z	C	C	C	
13.6	Commercial nursery/greenhouse operation	C			C	
14.0	UTILITY FACILITIES					
14.1	Neighborhood	C	C	C	C	
14.2	Regional or community				ZC	
14.3	Towers and related structures more than 50 ft. tall	C			C	
15.0	Temporary Structures Used In Connection With Construction Of A Permanent Improvement	Z	Z	Z	Z	
16.0	Special Events	C	C	C	C	
17.0	Special Uses	C	C	C	C	

USES NOT PERMITTED

The following uses shall not be permitted in the Town:

1. Mining; and
2. Animal Feed Lots.

SECTION 16. ZONING MAP
(under separate cover)

SECTION 17. NONCONFORMITIES

17.01 INTENT

1. There may exist lots, structures, and uses of both, and characteristics of both which were lawful before this zoning ordinance was adopted, but which would be prohibited or restricted under the terms of this ordinance.
2. It is the intent of this zoning ordinance to permit these, nonconformities to continue until they are voluntarily removed or removed under the requirements of this zoning ordinance. Nonconformities shall not be enlarged upon, expanded, intensified or extended.
3. It is further the intent of this zoning ordinance 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.

17.02 NONCONFORMING LOTS OF RECORD

1. Where a lawful nonconforming lot of record lawfully exists at the effective date of this zoning ordinance, 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.
2. When the proposed use for a nonconforming lot conforms in all other respects except setback requirements, then the Town Council 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. Financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

3. This Section (17.02) 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 17.03.
4. If, on the date this zoning ordinance 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 is presently existing.

17.03 NONCONFORMING USES OF LAND

Where lawful use of land exists, which would not be permitted by the provisions of this zoning ordinance, 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 zoning ordinance;
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 zoning ordinance;
3. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of six consecutive months, any subsequent use of such land shall conform to the regulations specified by this zoning ordinance for the district in which such land is located; and
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.

17.04 NONCONFORMING STRUCTURES

1. Where a structure exists lawfully at the effective date of this zoning ordinance, that could not be built under this zoning ordinance 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 zoning ordinance;
 - 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; and
 - 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 requires 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 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 months or longer; and
 - (7) Continued in use (less of verified historical value) when the sign no longer advertises a bona fide business conducted, or a product sold on the premises.
2. 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. Mobile home replacement shall be by Class "A" mobile home only.

17.05 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 zoning ordinance, 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 17.04.2).
- 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 zoning ordinance. 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, nor any additional building on the same lot or parcel, not used for such nonconforming use at the effective date of this zoning ordinance.
- 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 Town Council 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 Town Council may require appropriate conditions and safeguards in accordance with the intent and purpose of this zoning ordinance.
- 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 (6) 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 zoning ordinance (except as provided in Section 17.04.2).

17.06 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 zoning ordinance, no change shall thereafter be made in such characteristics of use which increases nonconformity with regulations set out in this zoning ordinance; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

17.07 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 18. PERFORMANCE STANDARDS AND MISCELLANEOUS ISSUES

18.01 PERFORMANCE STANDARDS

All uses and activities permitted in any zoning district within this zoning ordinance 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 or 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; and
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.

18.02 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 Town. The term includes the kinds of noise generated by the activities enumerated in Section 18.01.2, except as provided in Section 18.01.4. 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 18.01.1 and subject to the exceptions provided in Section 18.01.4, 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 therefrom;
 - 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. Amplifiers or loudspeakers, in, upon or attached to a sound truck or other device for amplifying sound operated or permitted to operate within the Town 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 6:00 p.m. and 7:00 a.m., 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; and
 - l. The use of any drum or other instrument or device to create a loud and raucous noise.
3. Persons Responsible.
- a. 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; and
 - b. The owner or person responsible for any animal creating a noise 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 Town, 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; and
 - f. Religious worship activities, including but not limited to bells and organs.

18.03 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 zoning ordinance and all other ordinances of the Town. (See Section 19.07.2 for relocation of historic structures.)

18.04 MINIMUM LIVING AREA

No one family, two family or multifamily 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 Town 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.

18.05 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 setback, but not in a required front setback. 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.

18.06 GARAGE SALES

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

SECTION 19. HISTORIC PRESERVATION

19.00 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 Town; to safeguard the heritage of the Town:

1. By preserving and regulating historic sites which reflect elements of its cultural, social, economic, political and architectural history;
2. To preserve and enhance the environmental quality of neighborhoods;
3. To strengthen the Town's economic base by the stimulation of the tourist industry;
4. To establish and improve property values;
5. To foster economic development; and
6. To manage growth.

19.01 LOCAL REGISTER

1. 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.
2. Those structures listed on the National Register as of the date of enactment of this zoning ordinance shall also be listed in the local register.

19.02 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 town, 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 Town due to its unique location or singular physical characteristic; or
9. Has yielded, or may be likely to yield, information important in prehistory or history.

19.03 PROCEDURE FOR PLACEMENT, AMENDMENT OR REMOVAL

1. Nomination to the Local Register, or request for amendment or removal, may be by:
 - a. The Town Commission;
 - 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 Town 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 Town Commission shall review the Historic Preservation Board recommendation and conduct a formal public hearing.

19.04 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.

19.05 CLASSIFICATION OF STRUCTURES AND BUILDINGS

Structures and buildings will be divided into two classes:

1. Contributing. Those structures and buildings identified in the Bell Local Register.
2. Noncontributing. Those structures and buildings, within the historic district, not listed in the Local Register of the Town.

19.06 CERTIFICATE OF APPROPRIATENESS - WHEN REQUIRED

1. No building, structure, appurtenance, improvement or landscape feature within the Town, which has been designated "Contributing", will be 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 Town under the procedure specified in this section.
3. A certificate of appropriateness shall be required for any material change in existing walls, fences, sidewalks, change of color or construction of new walls, fences or sidewalks (unless the Historic Preservation Board has developed standard guidelines for one or more of the enumerated items and those guidelines are strictly adhered to in plans submitted by the applicant to the Zoning Administrator) to a Contributing structure or one within any Historic District.

19.07 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 New Construction, Renovation or Rehabilitation. In considering a certificate of appropriateness related to new construction, renovation, or rehabilitation, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following criteria shall be applied:
 - a. Height - is the height visually 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 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 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 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 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 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 related?
 - h. Roof shapes - is the roof shape compatible with buildings to which it is visually 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 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 related?
 - k. Directional expression of front elevation - is the directional character of the building compatible with buildings and places to which it is visually related?
2. Criteria for Relocation of Contributing Structures or Buildings. In addition to the guidelines provided in Subparagraph 1 (a thru 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 of Contributing Structures and Buildings.
- 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?

19.08 CERTIFICATE OF APPROPRIATENESS - REQUIRED FILINGS

An application for certificate of appropriateness to renovate or construct new improvements shall be accompanied by scaled construction plans and specifications thereof so far as they relate to the proposed appearance, color, 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 outbuilding, party wall, courtyard, fence or other dependency thereof.

19.09 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 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 exterior color change, 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.

19.10 MAINTENANCE AND REPAIR REQUIRED

It shall be a violation of this zoning ordinance 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.

19.11 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.

19.12 INJUNCTION AND RESTORATION REMEDIES

In addition to the general penalty provisions for violation of this zoning ordinance, violations of this section shall be specifically enforceable by the Town 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.

19.13 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 Gilchrist 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 zoning ordinance. Failure to properly record notification in the public records shall not affect the applicability of this zoning ordinance to the property.

SECTION 20. DIMENSIONS

20.01 TABLE OF REQUIRED DIMENSIONS

The following dimensional standards are adopted:

	R-1	R-2	R-3	C-1*	I
Minimum Lot Size (Sq. Ft)	43,560	21,780	10,000	No Min.	No Min.
Minimum Lot Size per dwelling unit (Sq. Ft)	43,560	21,780	10,000	--	--
Minimum Width (Ft.)	100	85	50	0	0
Minimum Front Setback**	75	25	25	20	35
Minimum Side Setback**	25	15	7.5	15	25
Minimum Rear Setback**	50	5	5	5	35
Maximum Height of Structures (Ft.)	40	40	40	60	80

* If a single family residential building (other than approved mobile home in approved mobile home park) is to be located in this district, dimensional minimums of the R-2 zoning district shall be met.

** Fences shall not be subject to setback. The setback for accessory buildings in residential and commercial districts shall be five (5) feet from side and rear lot lines.

These required dimensions are not intended to prohibit the rebuilding to existing foot print of buildings in the commercial district that currently do not have setbacks or have reduced setbacks

20.02 EXCLUSION FROM HEIGHT LIMITATIONS

The height limitations contained in Section 8.01 do not apply to spires, belfries, cupolas, antennas, 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.

20.03 SPECIAL SERVICE HOMES

Homes providing special services as described in Use 1.11 of the table of permitted uses in Section 16, shall not be located within one thousand (1,000) feet of each other as measured in a straight line from principal building to principal building.

ARTICLE IV

DEVELOPMENT

- Section 21. Development and Design Standards
- Section 22. Subdivision Regulations, Mobile Home Parks,
Recreation Vehicle Parks and Heliports/Helistops
- Section 23. Signs
- Section 24. Tree Protection, Landscaping and Buffering
- Section 25. Flood Protection
- Section 26. Environmental Constraints
- Section 27. Consistency and Concurrent Management
- Section 28. Site and Development Plans
- Section 29. Reserved

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 redevelopment comply with certain minimum criteria which is 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 Town 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 Town. Any expansions or modifications shall conform to requirements of this zoning ordinance.
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 commercial and industrial buildings and uses shall be provided from right-of-way and parking areas by means of a pathway leading to at least one (1) 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 21.06.5).

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-five (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 and 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 sixty (60) 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.	60 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-five (25) feet from the intersection of street right-of-way lines;
 - c. Nearer than five (5) feet from an interior property line unless a curb break provides access to adjoining properties;
 - d. To prevent vehicle overhang on adjoining 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; and
 - e. To include 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 right of way 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.

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 zoning ordinance that public interest, welfare and safety requires the buildings and uses, erected and begun after the effective date of this zoning ordinance, shall be provided with adequate off street parking facilities, (including in 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 zoning ordinance 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 zoning ordinance. Conforming buildings and uses existing as of the effective date of this zoning ordinance 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 zoning ordinance, 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 zoning ordinance 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 zoning ordinance 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 required setbacks may be used for off street parking.
2. Off Street Parking and Off Street Loading Facilities: Identification, Surfacing, Drainage, Lighting, and 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 of 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) and this subparagraph (b) shall not apply to single family dwellings;
 - 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; and
 - h. Designed to provide curbs or motor vehicle stops or similar devices to prevent vehicles from overhanging on or into public right of ways 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;
- b. The owner of said parking area shall enter into a written agreement with the Town with enforcement running to the Town 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 Gilchrist County, and agrees that the agreement shall be voided by the Town 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 ten (10) feet by twenty (20) 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.

For purposes of rough computation, an off street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off street parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided, maintained and improved in the manner required by this zoning ordinance and in accordance with all ordinances and regulations of the Town.

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.

PARKING SPACES FOR HANDICAPPED	
Total Spaces In Lot	Required Number of Handicapped Parking
0 to 25	1
26 to 75	3
76 to 100	4
Over 100	One (1) 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 two hundred (200) square feet and shall have a minimum dimension of at least ten (10) 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 two hundred (200) 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 zoning ordinance.

8. Off Street Loading: Specifications and Amounts

Off street loading facilities are required by this zoning ordinance 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:

Square Feet		Square Feet	No. of Spaces
5,000	to	24,999	1
25,000	to	59, 999	2
60,000	to	119,000	3
Each additional 100,000	or	part thereof	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 (see Table of Permitted Uses, Section 16.06) having at least twenty (20) dwelling units: One (1) space for each additional fifty (50) dwelling units or major fraction thereof.

21.07 TABLE OF PARKING REQUIREMENTS

The following is a table of minimum parking requirements:

LEVEL OF USE	USES DESCRIPTION	PARKING REQUIREMENT
1.0	RESIDENTIAL	
1.1	Site built and modular structures	One (1) space per dwelling unit. (In Uses 1.6 and 1.10, one (1) additional space shall be provided for each three (3) units or part thereof.)
1.2	Site built and modular structures as an accessory use	
1.3	Class "A" mobile home	
1.4	Mobile home park	
1.5	Duplex	
1.6	One or two family apartment	
1.7	Multifamily residences	
1.8	Homes providing special services (for handicapped or infirm; nursing care, child care, halfway houses, congregate living facilities)	One and one-half (1.5) spaces for each bedroom.
1.9	Room for rent	
1.10	Bed and breakfast residence	
1.11	Bed and breakfast inn	
1.12	Hotels and motels	One and one-half (1.5) spaces for each bedroom.
1.13	Temporary emergency residences	
1.14	Home occupations	Number not set (see below).
2.0	RETAIL SALES AND RENTAL	
2.1	Primary focus on pedestrians/storage and display of goods inside fully enclosed building/miscellaneous retail trade.	One (1) space for each two hundred (200) square feet of floor area.
2.2	Sales and rental of goods (not to include heavy equipment or equivalent)	
2.3	Convenience stores	
2.4	Convenience stores with retail gasoline sales	
2.5	Wholesale sales	One (1) space for each four hundred (400) square feet of floor area.
2.6	High volume traffic generation	One (1) space for each two hundred (200) square feet of floor area.
2.7	Dry cleaner, laundromat	
2.8	Open air markets	One (1) space for each four hundred (400) square feet of floor area.
2.9	Funeral homes	One (1) space for each two hundred (200) square feet of floor area.

LEVEL OF USE	USES DESCRIPTION	PARKING REQUIREMENT
3.0	OFFICES	
3.1	Professional offices to include attorneys, physicians, insurance agents, stock brokers, government offices, dentists, banks without drive-up windows	One (1) space for each two hundred (200) square feet of floor area.
3.2	Banks with drive-up windows	
4.0	ASSEMBLY, MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, MERCHANDISE AND EQUIPMENT	
4.1	Operations conducted within a fully enclosed building	One (1) space for each five hundred (500) square feet of floor area.
4.2	Operations conducted outside of a fully enclosed building	
5.0	EDUCATIONAL, CULTURAL, RELIGIOUS, SOCIAL, FRATERNAL USES	
5.1	Schools	Two (2) spaces for each classroom in elementary or middle school. Five (5) spaces for each classroom in high school.
5.2	Nursery school/day care center	One (1) space for each two hundred (200) square feet of building area up to ten (10) spaces, then four hundred (400) square feet of building area thereafter.
5.3	Structures for religious purposes	One (1) space for each four (4) seats in the main sanctuary.
5.4	Libraries, museums, art galleries, art 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	One (1) space for each two hundred (200) square feet of floor area.
6.0	ENTERTAINMENT	
6.1	Bowling alleys, skating rinks, athletic and exercise facilities, and pool halls	One (1) space for every four (4) seats.
6.2	Movie theaters	
6.3	Golf and country club, swimming or tennis clubs, 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	
6.5	Recreational vehicle parks	Number not set (see below)

LEVEL OF USE	USES DESCRIPTION	PARKING REQUIREMENT
7.0	INSTITUTIONAL	
7.1	Hospitals, clinics	One (1) space for each patient bed.
7.2	Nursing care institutions	
8.0	RESTAURANTS, BARS	
8.1	Restaurant with no drive-in window service	One (1) space for each one hundred (100) square feet of building area.
8.2	Restaurant with carry-out or delivery service	
8.3	Bars, taverns, etc.	
9.0	MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS	
9.1	Sales, rental, service of motor vehicles	One (1) for each five hundred (500) square feet of building area.
9.2	Servicing and repair of motor vehicles	
9.3	Sales, service & repair of vintage cars (pre 1940)	
9.4	Paint and body shop	
10.0	STORAGE AS PRIMARY PURPOSE	
10.1	Storage within completely enclosed structures	One (1) space for each five thousand (5,000) square feet of building area (minimum four (4) spaces).
10.2	Storage inside or outside completely enclosed structures	
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	One (1) space for each two hundred (200) square feet of building area.
11.2	Kennel	One (1) space for each four hundred (400) square feet of building area.
11.3	Grooming Parlor	One (1) space for each two hundred (200) square feet of building area.
	SERVICES AND ENTERPRISES NON-ANIMAL RELATED	
11.4	Heliports	Number not set (see below)
11.5	Helistop	Number not set (see below)
12.0	PUBLIC SERVICES	
12.1	Police station, fire station, rescue station, etc.	One (1) space for each two hundred (200) square feet of building area.
12.2	Post Office	
12.3	Recreation facilities	Number not set (see below)

LEVEL OF USE	USES DESCRIPTION	PARKING REQUIREMENT
13.0	AGRICULTURAL, SILVICULTURAL	
13.1	Agricultural operations excluding livestock	Number not set (see below).
13.2	Agricultural operations including livestock (swine not permitted)	
13.3	Agricultural operations including livestock (swine permitted)	
13.4	Agricultural wholesale distribution	
13.5	Silvicultural operations	
13.6	Commercial nursery/greenhouse operation	
14.0	UTILITY FACILITIES	
14.1	Neighborhood	Number not set (see below).
14.2	Regional or community	
14.3	Towers and related structures more than 50 ft. tall	
15.0	Temporary Structures Used In Connection With Construction Of A Permanent Improvement	Number not set (see below)
16.0	Special Events	Number not set (see below).
17.0	Special Uses	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.

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; and
2. 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 Town 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 Town 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 traffic (ADT), 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 average daily traffic of seven hundred and fifty (750). Cul-de-sacs shall have a maximum average daily traffic of two hundred and fifty (250). 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 average daily traffic of not greater than sixty-one hundred (6,100).

4. Arterial Streets. Arterial streets provide links between communities or to limited access expressways. Arterial streets shall have a design speed of fifty (55) miles per hour. Arterial streets shall have an average daily traffic of no greater than seventy-five hundred (7,500).

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 Town Engineer.
 - b. Roadway base shall be constructed of Ocala limerock and compacted to ninety-eight percent (98%) of maximum density in accordance with Association of State Highway Transportation Officials Method T-180.
 - c. Roadway sub-grade shall have a minimum thickness of twelve (12) inches and be compacted to ninety-five percent (95%) of maximum density in accordance with Association of State Highway Transportation Officials Method T-180.
 - d. Where soils classified as 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 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 Town Engineer that all materials and density requirements are in accordance with these regulations:
 - (1) Sub-grade shall be tested for Load Bearing Ratio and field density in accordance with the Inspection Standards set by the Town Engineer. Field density shall not be less than ninety-five percent (95%) of maximum density.
 - (2) Lime rock based course shall be tested field density in accordance with the Inspection Standards established by the Town Engineer. Field density shall not be less than ninety-eight percent (98%) of maximum density.
 - (3) Asphaltic concrete surface course plant mix shall meet the Florida Department of Transportation specifications. Extraction and/or stability tests may be required by the Town Engineer.
 - (4) Roadway embankment shall be tested for field density in accordance with specifications set forth by the Town Engineer.
 - f. Other types of construction and/or materials may be utilized for the base and surface of the roadway if equal or greater strength requirements are met, and if approved by the Town 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 Town.
- 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 Town Engineer shall have final approval authority for roadside swales.
 - (1) Based on the ten (10) year storm the flow velocity must not exceed three (3) feet per second without paved 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 Town Engineer in order to determine whether roadside swales are permissible.
 - (5) Roadside swales shall not be permitted where ground water is within three (3) 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 Town 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 one-half (1 1/2) inches, minimum base thickness of eight 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 lane widths for two (2) lane traffic shall be established by the following average daily traffic volume:
- | | |
|--|---------|
| Less than 400 average daily traffic | 10 feet |
| 401 to 1,200 average daily traffic | 11 feet |
| Greater than 1,200 average daily traffic | 12 feet |
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 (1) in three (3) years with a minimum time of concentration of ten (10) minutes. The Florida Department of Transportation rainfall intensity curve for Gilchrist County 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 zero point three percent (0.3%), except in extreme cases where zero point two percent (0.2%) may be used; however, zero point five percent (0.5%) shall be held insofar as practical.
 - 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 grades shall be cast iron or steel with minimum size of two (2) square feet net open area.

21.18 SIDEWALKS

The construction of all sidewalks shall comply with the following minimum criteria:

- 1. Sub-grades shall be compacted to ninety-eight percent (98%);
- 2. Three thousand (3,000) pounds per square inch concrete shall be required;
- 3. The concrete shall 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;
- 4. All sidewalks shall extend to the curb or pavement edge and be ramped for handicapped access;
- 5. Sidewalks shall be located on the outside edge of the required right-of-way line; and
- 6. Sidewalks shall be a minimum of four (4) feet wide.

21.19 FIRE HYDRANTS

1. The Fire Chief or his designee shall determine the precise location of all fire hydrants.
2. The installation of fire hydrants shall comply with the following standards:
 - a. All hydrant threads shall be national standard threads.
 - b. All hydrants shall have right-hand turn stems with two (2) two and one-half (2 1/2) inch hose connections and one (1) four and one-half (4 1/2) inch hose connection. The two and one-half (2 1/2) inch hose connections shall be located a minimum of eighteen (18) inches above grade. The four and one-half (4 1/2) inch connection shall face the street that the hydrant is located on and shall be located a minimum of eighteen (18) inches above grade.
 - c. Fire hydrants shall be located within the street right-of-way (where applicable) and shall have no obstructions within five (5) feet.
 - d. Parking shall not be permitted within twenty (20) feet of a hydrant, sprinkler, or stand pipe connection.
 - e. No hydrant shall be located below street grade.
 - f. The minimum line size for hydrant placement shall be a (6) six inch looped line. Dead-end lines shall be a minimum of eight (8) inches in size and shall not exceed six hundred (600) feet in length. Dead-end lines shall be avoided unless impractical.
 - g. Hydrants shall be installed every five hundred (500) feet beginning at the subdivision or development entrance.
 - h. All hydrants shall produce a minimum flow of one thousand (1,000) gallons per minute, and shall be pressure tested in a manner determined by the Fire Chief or Town Engineer.
 - i. All hydrants located on public rights-of-way shall be dedicated. In all other situations the hydrants shall be privately maintained.
 - j. All hydrants shall be marked with blue delineators located in the center of the driving lane of the side that the hydrant is located on.
 - k. All submissions for construction drawing, site plan, or subdivision plat approval include a hydrant assembly detail.
 - l. Tie rods shall be connected at an angle from the perpendicular installation of the hydrant to the gate valve.

21.20 FIRE SAFETY LANES AND ACCESS

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 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 only be allowed 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 redevelopment project; or
 - c. The project generates less than one hundred and 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 hundred (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 one-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 in 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 RETROFIT

If the additional development, re-development, or alteration of a site involves an excess of thirty percent (30%) of the existing gross floor area of a previously developed site or more than one-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 zoning ordinance.

21.28 STORMWATER DESIGN CRITERIA

1. The stormwater management plan shall be designed for the twenty-five (25) year frequency storm, twenty-four (24) hour duration.
2. Discharge rate for the post developed or redeveloped site shall not exceed in terms of peak flow and total volume that 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. The volume of detention/retention provided shall be equivalent to one (1) inch of depth over the entire project area.
4. Discharges of stormwater shall comply with the ambient water quality standards of the St. Johns River Water Management District and Florida Department of Environmental Regulation. Best Manage Practices shall be utilized to achieve such discharge standards.
5. Positive drainage outfall shall be provided. Where retention areas are designed with no positive drainage outfall, the Town Engineer may require an analysis of, and design for, the one hundred (100) year frequency storm. Sheet flow shall not constitute positive outfall.
6. Runoff from adjacent lands which passes through the site shall be included in the stormwater management plan design.
7. Where possible, natural vegetation shall be used as a component of the stormwater management plan.
8. The water table shall not be manipulated so as to endanger natural vegetation beneficial to water quality.
9. Six (6) inches of free board shall be provided for all detention/retention areas.
10. Detention areas shall be designed, where possible, to completely dry within three (3) days.
11. 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 4:1.
12. 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.
13. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
14. Off-site stormwater management facilities may be permitted for use by the Town 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.
15. All stormwater management facilities shall meet the construction standards of the Town Engineer.

21.29 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 predevelopment 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 Town 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 exfiltration (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, hydrographies, and hydraulic analyses including total project size in acres, acreage by general type of land use, tabulations of the area and percent or 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 Town Engineer to demonstrate compliance with the requirements of the stormwater management component of this zoning ordinance.

21.30 STORMWATER FACILITY CONSTRUCTION.

1. A copy of approved permits from the St. Johns 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 Town Engineer prior to the issuance of development permits.

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.

21.31 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 zoning ordinance.
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.

21.32 RESERVED

21.33 RESERVED

21.34 RESERVED

21.35 RESERVED

21.36 RESERVED

21.37 RESERVED

21.38 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.

21.39 RESERVED

21.40 RESERVED

21.41 RESERVED

21.42 RESERVED

21.43 RESERVED

21.44 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 requirements 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 Town 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.

SECTION 22. SUBDIVISION REGULATIONS, MOBILE HOME PARKS, RECREATION VEHICLE PARKS AND HELIPORTS/HELISTOPS

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 zoning ordinance, 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 zoning ordinance.
2. No person shall sell or transfer any land subdivided after the effective date of this zoning ordinance without the prior authorization of the Town Commission and the recording of a Final Subdivision Plat which meets all of the requirements of this code and Chapter 177, Florida Statutes, as amended.
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 zoning ordinance.

22.03 SUBDIVISION DEFINED

1. The term subdivision shall mean any one or more of the following:

- a. The division of land into three (3) 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 re-subdivision of an approved recorded subdivision plat if:
 - (1) Such re-subdivision affects any street layout, or
 - (2) Such subdivision affects any reserved or dedicated area or easements 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, the smallest of which is less than ten (10) acres in size.
 - b. A Type 2 subdivision shall be a subdivision which contains one or more lots, parcels, tracts, or tiers, the smallest of which is ten acres or larger in size.
 3. The subdivision requirements of this zoning ordinance 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 20, and all other applicable provisions of this zoning ordinance;
 - b. The Comprehensive Plan;
 - c. All applicable building codes of the Town; and
 - 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 the Town which will in any way confuse the public; except that when an existing subdivision is expanded or re-subdivided as an additional unit or section.

6. For Type 1 lots fronting on an unpaved public road, the developer shall be required to install such street improvements as shall be necessary to comply with the requirements of Section 21.16 and 21.17 of this zoning ordinance. For Type 2 lots fronting on an unpaved public street, no street improvements shall be required and no lots shall be accessed by private easements as otherwise permitted in Section 22.07.1 of this zoning ordinance.

22.05 TYPE 1 SUBDIVISIONS

Type 1 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. Set aside land for parks or recreation areas; or
2. Provide illumination (street lights) except at street intersections; or
3. Sidewalks or bike paths shall not be required.

22.06 TYPE 2 SUBDIVISIONS

Type 2 subdivisions shall meet the design and development standards of Section 21, except that subdivisions in residential districts may:

1. Access lots by private easements of sixty (60) feet in width, provided such easements serve no more than four (4) lots, do not exceed seven hundred (700) feet in length and have a twenty (20) foot wide stabilized driving surface of a minimum load bearing ratio of thirty (30);
2. Town 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;
5. Provision for parks or recreation lands shall not be required.

22.07 RESERVED

22.08 LOTS

1. All lots shall be designed to meet the minimum zoning dimensional regulations applicable to the property as designated by this zoning ordinance. 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 required by this code and required by the type of use and development anticipated.
3. Side lot lines shall be as close as practical to right angles at street lines or radial to curving street lines.
4. Eighty percent (80%) of the average width of each lot in a Type 1 subdivision shall front on a public street except in the case of lots on the turning circle of a cul-de-sac, where the average width shall be less than sixty percent 60%. Each lot in a Type 2 subdivision shall have access to a public or private street.
5. No lot shall have an average length to width ratio greater than 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 thirteen 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 Town.
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 (up to a seventeen (17) degree skew may be permitted from a 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 and 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 and 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 design speed of the street.
8. The minimum curb return radius for intersections shall be as follows:

Residential Street	10 feet
Collector or Arterial Street	25 feet
9. All subdivision streets shall be integrated with the adjoining topography to provide adequate sight distance.

22.11 RIGHTS-OF-WAY

1. The minimum street right-of-way for local streets shall be fifty (50) feet.
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 Town Commission, continued maintenance shall be assured by means reviewed and approved by the Town Commission.
5. Right-of way access easement width for private streets shall be the same as the requirements of this zoning ordinance 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 Town 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 be a minimum radius of forty (40) feet of pavement and fifty (50) feet of right of way width.

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 shall be established and provided for in a manner acceptable to the Town Commission.

22.15 PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS

1. Permanent Reference Monuments and Permanent Control Points shall be constructed and installed in accordance with the requirements of Chapter 177, Florida Statutes, as amended.
2. Permanent Reference Monuments 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. Permanent Control Points shall be set prior to expiration of the performance security 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 subdivisions) shall be provided with street signs at each intersection.
3. All street names shall be approved by the Town Commission. There shall be no duplication or similarity of street names with any other street located in the Town.

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 zoning ordinance for 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 Town.
3. Site and development plan approval shall expire one (1) 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 Town 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 Town Engineer.
3. Construction standards shall conform to the requirements of this zoning ordinance, 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 Town 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 Town 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 Town Engineer and all required federal, 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 zoning ordinance in accordance with the specifications of the approved construction drawings.
3. During construction the Town 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 Town 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 Town Engineer shall certify that all required improvements and inspections comply with the approved construction drawings.

22.25 PERFORMANCE SECURITY

1. The Town Clerk 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 Town Engineer, and shall total one hundred and ten percent (110%) of the estimated cost of completion.
4. The effective time limit for performance security shall not exceed one (1) year from the date of approval of the final subdivision plat.
5. Performance security provided hereunder shall be subject to the approval of the Town Commission at the time of final subdivision approval.
6. The Town shall receive payment in full in accordance with the procedure established by law for all required improvements not completed within the time limit for 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 Plan Board that improvements are complete and in conformance with the requirements of this zoning ordinance, the final subdivision plat shall be forwarded to the Town Commission for approval.
4. Upon approval of the final subdivision plat by the Town Commission, the plat shall be forwarded along with any of the related legal documents to the Clerk of the Circuit Court of Alachua County 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, as amended;
 - 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 reproducible Mylar and blue-line copies in the number required by the Town;
 - d. The sheet size shall be twenty-four (24) inches by thirty-six (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; and
 - y. The continued maintenance of common improvements and open spaces shall be provided for in accordance with the requirements of the Town 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;
 - c. Surveyors certificates;
 - d. Certificate of approval of the Town Commission;
 - e. Certificate of approval of the Clerk of the Circuit Court;
 - f. Reservation of easement; and
 - 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 Town Commission may waive or modify any design requirement of this section. However, the Town Commission may not waive the development standards of Section 21 of this zoning ordinance 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 sub-paragraph 3 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 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.

22.28 RESERVED

22.29 RESERVED

22.30 RESERVED

22.31 RESERVED

PART II - MOBILE HOME PARKS

22.32 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.

22.33 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 be 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.

22.34 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 street.
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 eight percent (8%) 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 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 porous, 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.

22.35 WATER SUPPLY SYSTEM

An accessible, adequate, safe, and potable water supply, at such time as said system is in existence, 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 water system of the Town.
2. A master meter shall be installed at the point of connection to the water system of the Town, 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 International Organization for Standardization Fire Flow requirements and any applicable building codes of the Town.
4. Fire hydrants shall be installed and maintained by the developer in accordance with the requirements of Section 21.19.

22.36 RESERVED

22.37 RESERVED

22.38 RESERVED

22.39 RESERVED

PART III - RECREATIONAL VEHICLE PARKS

22.40 RECREATIONAL VEHICLE PARK: DEFINED

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

22.41 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.

22.42 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 and eighty (180) consecutive days, or for more than forty-five (45) consecutive days in area of special flood hazard unless elevated and anchored to comply with flood plain protection standards; and
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 percent (5%) of the area of the park, and shall not be so located as to attract patronage from outside the grounds nor have adverse effects on surrounding land uses.

22.43 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 eight percent (8%) 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 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 so located in relation to internal structure 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 inches, and graded and drained to prevent flow of surface water into or under tents erected on it.
15. Stands shall be so located that when used, clearance from units, including attached awnings and the like shall be as follows:
 - a. From units on adjoining stands: 10 feet
 - b. From internal streets of common parking area: 10 feet
 - c. From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space: 25 feet
 - d. From any other use or fueling facility: 50 feet
16. 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.

- 22.44 RESERVED
- 22.45 RESERVED
- 22.46 RESERVED
- 22.47 RESERVED
- 22.48 RESERVED
- 22.49 RESERVED

PART IV - HELIPORTS AND HELISTOPS

22.50 CONDITIONAL USE PERMIT REQUIREMENTS

Conditional Use Permit. No person shall operate or permit the operation of any heliport or helistop as defined in Section 2.01, upon any real property with the Town, without first obtaining a permit therefor from the Town Council. Any Conditional Use Permit application filed shall be accompanied by a site and development plan for the proposed site.

22.51 PUBLIC HEARING

1. Plan Board. Upon the filing of an application for a heliport or helistop Conditional Use Permit, the Town Manager or their Designee shall review the information submitted for completeness thereof and shall refer the same if complete to the Plan Board which shall fix a time and place for a public hearing thereon. Notice of the public hearing shall be given to the applicant and to all interested parties pursuant to the same regulations and procedures applicable to formal public hearings as set forth in this Land Development Code. Within sixty (60) days after the completion of the aforesaid public hearing the Plan Board shall submit its written recommendations thereon to the Town Council.

The Plan Board shall also submit a copy of the application to the National Heliport Standards Council for the purpose of ascertaining if the proposed facility and its use complies with the criteria of that agency and conforms to the regulations of the Federal Aviation Administration. The results of such determination shall be embodied in the final recommendation of the Plan Board covering the application.

2. Town Council. Upon receipt by the Town Council of the recommendations of the Plan Board as to the application for Conditional Use Permit for a heliport or helistop permit, the Town Council shall either accept, modify or deny the recommendation. If by such acceptance, modification, or denial of recommendation a change in the land use of the Comprehensive Plan is required, an ordinance setting forth the change shall be introduced, as soon as possible. Notice and public hearing on such ordinance shall be held in accordance with the provisions for amendments effecting such land use changes.

22.52 FACTORS OF CONSIDERATION

In considering application for heliport and helistop Conditional Use Permit, the Plan Board and Town Council shall consider:

1. The effect of the proposed use on existing and future dwellings in the vicinity;
2. The proposed site;
3. Fencing;
4. Screening and landscaping;
5. Air traffic safety; and
6. General health, safety and welfare of the community.

Any such request may be granted upon or conditioned upon the faithful adherence to and fulfillment of such conditions and restrictions as shall be determined to be necessary for the protection of the surrounding area and general welfare of the community.

22.53 MANDATORY REQUIREMENTS

1. Site Plan Required. A site plan shall be provided for all applications for approval of a Conditional Use Permit for a heliport or helistop which shall comply with the requirements for site and development plans established within this Land Development Code to the extent possible.
2. Size of Landing Area. The length of each heliport or helistop landing area shall not be less than twice the length of the helicopter to be accommodated. The width of the landing area shall not be less than twice the overall length of the helicopter. All helicopter landings are authorized by this Land Development Code only in the designated landing areas as shown by the site and development plan.

3. Noise Control.
 - a. All helicopters operating from heliports or helistops in the Town shall avoid unnecessary low flying over inhabited areas and shall operate in such manner that residents in the area adjacent to the heliport shall not be subject to unusual noise, dirt or other disturbing factors which would not be conducive to their safety and well-being.
 - b. The Town hereby adopts in concept the third edition of the Helicopter Association International Flying Neighborly Guide. The initial guide was issued in 1981 and again with a change to the title page in 1983. A second edition was issued in 1993. This guide is based on the second edition and was edited and revised by Charles Cox and Dr. John Leverton on behalf of the Helicopter Association International Fly Neighborly Committee and is adapted in concept as and for an ordinance of the Town and the same is hereby adopted and incorporated into this Land Development Code as fully as if set out at length. In furtherance of promoting noise abatement and control arising from helicopter operations, the Town Manager is authorized to establish approach and departure routes for all heliports and helistops approved by the Town. In carrying out this responsibility, the Town Manager shall follow in concept the criteria contained in the Heliport Design Guide published by the United States Department of Transportation, Federal Aviation Administration in November 1969, as amended, which is likewise adopted as and for an ordinance of the Town and incorporated into this Land Development Code as fully as if set out at length.
4. Insurance Required. The owners of the real property upon which the heliport or helistop are located shall provide adequate liability insurance on the premises to insure against and protect against loss to persons or property arising from damages incurred by the use of helicopters on their premises. Additionally, the owners of heliport or helistops shall also require all owners of helicopters operating from their pads to provide adequate liability insurance, the amount of which can be negotiated with the Town Council.
5. Landing Site Markings. The landing site may be paved or established on existing level natural terrain at the owner's discretion, subject to the requirements of Section 22.53.7 below. However, the landing site shall be of a minimum size as set forth in Section 22.53.2 above, and shall be marked with symbols readable from the air. Such symbols shall be approved by the United States Department of Transportation, Federal Aviation Administration. All helicopter landings are authorized by this Land Development Code only in the designated landing area.
6. Fencing. The entire heliport or helistop area shall be fenced to a height of three (3) feet and provided with suitable gates to prohibit unauthorized entrance.
7. Dust Control. The ground around the perimeter of the heliport or helistop area shall be sodded or paved at the discretion of the owner with a dust-free surface for a sufficient distance to prevent the dissemination of dust and dirt during takeoff and landing.

22.54 PERMIT REVOCATION

The failure of a helicopter owner or the owner of the real property upon which a heliport or helistop is located as authorized by the Town, to comply with the terms set forth in this Land Development Code shall be considered sufficient grounds for revocation of any permit granted for such operation by the Town Council. The Town may, after notice and after providing an opportunity for a hearing before the Town Council, revoke any heliport or helipad permit issued hereunder if:

1. It determines that alteration of the physical profile of the area surrounding the heliport or helistop renders the continued operation thereof unsafe, or
2. It finds a violation of any provision of law thereto pertaining.

22.55 HELICOPTER LANDINGS AND TAKEOFFS AT AUTHORIZED LOCATIONS ONLY

No person owning, piloting or operating a helicopter shall land such aircraft, permit same to be landed or permit such aircraft to takeoff in the Town except at an approved heliport or helistop location or at a duly licensed airport. This provision shall not apply in the event of an emergency involving the safety of any helicopter or its passengers; nor in those instances where the helicopter is involved in the performance of rescue, search, law enforcement, medical evacuation or civil defense duties.

22.56 EXCEPTIONS

1. Sections 22.50 through 22.55 of this Land Development Code shall not apply in cases of emergency where any condition of the aircraft or its occupants makes further operation of the aircraft a hazard to the health of the pilot, passengers or to the surrounding areas.
2. The following aircraft are exempt from the provisions of Sections 22.50 thru 22.56:
 - a. Aircraft operated by the Florida Highway Patrol;
 - b. Aircraft operated by the County Sheriff's Office;
 - c. Aircraft operated by the Police Department of the Town;
 - d. Aircraft operated by the Florida Fish and Wildlife Conservation Commission;
and
 - e. Aircraft operated by any other authorized law enforcement agency in the normal pursuit of its duties.
3. Under certain conditions, permission may be granted by the Town Manager for helicopters to land for specific events upon issuance of a temporary or special use permit.
4. Aircraft shall not be prohibited from landing during medical emergencies.

22.57 INDEMNIFICATION BY PERMIT HOLDER

Neither the Town, nor any Town Council member, officer, agent or employee of the Town shall be responsible or liable for any loss, damage or destruction of any property or for injury to, or death of, any person arising out of the operation of any privately-owned heliport or helistop by any person, or arising out of the conduct or attempted conduct of aeronautical activities by any person. The issuance of a heliport or helistop Conditional Use Permit by the Town shall not cause the Town to be responsible or liable for any claim arising out of any activities authorized to be conducted by such permit. This section is not intended either to expand or limit any liability of the Town which may subsequently arise out of the operation by the Town as a public use of airports, heliports, helistops or aircraft.

The holder of any heliport or helistop conditional use permit, shall give the Town prompt and timely written notice of any claim made or suit instituted arising out of the conduct or attempted conduct of any aeronautical activities pursuant to such Conditional Use Permit, and such persons shall indemnify and save harmless the Town and all persons hereinabove designated, from any judgments recovered by anyone for personal injury, death or property damage sustained by reason of any of the said activities, and shall pay all expenses, including costs and attorney's fees, in defending against any such claim made against the Town, or any

of the persons, or agencies above enumerated; provided, however, that such persons shall not be required to indemnify the Town with respect to any damage, injury, loss, or death occasioned solely by the intentional acts or negligence of the Town, its agents or employees. Such indemnification of the Town shall be required to be given in a written instrument executed by the legal owner upon which the heliport or helistop is located prior to final approval and issuance of any Conditional Use Permit.

22.58 TRANSFER OF CONDITIONAL USE PERMIT

No Conditional Use Permit which has been issued for a heliport or helistop may be sold, assigned, mortgaged, encumbered, or otherwise transferred without the consent of the Town Council.

22.59 ENFORCEMENT

Any violation of the terms of Part IV of this Land Development Code shall be deemed a non-criminal civil infraction and may be enforced by the issuance of a citation, a summons, or a notice to appear in County Court for violation of Part IV of this Land Development Code. Any person upon conviction or a finding of a violation of this Part IV of this Land Development Code by the court may be sentenced to pay a fine, not to exceed five hundred dollars and no cents (\$500.00), together with all court costs incident thereto. Enforcement of Part IV of this Land Development Code may be enforced by any duly authorized law enforcement officer of the State of Florida with jurisdiction within the Town, and shall also be enforceable by the Enforcement Officer of the Town whose duty is to ensure Code Compliance with applicable Town ordinances and regulations. Specific authority is also hereby granted by the Town Council to the Enforcement Officer of the Town to enforce Part IV of this Land Development Code through the Enforcement System of the Town, as more particularly set forth in Chapter 162, Florida Statutes, as amended, and by the alternate code enforcement system of the Town as established and authorized therein, and all of the provisions as set forth in Chapter 162, Florida Statutes, as amended, which are necessary and appropriate for such code enforcement are hereby incorporated in Part IV of this Land Development Code, as if specifically recited herein.

SECTION 23. SIGNS

23.01 MEASUREMENT DETERMINATIONS

1. Distance between signs shall be measured along street rights-of-way from the closest parts of any two (2) signs.
2. Facade area shall be measured by determining the area within at two dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.
 - a. 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.
 - b. 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.
 - c. Where two (2) 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 (4) feet apart, the area of the sign shall be counted as the area of one of the faces. It shall be counted as one (1) sign.

- d. Where a sign has four (4) faces arranged in a square, rectangle or diamond, the area of the sign shall be the area of the two (2) largest faces. It shall be counted as two (2) signs.
 - 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 outline of the sign.
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.

23.02 EXEMPT SIGNS

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

- 1. Signs of two (2) 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 zoning ordinance.
- 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.
- 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.

23.03 PROHIBITED SIGNS

- 1. It shall be unlawful to erect or maintain any sign not expressly authorized by or exempted from this zoning ordinance.

2. The following signs are expressly prohibited unless exempted by Section 23.03 of this zoning ordinance or expressly authorized in Section 23.05 of this zoning ordinance:
 - a. Off-site signs;
 - b. Signs which move, revolve, are animated or appear to move revolve or be animated, without limiting the foregoing: banners, streamers, animated display boards, pennants, propellers and spinners are prohibited;
 - c. Signs using light other than illuminated signs specifically permitted in this zoning ordinance (see Section 23.08);
 - d. Signs which emit noise, odor, smoke or steam;
 - e. Portable signs;
 - f. Signs displaying copy harmful to minors;
 - g. Signs which obstruct or impair vision of motorists, cyclists, or pedestrians, or which interfere with entrances, exits or safety equipment.

23.04 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 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 months that the occupancy is open for business.
 - c. 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.
 - d. 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.

23.05 PERMITTED PERMANENT SIGNS

1. 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 - Table of Required Specifications for Ground Mounted Signs - as to all districts except the Historic District. In the Historic District the following table shall apply except: the total sign area shall not exceed twelve (12) square feet; the maximum height shall not exceed nine (9) feet; and the materials shall be compatible with materials used in the structure.

TABLE OF REQUIRED SPECIFICATIONS FOR GROUND MOUNTED SIGNS						
Frontage on a Public Right-of-way (in feet)	Number of Signs Allowed	Total Sign Area Allowed (in square feet)	Maximum Sign Area for Individual (in square feet)	Minimum Distance From Any Side Property Line (in feet)	Other Permanent Sign on the Same Site (in feet)	Maximum Height (in feet)
Less than 50	1	24	24	10	N/A	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 building has frontage on two (2) 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 (1) frontage may not be combined with that permitted for another frontage to increase the permitted sign area on one (1) frontage. No ground sign on one (1) right-of-way may be closer than one hundred (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.
 - a. Subject to the design criteria of this zoning ordinance, 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 percent (10%) 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 zoning ordinance 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 (in those commercial districts not designated Historic) 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 (4) square feet giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable 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.
 6. 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:
 - a. The maximum height shall be three (3) feet;
 - b. The sign face shall not exceed one-half (1/2) square foot;
 - c. Signs identifying the same facility shall be spaced at least two hundred (200) feet apart;
 - d. The sign face shall not exceed the width of the sign structure;

- e. Signs shall not be clustered at street corners unless required because of directional change to underground utility lines.

23.06 RESERVED

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 Town.

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 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 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.

23.13 MAXIMUM PROJECTION

A building sign may project no more than four feet perpendicularly from the surface to which it is attached.

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

Sign permitting shall be governed by the requirements of Section 28.04.16 relating to Site and Development Plans.

23.16 NONCONFORMING SIGNS

For Nonconforming Signs see Section 17.04.1.

23.17 SIGNS WITH CULTURAL SIGNIFICANCE

For Signs with Cultural Significance see Section 19.02.

SECTION 24. TREE PROTECTION, LANDSCAPING AND BUFFERING

24.01 PROTECTED TREES

1. All trees of the species listed in Section 24.10 are protected by this ordinance when they are of the following diameter or larger, measured at breast height (DBH) which is fifty-four (54) inches above the ground:

TYPE OF TREE	DIAMETER
Understory Trees (including redbuds, plums, dogwoods, hawthorns, sparkleberries and fringe trees)	Three (3) inches in diameter or larger
All Understory Trees (defined in Section 24.10(2))	Six (6) inches in diameter or larger
All Pine Trees	Twelve (12) inches in diameter or larger
All Other Trees	Eight (8) inches in diameter or larger

2. All trees designated as historic are also protected. A historic tree is one that has been designated by the Town Commission as historic. Designation of a historic tree shall be the same as designation of a historic site in accordance with Section 19.02.

24.02 NURSERIES, ETC., EXEMPT

All commercial nurseries, commercial 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 and managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

24.03 EMERGENCY CONDITIONS

During emergencies the Town Council may suspend these tree protection regulations by resolution.

24.04 TREE PRESERVATION COMMITTEE

1. The Town may establish a Tree Preservation Committee consisting of three residents of the Town, who shall be recommended by the Mayor and approved by the Town Commission.
2. Members shall serve three (3) year terms with one (1) member selected initially for one (1) year (through March, 1991) and the other member initially serving a two (2) year term (through March, 1992), and the third member serving a three (3) year term (through March, 1993).
3. Authorization for removal of a tree shall be by Conditional Use Permit or Zoning Permit depending upon the other requirements of this zoning ordinance.
4. Notice of application for authorization to remove a tree shall be provided to the members of the Tree Preservation Committee, and at least one (1) member of the Tree Preservation Committee shall be provided a reasonable opportunity to comment to the permitting authority prior to the issuance of a Zoning Permit or Conditional Use Permit that would authorize the removal of trees.

24.05 TRIMMING OR REMOVAL OF TREES

1. No authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, design must attempt to preserve historic and specimen trees.
2. No authorization for trimming or removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:
 - a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
 - b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
 - c. The tree materially interferes with the location, servicing or functioning of utility lines or services.
 - d. The tree creates a substantial hazard to motor vehicle, 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. Pursuant to a bona fide landscape plan meeting the requirements of Section 26.04.11.

24.06 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 protective 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 feasible. If a line cannot reasonably be routed around the drip line, trenching may occur beneath the drip line. In the latter instance, tree roots that measure two inches in diameter or greater shall not be severed, such roots shall be protected and tunneled beneath. Utility lines shall be offset to one side of the trunk of a protected tree in order to protect the tap root. New water meters and tees shall be located so that service and branch lines can be located in areas of least tree impact.
 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.

24.07 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 zoning ordinance.

24.08 REQUIRED LANDSCAPING/PARKING AREAS

Landscaping requirements for off street parking facilities are outlined in Section 21.06(7).

24.09 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 percent (40%) 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;
 - (2) Minimum of ten (10) canopy trees for each one hundred (100) feet in length;
 - (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;
 - (2) Minimum of two (2) canopy trees for each one hundred (100) feet in length;
 - (3) Minimum of one (1) understory tree for each one hundred (100) feet in length;
 - (4) Minimum of twelve (12) shrubs for each one hundred (100) feet in length;
 - (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;
 - (2) Minimum of one (1) canopy tree for each one hundred (100) feet in length;
 - (3) Minimum of six (6) shrubs for each one hundred (100) feet in length;
 - (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; and
 - (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 percent (70%) opaque from two and one-half (2 1/2) feet above ground level to ten (10) feet above ground level, and thirty percent (30%) 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;
 - (2) Minimum of five (5) canopy trees for each one hundred (100) feet in length;
 - (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 one half (7.5) feet in width;
 - (2) Minimum of two (2) canopy trees for each one hundred (100) feet in length;
 - (3) Minimum of one (1) understory tree for each one hundred (100) feet in length;
 - (4) Minimum of (8) eight shrubs for each one hundred (100) feet in length;
 - (5) Minimum of six (6) foot high wooden fence (constructed of materials with a minimum life expectancy of ten years) not more than thirty (30) percent open face 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;
 - (2) Minimum of one (1) canopy tree for each one hundred (100) feet in length;
 - (3) Minimum of six (6) shrubs for each one hundred (100) feet in length;
 - (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; and
 - (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:
 - a. Minimum buffer area of ten (10) feet in width, and
 - b. Minimum of one (1) canopy tree for each one hundred (100) feet in length, and
 - c. Minimum of one (1) understory tree for each one hundred (100) feet in length, and
 - d. Minimum of eight (8) shrubs for each one hundred (100) feet in length.

24.10 APPROVED PLANTS

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

COMMON NAME	SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME
1. CANOPY TREES		2. UNDERSTORY TREES	
Ash, White	<i>Fraxinus americana</i>	Buckeye, Red	<i>Aesculus pavia</i>
Basswood	<i>Tilia caroliniana</i>	Bumelia	<i>Bumelia tenax</i> or <i>lanuginosa</i>
Black Gum	<i>Nyssa sylvatica</i>	Dogwood, Flowering	<i>Cornus florida</i>
Cedar, Southern Red	<i>Juniperus silicicola</i>	Fringe, Pigmy	<i>Chionanthus</i> <i>pygmaeus</i>
Cypress, Bald	<i>Taxodium distichum</i>	Fringe Tree	<i>Chionanthus</i> <i>virginicus</i>
Cypress, Pond	<i>Taxodium ascendens</i>	Hawthorn	<i>Crataegus</i> spp.
Elm, Cedar	<i>Ulmus crassifolia</i>	Holly, Dahoon	<i>Ilex cassine</i>
Elm, Florida	<i>Ulmus americana</i> <i>floridana</i>	Holly, Yaupon	<i>Ilex vomitoria</i>
Elm, Winged	<i>Ulmus alata</i>	Hop-hornbeam	<i>Ostrya virginiana</i>
Holly, American	<i>Ilex opaca</i>	Hornbeam	<i>Carpinus caroliniana</i>
Holly, East Palatka	<i>Ilex x attenuata</i> "E. Palat."	Magnolia, Ash	<i>Magnolia ashei</i>
Holly, Savannah, etc.	<i>Ilex x attenuata</i> varieties	Olive, Wild	<i>Osmanthus</i> <i>americanus</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>	Plum, American	<i>Prunus americana</i>
Maple, Florida	<i>Acebarbatum</i> (<i>floridanum</i>)	Plum, Chickasaw	<i>Prunus angustifolia</i>
Maple, Red	<i>Acer rubrum</i>	Plum, flatwoods	<i>Prunus umbellata</i>
Oak, Bluff (local)	<i>Quercus austrina</i> (<i>durandii</i>)	Serviceberry, Downy	<i>Amelanchior arborea</i>
Oak, Live	<i>Quercus virginiana</i>	Sparkleberry Tree	<i>Vaccinium arboreum</i>
Oak, Post	<i>Quercus stellata</i>	Viburnum, Walter	<i>Viburnum obovatum</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>		
Palm, Cabbage	<i>Sabal palmetto</i>		
Persimmon	<i>Diospyros virginiana</i>		
Pine, Longleaf	<i>Pinus palustris</i>		
Pine, Pond	<i>Pinus serotina</i>		
Pine, Sand	<i>Pinus clausa</i>		
Pine, Shortleaf	<i>Pinus echinata</i>		
Pine, Spruce	<i>Pinus glabra</i>		
Sugarberry	<i>Celtis laevigata</i>		
Sweetbay	<i>Magnolia virginiana</i>		
Tulip Tree	<i>Liriodendron tulipifera</i>		
Tupelo, Ogeechee	<i>Nyssa ogeche</i>		
Tupelo, Swamp	<i>Nyssa sylvatica biflora</i>		
Tupelo, Water	<i>Nyssa aquatica</i>		
Walnut, Black	<i>Juglans nigra</i>		

COMMON NAME	SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME
3. SHRUBS			
Anise, Florida	<i>Illicium anisatum</i> and <i>parviflorum</i>	Spirea, Thunberg	<i>Spiraea thunbergii</i>
Azaleas, Indian Hybrid	<i>Rhododendron simsii</i>	Strawberry Bush	<i>Euonymus americana</i>
Azaleas, Native	<i>Rhododendron</i> spp.	Sweet Pepperbush	<i>Clethra ainifolia</i>
Barberry, Japanese	<i>Berberis thunbergii</i>	Sweetshrub	<i>Calycanthus floridus</i>
Barberry, Mentor	<i>Berberis mentorensis</i>	Tarflower	<i>Befaria racemose</i>
Beautybush	<i>Callicarpa americana</i>	Titi	<i>Itea virginica</i>
Blueberry	<i>Vaccinium</i> spp.	Viburnum, Sweet	<i>Viburnum odoratissimum</i>
Camellia	<i>Camellia japonica</i>	Viburnum, Walter's	<i>Viburnum obovatum</i>
Cherry-Laurel	<i>Prunus caroliniana</i>	Wax-Myrtle, Southern	<i>Myrica cerifera</i>
Devilwood	<i>Osmanthus americanus</i>		
Fetterbush	<i>Lyonia lucida</i>		
Galberry	<i>Ilex coriacea</i> an <i>glabra</i>		
Glossy Abelia	<i>Abelia grandiflora</i>		
Hibiscus	<i>Hibiscus</i> spp.		
Holly, Chinese	<i>Ilex cornuta</i>		
Holly, Yaupon	<i>Ilex vomitoria</i>		
Huckleberry, Dwarf	<i>Gaylussacia dumosa</i>		
Hydrangea, Oakleaf	<i>Hydrangea quercifolia</i>		
Japanese Euonymus	<i>Euonymus japonica</i>		
Kumquat	<i>Fortunella japonica</i>		
Laurestinus	<i>Viburnum tinus</i>		
Leucothoe	<i>Leucothoe</i> spp.		
Lemon Bottle-brush	<i>Callistemon citrinus</i>		
Lyonia	<i>Lyonia</i> spp.		
Needle Palm	<i>Rhaphidophyllum hystrix</i>		
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>		
Silk Bay	<i>Persea humilis</i>		
Silver Buckthorn	<i>Bumelia tenax</i>		
Silverthorn	<i>Elaeagnus pungens</i>		
Spirea, Reeves	<i>Spiraea cantoniensis</i>		

COMMON NAME	SCIENTIFIC NAME
4. GROUND COVERS and SMALL SHRUBS	
Adam's Needle	Yucca smalliana
Azaleas, Kurume Hybrid	Rhododendron obtusum
Coontie	Zamia integrifolia and pumila
Coralbean	Erythrina herbacea
Creeping Euonymus	Euonymus fortunei
Garberia	Garberia heterophylla
Hypericum	Hypericum spp.
Juniper, Chinese	Juniperus chinensis
Juniper, Shore	Juniperus conferta
Juniper, Spreading	Juniperus horizontalis
Nandina, Dwarf	Nandina domestica compacta
Serissa	Serissa foetida

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.

24.11 REQUIRED LANDSCAPING AT TRANSITIONAL ZONES

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

- O Opaque buffer required
- PO Partially opaque buffer required
- B Broken buffer required
- N/A Not applicable, no screen or buffer required

1. Along abutting parcel:

PROPOSED USE	ABUTTING USE OR USE ACROSS RESIDENTIAL STREET				
	R-1	R-2	R-3	C-1	I
R-1	N/A	N/A	N/A	B	B
R-2	N/A	N/A	N/A	B	B
R-3	N/A	N/A	N/A	B	B
C-1	B	B	B	B	B
I	O	O	O	PO	B

2. Along abutting thoroughfare:

PROPOSED USE	USE ACROSS COLLECTOR OR ARTERIAL STREET				
	R-1	R-2	R-3	C-1	I
R-1	N/A	N/A	N/A	B	B
R-2	N/A	N/A	N/A	B	B
R-3	N/A	N/A	N/A	B	B
C-1	B	B	B	B	B
I	O	O	O	O	O

3. Between vehicle use area and principal structure:

USE	SCREEN TYPE
C-1	B
I	B

4. Where a silvicultural use abuts a public right-of-way or adjoining nonagricultural use, any cutting of trees shall leave a partially opaque buffer along the public right of way and adjoining nonagricultural uses.

24.12 LANDSCAPE DESIGN PRINCIPALS

All landscaped areas required by this zoning ordinance 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.

24.13 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.

24.14 IRRIGATION REQUIRED

All landscaped areas shall be provided with an irrigation system.

24.15 MAINTENANCE AND REPLACEMENT

1. Mulches shall be a minimum depth of three (3) 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 zoning ordinance.

24.16 RESTORATION REMEDIES

In addition to the general penalty provision for violation of this zoning ordinance, violations of this section may be specifically enforceable by the Town by requiring one who has significantly altered or removed a tree unlawfully to replace that tree with a tree ranked Florida No. One (1) or better of a minimum of the same size or fifteen (15) feet in height, whichever is larger.

SECTION 25. FLOOD PROTECTION

25.01 LANDS TO WHICH THIS ORDINANCE APPLIES

This section shall apply to all areas of special flood hazard within the Town.

25.02 FINDINGS OF FACT

1. The flood hazard areas of Bell are subject to periodic inundation which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

25.03 STATEMENT OF PURPOSE

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

25.04 OBJECTIVES

The objectives of this ordinance are to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
7. Insure that potential home buyers are notified that property is in a flood area; and
8. Comply with the requirements of the National Flood Insurance Program so as to ensure the availability of flood insurance for residents and property owners.

25.05 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

1. The "Areas of Special Flood Hazard" identified by the Federal Emergency Management Agency in its Flood Insurance Study for Unincorporated Alachua County dated November 4, 1988, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this section. In addition, upon annexation to the Town, the Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study for Unincorporated Alachua County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this section.

2. For territory which already has been or will annexed to the Town, the "Areas of Special Flood Hazard" identified by the Federal Emergency Management Agency in its Flood Insurance Study and Flood Insurance Rate Maps, for Unincorporated Alachua County, effective September 28, 1984, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance. A Flood Insurance Study and Flood Insurance Rate Map for the Town has not yet been prepared or published by Federal Emergency Management Agency.

25.06 COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

25.07. ABROGATION AND GREATER RESTRICTIONS

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another section or ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

25.08. INTERPRETATION

In the interpretation and application of this ordinance 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.

25.09 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

25.10 INJUNCTION AND RESTORATION REMEDIES

In addition to the general penalty provisions for violation of this zoning ordinance, violations of this section shall be specifically enforceable by the Town through:

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

25.11 PROCEDURES FOR CONSTRUCTION: BUILDINGS

Application for a Development Permit for constructing or substantially improving a building may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement), or the lowest surface of any heating or air conditioning ductwork installed below the lowest floor, of all proposed buildings or substantial improvements;
 - b. Elevation in relation to mean sea level to which any proposed non-residential building or substantial improvement will be flood-proofed;
 - c. Signed, sealed certificate, separate from the submitted plans, from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 25.16(2);
 - d. Description of the extent to which any watercourse, swamp, marsh, lake, or pond will be altered, relocated, or created as result of proposed construction, and;
 - e. Description of the type, extent, and depth of proposed fill and the elevation in relation to mean sea level of the top surface of the fill, and;
 - f. Description of the type, extent, and depth of proposed excavation in relation to mean sea level.
 - g. Plot plan, to scale, illustrating the locations of all proposed construction, fill, excavating, and other aspects of the development.
 - h. Copy of the proposed stormwater management report and floodplain study, if any, complete with technical supporting data.
2. Construction Stage. Floor elevation or flood-proofing certifications.
- a. Upon placement of the lowest floor it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the elevation of the top of lowest floor, as built, in relation to mean sea level, or the lowest surface of any heating or air conditioning ductwork installed below the lowest floor. Said certification shall be made on a Federal Emergency Management Agency Elevation Certificate form No. 81-31, or a form containing at least the same information, and shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same, except that in "A" zones for which flood elevations have not been provided or determined and in AO Zones, the Zoning Administrator may certify the lowest floor elevation.
 - b. When flood-proofing is utilized for a non-residential building, the permit holder shall submit to the Zoning Administrator a flood-proofing certification at the time the exterior walls are completed to the required floodproofed elevation. Said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same, utilizing the Federal Emergency Management Agency Floodproofing Certificate form No. 81-65, or the equivalent.
 - c. Any additional work undertaken prior to submission and approval of the certification shall be at the permit holder's risk.
 - d. The Zoning Administrator shall review the floor elevation survey data or flood-proofing certification submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

- e. Failure to submit the elevation or flood-proofing certifications or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

25.12 PERMIT PROCEDURES FOR OTHER DEVELOPMENTS (INCLUDING SUBDIVISIONS)

Application for a Development Permit for developments other than the construction of buildings, such as bridges, subdivisions, shopping centers, and other large construction projects that include substantial site development or alteration, shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator's office prior to any development activities, and shall include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application Stage:
 - a. Plot plan, to scale, illustrating the locations of all proposed construction, fill, excavating, and other aspects of the development;
 - b. Grading and drainage plans;
 - c. Stormwater management plans;
 - d. Floodplain studies, including computer modelling of hydrology;
 - e. Description of the extent to which any watercourse, swamp, marsh, lake, or pond will be altered, relocated, or created as result of proposed construction;
 - f. Description of the type, extent, and depth of proposed fill and the elevation in relation to mean sea level of the-top surface of the fill;
 - g. Description of the type, extent, and depth of proposed -excavation in relation to mean sea level, and;
 - h. Topographic mapping.
2. Conditions of approval (map changes):
 - a. If the project proposes to alter the configuration of the watercourse for which a detailed flood study has been developed (or the boundaries of a floodway), the applicant shall submit the proposed grading and drainage plans, stormwater management plans, floodplain studies, and all supporting computer modelling to the Federal Emergency Management Agency Region IV Office for a Conditional Letter of Map Revision. The project will not receive final approval until the proposed alteration of the watercourse (and/or floodway boundaries) has been approved by Federal Emergency Management Agency.
 - b. If a proposed project will alter the boundaries of the area of special flood hazard as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, the applicant shall submit the approved grading and drainage plans, stormwater management plans, floodplain studies, and all supporting computer modelling to the Federal Emergency Management Agency Region IV Office for a Conditional Letter of Map Revision, within thirty (30) days of receiving final approval.

- c. Within thirty (30) days following completion of the entire project or a phase thereof, the applicant shall submit engineer's certified copies of the final, constructed grading and drainage plans and stormwater management plans to the Federal Emergency Management Agency Region IV Office for an issuance of a Final Letter of Map Revision.
- d. The Zoning Administrator shall be provided copies of all related correspondence, and shall sign the required community acknowledgement form."

25.13 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Zoning Administrator, as the local administrator of this ordinance, shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Suwanee River Water Management District prior to any alteration or relocation of a watercourse, and submit evidence of such notification along with a copy of the notice to the Federal Emergency Management Agency Region IV office.
4. Assure that the flood-carrying capacity of said watercourse is not diminished by the proposed alteration or relocation.
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 25.16(2).
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 25.16(2).
7. Reserved
8. Reserved
9. When flood-proofing is utilized for a particular building, the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 25.16(2).
10. Determine whether a building or development site is located within an Area of Special Flood Hazard by referencing the Federal Emergency Management Agency Flood Insurance Study and accompanying maps. If detailed topographic mapping is available, the boundary of the Area of Special Flood Hazard shall be plotted on such mapping utilizing the base flood elevations provided in the Flood Insurance Study. This more detailed definition of the boundary of the base flood shall be utilized as "best available data" for purposes of regulating the Area of Special Flood Hazard. If there are significant discrepancies between the boundary as shown on the Federal Emergency Management Agency maps and the topographic mapping available, the Zoning Administrator shall so advise the Federal Emergency Management Agency Region IV office.

11. Within A zones along rivers, streams, lakes, swamps, and marshes, determine the appropriate base flood elevation for each individual building site utilizing the Flood Data Tables (for lakes) and the Stream Profiles contained in the Federal Emergency Management Agency Flood Insurance Study. The base flood elevations printed on the Federal Emergency Management Agency maps are illustrative only. The Zoning Administrator shall interpolate the base flood elevation at a site between two given base flood elevation markers by referring to the stream profiles and measuring the distance of the site upstream or downstream from a cross-section shown on the Federal Emergency Management Agency map.
12. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and the natural grade of actual field conditions) the Zoning Administrator shall make the necessary interpretation, and shall utilize the most accurate topographic mapping available. The elevations published in the Federal Emergency Management Agency Flood Insurance Study, as portrayed in the profile sheets, shall be the ruling reference for delineating the boundary of the floodplain. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section. Property may not be excluded from the area of special flood hazard as a result of filling, unless a Letter of Map, Revision has been approved by Federal Emergency Management Agency.
13. Where the Zoning Administrator has determined all or a portion of a property to be located outside of the flood hazard area, yet it is shown as being within the flood hazard area on the Federal Emergency Management Agency maps, the applicant shall be advised of the need to obtain a Letter of Map Amendment or Revision from the Federal Emergency Management Agency Region IV office and shall be given an application packet utilizing forms provided by Federal Emergency Management Agency. While the property may be exempt from the requirements of this ordinance, flood insurance purchase will remain mandatory until Federal Emergency Management Agency authorizes a Letter of Map Amendment or Revision.
14. When base flood elevation data or floodway data have not been provided in accordance with Section 20.06, then the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 20.15 -20.20. Base flood elevations may be estimated using topographic maps or scientific engineering methodology. Base flood elevation and delineation of the boundaries of the Special Flood Hazard Area shall be developed and provided for subdivision proposals and other proposed developments (including industrial parks, shopping centers, public facilities, and manufactured home parks and subdivisions) which are greater in size than the lesser of fifty lots or five acres. Also, floodway data shall be developed for all definable streams subject to a flood study. Base Flood Elevation, flood hazard area boundary mapping, and floodway data, if developed, shall be submitted to Federal Emergency Management Agency Region IV office within 30 days of receipt and acceptance by the community for review as a possible Map Revision.
15. When a development project will cause a reconfiguration of the flood hazard area due to grading, filling, channel alteration or relocation, development of a stormwater management system, or the excavation of lakes, the Zoning Administrator shall require the applicant to submit and obtain approval from Federal Emergency Management Agency of a conditional Letter of Map Revision. Where a floodway is being impacted, this must be obtained prior to construction. Following completion of all or each phase

of such a development, the Zoning Administrator shall require the applicant to submit to Federal Emergency Management Agency the as-built topographic and hydrologic information to obtain a final Letter of Map Revision.

16. The office of the Zoning Administrator shall serve as the official "map repository" for Federal Emergency Management Agency Flood Insurance Rate Maps, Flood Boundary and Floodway Maps (if applicable), and Flood Hazard Boundary Maps for the community, together with Letters of Map Amendment and Letters 'of Map Revision. At least one copy of all current and superseded maps, Letters of Map Amendment and Letters' of Map Revision shall be maintained for public use and viewing.
17. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Zoning Administrator and shall be open for public inspection. Copies of all development permits and summary supporting documentation shall be filed by geographic area for ease of coordinating all floodplain development activities.

25.14 PROVISIONS FOR FLOOD HAZARD REDUCTION: GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Mobile homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, including ductwork, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;

11. The flood-carrying capacity of a watercourse shall not be diminished by any relocation or alteration or bridge construction;
12. Adequate drainage paths shall be provided around structures to guide stormwater runoff away from them;
13. The cumulative effect of proposed development, when combined with all other existing and anticipated development, will not increase the flood elevation more than one foot at any point in the community.

25.15 SPECIFIC STANDARDS FOR A-ZONE FLOOD HAZARD AREAS

In all areas of special flood hazard area areas denoted with an "A" prefix on the Flood Insurance Rate Map where base flood elevation data have been provided, as set forth in Section 25.06, or Section 25.13(11), the following provisions are required, in addition to the general standards of Section 25.15 (Note: the A-zone designation is assigned to flood hazard areas along streams, swamps, and marshes, as well as to coastal areas inland of the high hazard velocity area, known as the V-zone.)

1. **Residential Construction.** New construction or substantial improvement of any residential building (or mobile home) shall have the lowest floor, together with all mechanical and electrical equipment, including laundry facilities and food freezers, and including any basement, elevated no lower than one (1) foot above the base flood elevation or one (1) foot above the crown of the adjoining road, whichever is greater. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 25.15(3). The floor of an attached garage may be placed below the base flood elevation, provided the openings required in Section 25.16(3) are installed and all mechanical and electrical equipment, including laundry facilities and food freezers, are elevated above the base flood elevation. One switch and outlet connected to a ground-fault interrupt breaker may be installed below the base flood elevation, and all construction below that elevation shall be of flood-resistant materials.
2. **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building (or mobile home) shall have the lowest floor, together with all mechanical and electrical equipment, and including any basement and/or ductwork installed below the lowest floor, elevated no lower than one (1) foot above the base flood elevation, or one (1) foot above the crown of the adjoining road, whichever is greater. Buildings located in all A-zones may be flood-proofed to an elevation one (1) foot above the required lowest floor elevation noted above, in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 25.14(9). The floor of an attached garage or loading dock may be placed below the base flood elevation, provided the openings required in Section 25.16(3) are installed and all mechanical and electrical equipment are elevated above the base flood elevation. One (1) switch and outlet connected/to a ground-fault breaker may be installed below the base flood elevation, and all construction below that elevation shall be of flood resistant materials.

3. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two (2) openings (in walls or doors) having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
 - d. Use of such enclosed areas shall be limited to parking, storage, and building access.
4. Mobile Homes and Recreational Vehicles.
 - a. All mobile homes placed or substantially improved, together with all mechanical and electrical equipment, on individual lots or parcels, in expansions to existing mobile home parks or subdivisions, or in substantial improved mobile home parks or subdivisions, must meet all the requirements for new residential construction contained in Section 25.16(1) and (3), including installation on permanent foundation systems, elevation, and anchoring. At minimum, a permanent foundation system shall constitute reinforced piers placed on poured footings, or other foundation elements of equivalent strength. Any additions to mobile homes subject to provisions of this subsection shall also be considered "new construction" since they must be supported by an independent foundation system. Additions must therefore comply with the provisions contained in Section 25.16(2) and (3), including elevation. This may necessitate elevating of an existing mobile home to match the required elevation of the "addition".
 - b. All mobile homes placed or substantially improved in an existing mobile home park or subdivision must be elevated so that:
 - (1) The lowest floor of the mobile home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation, or one foot above the crown of the adjoining road, whichever is greater, or
 - (2) The mobile home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.

- (3) The mobile home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (4) In an existing mobile home park or subdivision on which a mobile home has incurred "substantial damage" as the result of a flood, any mobile home placed or substantially improved must meet the standards of Section 25.16(4)(b)(1) and (3) above.
 - (5) Any additions to mobile homes subject to provisions of this subsection shall be considered "new construction" subject to the provisions contained in Section 25.16(1) and (3), including installation on permanent foundation systems, elevation, and anchoring.
- c. All recreational vehicles placed on sites must either:
- (1) Be fully licensed and ready for highway use, or
 - (2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of, Section 25.16 (4)(a) or (b)(1) and (3), above.
- A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.
5. Accessory Structures. Structures that represent a minimal investment and that are subordinate to and accessory to the primary structure or use on the property (e.g. storage sheds, detached garages, gazebos, and barns) may be exempted from the elevation requirement of Section 20.16(2), provided the following criteria are met:
- a. The structure is not used for human habitation, including occupancy as a work place for extended periods of time;
 - b. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g. using flood resistant materials as provided in Federal Emergency Management Agency Technical Bulletin #88-2, and any subsequent revisions thereto);
 - c. The structure shall be located on the building site so as to offer the minimum resistance to the flow of floodwaters (e.g. parallel to a stream, perpendicular to the ocean);
 - d. The structure is firmly anchored to prevent flotation, per Section 25.15(1);
 - e. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is either elevated above the elevation required by Section 25.16 (1), or is floodproofed. One (1) electrical switch and outlet connected to a ground-fault interrupt breaker is allowed below base flood elevation.
6. Temporary Structures. Certain types of structures (e.g. fruit stands, construction site offices) may be sited temporarily on property without having to comply with the General Standards of Section 25.15, or the elevation standard of Section 25.16(1), provided the following criteria are met:
- a. The structure is mobile, or can be made so, and is capable of being removed from the site with a minimum of four (4) hours warning;

- b. The structure does not remain on the property for one hundred and eighty (180) days or more;
- c. The applicant submits a plan for the removal of the structure, containing the following documentation:
 - (1) The name, address, phone number and emergency contact point of the individual responsible for the removal of the temporary structure;
 - (2) The time at which the structure will be removed (i.e. a minimum of seventy-two (72) hours in advance of the projected landfall of a hurricane);
 - (3) A copy of a contract or other suitable instrument with a trucking company to ensure the availability of removal of the structure when needed, together with the name, address, and emergency phone number of the responsible trucking company agent.
 - (4) Designation, accompanied by documentation (i.e. signed consent of the property owner), of a site outside the special flood hazard area to which the temporary structure will be moved.
 - (5) Signatures of the applicant, property owner on which the temporary structure will be placed, and owner of the temporary structure, agreeing to abide by the terms of the removal plan.

A "temporary development permit" shall be issued when a temporary structure is approved, and the expiration date shall be clearly marked on the face of the permit. The original copy of the removal plan shall be attached to the permit, and the documentation shall be kept on file in the Administrators office for a period of at least five (5) years. A copy of the permit, together with the removal plan, shall be provided to the local emergency management coordinator.

- 7. Substantially Improved Buildings. "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building (including electrical, plumbing and heating/air conditioning), taking place during a two (2) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the building (see definition). Substantially improved buildings must be elevated and otherwise brought into conformance with the requirements for new construction contained in Sections 25.15 thru 25.20. In determining "substantial improvement", the Zoning Administrator shall utilize data for the market value of the structure and the value of the improvements that are justifiably comparable. Substantial improvement calculations shall include the cost of labor and mechanical, electrical and plumbing systems, cabinetry, finishes, and any other improvements that will be permanently affixed to the structure, except for exterior decks and porches. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with issuance of the first permit, shall be utilized to determine whether "substantial improvement" has occurred. Interpretation and determination of substantial improvements shall rely on applicable Federal Emergency Management Agency publications and policy guidance.
 - a. Rehabilitations, reconstructions, and renovations: When an existing building is rehabilitated, reconstructed, or renovated, with no or only minimal additions, and the total improvement costs meet the definition of "substantial" (equal or exceed fifty percent (50%) of the value of the structure), the existing structure must be elevated and otherwise brought into conformance with Section 25.15 thru 25.20.

- b. Lateral additions: When the substantial improvement is a lateral addition to an existing structure, only the addition is required to be elevated and conform with the standards of Section 25.15 thru 25.20, unless the common wall between the existing building and the addition is substantially removed or improvements are being made to the existing structure which, independently from the addition, equal or exceed fifty percent (50%) of the value of the structure. In such cases, the lateral addition is deemed to constitute only one part of a reconstruction, or renovation, and both the existing structure and the addition must conform to Sections 25.15 and 25.16.
 - c. Vertical additions: When the substantial improvement is a vertical addition to an existing structure, the improvement is classified as a "renovation" or "reconstruction", and the existing structure must be elevated and brought into conformance with Section 25.15 thru 25.20.
8. Improvements to post-Flood Insurance Rate Map structures: Any improvements made to buildings for which permits were issued on or after the effective date of the Flood Insurance Rate Map (post- Flood Insurance Rate Map buildings), shall conform to the standards of Section 25.15 thru 25.20.
 9. Historic buildings: Any improvements to historic buildings (see definition) may be exempted from one or all of the standards contained in Section 25.15 thru 25.20, provided the request for an exemption is approved as a Variance, as, and the proposed improvements are certified by a certified local government or the State Historic Preservation Officer as maintaining the historical integrity and classification of the building.
 10. Functionally-dependent structures: Functionally-dependent structures (see definition) may be exempted from one or all of the standards contained in Section 25.15 thru 25.20, provided that a request for an exemption is approved as a Variance.
 11. Standards along streams with no floodways: Where no "floodway" has been designated along a stream in an A-Zone for which Base Flood Elevations have been provided on the Flood Insurance Rate Map, no encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

At a minimum, in both A zones with Base Flood Elevations, and in unnumbered A Zones, no encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater.

25.16 RESERVED

25.17 STANDARDS FOR UNNUMBERED "A" ZONES

Located within the A-zone areas of special flood hazard established in Section 25.06, are areas denoted with the letter "A" with no suffix, referred to as "unnumbered A zones". These are areas where special flood hazards exist but where no base flood data has been provided. The following provisions apply:

1. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless a floodway has been delineated in accordance with Section 25.14(14). If a floodway has been delineated, the requirements 44 Code of Federal Regulations 60.3(d) of the National Flood Insurance Program shall be complied with until floodway regulations are adopted as an amendment to this ordinance at Section 25.17.
2. New construction or substantial improvements of buildings or mobile homes shall be elevated or flood-proofed in accordance with the design standards of Section 25.16, to:
 - a. Elevations established in accordance with Section 25.14 (11), if available, or
 - b. At least three (3) ft. above highest adjacent natural grade.
3. For all development projects, including mobile home parks and subdivisions, greater than five (5) acres or fifty (50) lots, whichever is lesser, base flood elevation and floodway data shall be provided in accordance with Section 25.14(13), as part of the development proposal.
4. Accessory or temporary structures shall be permitted per Section 25.16 (5) or (6), respectively.

25.18 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in Section 25.16, are areas designated "AO" on the Flood Insurance Rate Maps as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall conform to the design standards of Section 25.16, and shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential buildings shall conform to the design standards of Section 25.16, and shall:
 - a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;
 - b. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Accessory or temporary structures shall be permitted per Section 25.16 (5) or (6), respectively.

4. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater.

25.19 STANDARDS FOR SUBDIVISION PROPOSALS (INCLUDING NON-RESIDENTIAL)

1. All subdivision proposals, including industrial and commercial subdivisions, shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
4. Base flood elevation and flood hazard area mapping (and floodway data for definable streams) shall be provided in accordance with Section 25.14(13) for subdivision proposals and other proposed development (including shopping centers and mobile home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres; and
5. The base flood boundary, floodway and/or V-zone boundary if applicable, and the applicable base flood elevation for the building site on each lot shall be clearly marked on all recorded subdivision plats, be they for residential, commercial, or industrial use.

25.20 VARIANCES FOR HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continuing designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

25.21 VARIANCES GENERALLY

1. In passing upon variance applications (see Section 8), the Plan Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others;
 - b. Danger to life and property due to flooding or erosion damage;
 - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. Importance of the services provided by the proposed facility to the community;
 - e. Necessity of the facility to a waterfront location, in the case of a functionally dependent facility (see definition);
 - f. Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. Compatibility of the proposed use with existing and anticipated development;
 - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. Safety of access to the property in times of flood for ordinary and emergency vehicles;

- j. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - k. 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, and streets and bridges.
2. Upon consideration of the factors listed above, and the purposes of this ordinance, the Plan Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Conditions for Variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - b. Variances shall only be issued upon a:
 - (1) Showing of good and sufficient cause,
 - (2) Determination that failure to grant the variance would result in exceptional hardship, and;
 - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - d. The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 26. ENVIRONMENTAL CONSTRAINTS

26.01 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; and
5. Land lying within a radius of six hundred (600) feet around a potable water well used to serve the general public.

26.02 RELIANCE UPON STATE AND FEDERAL LAWS

The Town lacks expertise and resources to responsibly safeguard environmental constraint areas, and therefore, the Town 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).

26.03 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.

26.04 WELLFIELD 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 (except that a residential building may be located as close as (150) feet provided the septic tank and any stormwater or other discharge into the ground shall be located more than two hundred (200) feet).
2. From a radius of two hundred (200) feet to one thousand (1,000) feet around the well the following uses shall be prohibited:
 - a. Landfills;
 - b. Facilities for the bulk storage, handling or processing of materials on the 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;
 - e. Waste water treatment plants, percolation ponds, or any similar facilities;
 - f. Mines; and
 - g. Excavation of waterways or drainage facilities which intersect the water table.

26.05 ENDANGERED PLANT AND ANIMAL HABITAT

1. For any commercial or industrial development one-half (1/2) 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 purpose of such study, Table V-2 of the Bell 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.
2. 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:
 - a. Offsite mitigation;
 - b. Setback adjustments;
 - c. Buffers;
 - d. Clustering; or
 - e. Any combination of the above.

SECTION 27. CONSISTENCY AND CONCURRENCY MANAGEMENT

27.01 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 zoning ordinance 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 zoning ordinance is consistent with the Comprehensive Plan.

27.02 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.

27.03 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.

27.04 DETERMINATION OF AVAILABLE CAPACITY

For purposes of this zoning ordinances 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.

27.05 BURDEN OF SHOWING COMPLIANCE ON DEVELOPER

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

27.06 PERIODIC REPORTS

The Plan Board shall prepare a report every three (3) years on the status of concurrency that includes:

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

27.07 USE OF ANNUAL REPORT

The annual 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 twelve (12) months following the annual report.

27.08 ADOPTED ACCEPTABLE LEVELS OF SERVICE

ADOPTED ACCEPTABLE LEVELS OF SERVICE (ALOS)		
1. TRAFFIC		
	ROAD	ALOS
	C.R. 341	C
	U.S. 129/S.R. 49	C
2. SANITARY SEWER		
	FACILITY TYPE	ALOS
	None exists	N/A
3. SOLID WASTE		
	FACILITY TYPE	ALOS
	Alachua County Landfill	0.61 tons per person per year
4. DRAINAGE		
	FACILITY TYPE	ALOS
	Retention Pond	The Town shall require all stormwater management projects, at a minimum, to adhere to the standards as specified in Ch. 17-25, Section 17-25.025, Florida Administrative Code. With treatment of run-off on site to meet water quality standards required by Ch. 17-302.500 Florida Administrative Code (rule guiding Florida Department of Natural Resources).
5. POTABLE WATER		
	FACILITY TYPE	ALOS
	Private Individual Water Wells	N/A
6. PARKS		
	ACTIVITY	ALOS
	Equipped Play Area	1 area per 1,000 persons served.
	Tennis	1 court per 3,000 persons served.
	Baseball/Softball	1 field per 3,000 persons served.
	Football/Soccer	1 field per 15,000 persons served.
	Handball/Racquet Ball	1 court per 10,000 persons served.
	Basketball	1 goal per 1,000 persons served.
	Shuffleboard	1 court per 10,000 persons served.

27.09 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, as amended.
2. Applicability. The Proportionate Fair-Share Transportation Program shall apply to all developments in the Town that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the Town 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 this Land Development Code. 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, as amended or to developments exempted from concurrency as provided in the Comprehensive Plan and this Article of this Land Development Code, and/or Section 163.3180, Florida Statutes, as amended, regarding exceptions and de minimis impacts.
3. General Requirements
 - a. An applicant may choose to satisfy the transportation concurrency requirements of the Town 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 (b) 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 Town 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 Town 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, as amended, 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 Town 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.

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 Town 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 Town shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the Town. 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 Town that includes an application fee, as established by a fee resolution, as amended, by the Town, 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 Town 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 Town Council 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, as amended, 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 Town 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 Town Council meeting when the agreement will be considered.
 - g. The Town shall notify the applicant regarding the date of the Town Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Town Council.
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 amended, 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, 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_i = 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_i = Service volume increase provided by the eligible improvement to roadway segment “I” per section E;

Cost_i = 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 Town 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 Town of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the Town Council. 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:

Cost_n = The cost of the improvements in year n;

Cost₀ = The cost of the improvement in the current year;

Cost_{growth}_{3yr} = 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:

Cost_growth_{3yr} = The growth rate of costs over the last three years;

Cost_growth₋₁ = The growth rate of costs in the previous year;

Cost_growth₋₂ = The growth rate of costs two years prior.

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 Town 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 Town 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 percent (120%) of the most recent assessed value by the Town Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the Town and at no expense to the Town. 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 Town at no expense to the Town. If the estimated value of the right-of-way dedication proposed by the applicant is less than the Town 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 regulations.
7. Proportionate Fair-Share Agreements
- a. Upon execution of a Proportionate Fair-Share Agreement the applicant shall receive Town 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 Town 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 Town Council, 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, as amended, and then the Town 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 Town Council through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

SECTION 28. SITE AND DEVELOPMENT PLANS

28.01 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 28.02.

28.02 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 zoning ordinance:

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 28.04(16) is submitted) or the removal or trimming of protected trees (provided written application and compliance with Section 23.05 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 zoning ordinance;
4. The construction of a single family dwelling.

28.03 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.

28.04 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 20.
2. A certification that handicapped accessibility requirements have been met (Section 21.02 and Section 21.06(5)).
3. Driveway access to public streets (Section 21.03).
4. An off-street parking and loading plan (Section 21.06 and Section 21.07).
5. Plans for drive-up windows (Section 21.10).

6. Classification of any streets to be constructed (Section 21.16) with detailed plans showing streets and drainage facilities (Section 21.17).
7. Plans for any sidewalks to be constructed (Section 21.18).
8. Fire hydrants and proposed locations thereof (Section 21.19) and fire safety lanes and access (Section 21.20).
9. Solid waste storage facilities (Section 21.21-23).
10. A stormwater management plan (Section 21.30) meeting the stormwater design criteria of Section 21.29.
11. 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 (5) 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 23.06).
 - e. Identification of any required landscape buffer areas (Section 23.11) together with a detail of the actual proposed buffer in compliance with Section 24.09.
12. Industrial activities shall include a fire suppression plan, hazardous materials plan, emission discharge plan, and noise plan (Section 21.44).
13. Subdivisions of land shall meet the requirements of Section 22, Part 1.
14. Mobile home parks shall meet the requirements of Section 22, Part 2.
15. Recreational vehicle park shall meet the requirements of Section 22, Part 3.
16. With regard to signs:
 - a. A scaled 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 zoning ordinance and the building and electrical codes adopted by the Town. The plan shall clearly illustrate the type of sign or sign structure as defined in this zoning ordinance; 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.
- 17. A certification of Compliance with concurrency management requirements (Section 25) together with supporting documentation to establish such certification.
- 18. A certification that the property is or is not in an environmental constraint area as defined in Section 26.01; if the property is in an environmental constraint area, identify the area, comply with required set-backs(Section 26.03 and 26.04), and comply with Section 26.02.

SECTION 29. RESERVED

