TOWN OF BROOKER

LAND DEVELOPMENT REGULATIONS

Adopted
July 14, 2015 by Ordinance No. 15-01

TOWN OF BROOKER

LAND DEVELOPMENT REGULATIONS

Prepared for

Town Council

Prepared by

Local Planning Agency

With Assistance from

North Central Florida Regional Planning Council
2009 N.W. 67th Place
Gainesville, FL 32653
352.955.2200

Adopted
July 14, 2015 by Ordinance No. 15-01

THIS PAGE LEFT BLANK INTENTIONALLY

TABLE OF CONTENTS

Page

ARTICLE ONE GENERAL PROVISIONS

Section 1.1 Short Title 1-1
Section 1.2 Authority 1-1
Section 1.3 Jurisdiction 1-1
Section 1.4 Relationship to Existing Land Development Ordinances 1-1
Section 1.5 Relationship to the Comprehensive Plan 1-1
Section 1.6 Conformity with Land Development Regulation Provisions 1-1
Section 1.7 Fees 1-2
Section 1.8 Severability 1-2
Section 1.9 Repeal of Conflicting Ordinances 1-2

ARTICLE TWO DEFINITIONS, LOTS DIVIDED BY DISTRICT LINES, AND NONCONFORMING SITUATIONS

Section 2.1 Definitions General 2-1
Section 2.2 Lots Divided by District Lines 2-25
Section 2.3 Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, Nonconforming Characteristics of Use, Nonconforming Use of Structures and Premises 2-25

ARTICLE THREE ADMINISTRATIVE MECHANISMS

Section 3.1 Planning and Zoning Board 3-1
Section 3.2 Board of Adjustment 3-4

ARTICLE FOUR ZONING REGULATIONS

Section 4.1 Zoning Districts 4-1
Section 4.2 Supplementary District Regulations 4-7
Section 4.3 "CSV" Conservation 4-29
Section 4.4 "ESA" Environmentally Sensitive Area 4-31
Section 4.5 "A" Agriculture 4-35
Section 4.6 "RSF" Residential, Single Family 4-39
Section 4.7 "RSF/MH" Residential, (Mixed) Single Family/Mobile Home 4-43
Section 4.8 "RMH" Residential, Mobile Home 4-47
Section 4.9 "RMH-P" Residential, Mobile Home Park 4-51
Section 4.10 "RMF" Residential, Multiple Family 4-55
Section 4.11 "CN" Commercial, Neighborhood 4-59
Section 4.12 "CG" Commercial, General 4-63
Section 4.13 "ILW" Industrial, Light and Warehousing 4-69
Section 4.14 "PRD" Planned Residential Development 4-73

TABLE OF CONTENTS continued

Page

ARTICLE FIVE SUBDIVISION REGULATIONS

Section 5.1 Appendices 5-1
Section 5.2 Policy 5-1
Section 5.3 Purpose 5-1
Section 5.4 Conditions 5-1
Section 5.5 Character of the Land 5-2
Section 5.6 Jurisdiction 5-2
Section 5.7 Maintenance 5-2
Section 5.8 Plats Straddling Local Government Boundaries 5-2
Section 5.9 Resubdivision of Land 5-2
Section 5.10 Self-Imposed Restrictions 5-3
Section 5.11 Subdivision by Metes and Bounds 5-3
Section 5.12 Subdivision Name 5-3
Section 5.13 Vacation and Annulment of Plats 5-3
Section 5.14 General Procedure 5-4
Section 5.15 Pre-Application Conference 5-4
Section 5.16 Preliminary Plat Procedure 5-4
Section 5.17 Construction Plans Procedures 5-5
Section 5.18 Final Plat Procedure 5-6
Section 5.19 General Improvements 5-7
Section 5.20 Maintenance and Repair of Required Improvements 5-8
Section 5.21 Subdivisions Located Outside the Corporate Limits of the Municipalities But Connected to Municipal Utilities 5-8
Section 5.22 Monuments 5-8
Section 5.23 Lot Improvements 5-8
Section 5.24 Use of Subdivided Lots 5-9
Section 5.25 Public Purpose Sites 5-9
Section 5.26 Streets 5-9
Section 5.27 Stormwater Management and Flood Protection Requirements 5-15
Section 5.28 Sanitary Sewer 5-16
Section 5.29 Water Supply 5-16
Section 5.30 Water and Sanitary Sewer Systems 5-16
Section 5.31 Utilities 5-17
Section 5.32 Preliminary Plat Specifications 5-17
Section 5.33 Required Information on Preliminary Plat 5-17
Section 5.34 Construction Plan Specifications 5-18
Section 5.35 Subdivider's Agreement 5-19
Section 5.36 Final Plat Specifications 5-19
Section 5.37 Required Information on Final Plat 5-19
Section 5.38 Signed Certificates 5-20
Section 5.39 Bonding in Lieu of Completed Improvements 5-21
Section 5.40 Other Documents Required on the Final Plat 5-21

ARTICLE SIX PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELLFIELD REGULATIONS

Section 6.1 Prime Natural Groundwater Aquifer Recharge Protection 6-1
Section 6.2 Potable Water Wellfield Protection 6-2

TABLE OF CONTENTS Continued

Page

ARTICLE SEVEN STORMWATER MANAGEMENT REGULATIONS

Section 7.1 Relationship to Other Stormwater Management Requirements 7-1
Section 7.2 Exemptions 7-1
Section 7.3 Stormwater Management Requirements 7-2
Section 7.4 Dedication or Maintenance of Stormwater Management Systems 7-5

ARTICLE EIGHT FLOOD DAMAGE PREVENTION REGULATIONS

Section 8.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives 8-1
Section 8.2 Definitions 8-2
Section 8.3 General Provisions 8-8
Section 8.4 Administration 8-9
Section 8.5 Provisions for Flood Hazard Reduction 8-11
Section 8.6 Variance Procedures 8-17

ARTICLE NINE MINIMUM HOUSING REGULATIONS

Section 9.1 Article Remedial 9-1
Section 9.2 Scope 9-1
Section 9.3 Existing Buildings 9-1
Section 9.4 Special Historic Buildings and Districts 9-1
Section 9.5 Maintenance 9-2
Section 9.6 Application of Land Development Regulations 9-2
Section 9.7 Enforcement Officer 9-2
Section 9.8 Restrictions on Employees 9-2
Section 9.9 Records 9-2
Section 9.10 Right of Entry 9-2
Section 9.11 Unsafe Residential Buildings 9-2
Section 9.12 Requirements Not Covered by this Article 9-3
Section 9.13 Liability 9-3
Section 9.14 Letter of Compliance 9-3
Section 9.15 Inspections 9-3
Section 9.16 Hardships 9-4
Section 9.17 Decisions 9-4
Section 9.18 Appeals 9-4
Section 9.19 Minimum Standards for Base Equipment and Facilities 9-4
Section 9.20 Minimum Requirements for Electrical Systems 9-5
Section 9.21 General Requirements for the Exterior and Interior of Structures 9-5
Section 9.22 Minimum Dwelling Space Requirements 9-7
Section 9.23 Sanitation Requirements 9-7
Section 9.24 Rooming Houses 9-8
Section 9.25 Designation of Unfit Dwellings and Legal Procedure of Condemnation 9-8

TABLE OF CONTENTS Continued

Page

ARTICLE TEN HAZARDOUS BUILDINGS REGULATIONS

Section 10.1 Scope 10-1
Section 10.2 Organization 10-1
Section 10.3 Powers and Duties of the Land Development Regulation Administrator 10-2
Section 10.4 Appeals to the Board of Adjustment 10-2
Section 10.5 Inspections 10-2
Section 10.6 Notice 10-2
Section 10.7 Standards for Compliance 10-3
Section 10.8 Compliance 10-4
Section 10.9 Extension of Time 10-4
Section 10.10 Interference 10-4
Section 10.11 Performance of Work 10-4

ARTICLE ELEVEN HISTORIC SITES AND STRUCTURES PRESERVATION REGULATIONS

Section 11.1 Planning and Zoning Board Designated as the Historic Preservation Agency 11-1
Section 11.2 Powers and Duties of the Agency 11-1
Section 11.3 Designation of Landmarks, Landmark Sites and Historic Districts 11-1
Section 11.4 Application Requirements 11-1
Section 11.5 Public Hearings for Designations 11-2
Section 11.6 Criteria for Designation of Property 11-2
Section 11.7 Agency Recommendation 11-3
Section 11.8 Town Council Decision 11-3
Section 11.9 Successive Applications 11-3
Section 11.10 Amendments and Rescissions 11-3
Section 11.11 Approval of Changes to Landmarks and Landmark Sites 11-3

ARTICLE TWELVE APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

Section 12.1 Appeals 12-1
Section 12.2 Special Exceptions 12-4
Section 12.3 Variances, General 12-7

ARTICLE THIRTEEN HEARING PROCEDURES FOR SPECIAL EXCEPTIONS, VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND APPLICATIONS FOR AMENDMENT

Section 13.1 General 13-1
Section 13.2 Hearings Before the Board of Adjustment 13-1
Section 13.3 Hearings Before the Planning and Zoning Board and Town Council 13-1
Section 13.4 Notice of Hearing 13-2

TABLE OF CONTENTS Continued

Page

ARTICLE FOURTEEN PERMITTING AND CONCURRENCY MANAGEMENT

Section 14.1 General 14-1
Section 14.2 Land Development Regulation Action on Building Permits 14-1
Section 14.3 Application for Building Permit 14-1
Section 14.4 Certificate of Land Development Regulation Compliance 14-3
Section 14.5 Assurance of Completion of Public Improvements 14-3
Section 14.6 Special Permits for Bulkheads, Docks and Similar Structures 14-4
Section 14.7 Special Permits for Land and Water Fills, Dredging, Excavation, and Mining 14-4
Section 14.8 Special Move-On Permits for Mobile Homes 14-5
Section 14.9 Special Family Lot Permits 14-5
Section 14.10 Special Permits for Temporary Uses 14-5
Section 14.11 Special Permits For Essential Services 14-8
Section 14.12 Site and Development Plan Approval 14-8
Section 14.13 Consistency with the Comprehensive Plan 14-11
Section 14.14 Level of Service Standards 14-16
Section 14.15 Proportionate Fair-Share Transportation Program 14-19

ARTICLE FIFTEEN ENFORCEMENT AND REVIEW

Section 15.1 Complaints Regarding Violations 15-1
Section 15.2 Persons Liable 15-1
Section 15.3 Procedures Upon Discovery of Violations 15-1
Section 15.4 Penalties and Remedies for Violations 15-1
Section 15.5 Judicial Review 15-2

ARTICLE SIXTEEN AMENDMENTS

Section 16.1 Initiation of Amendments 16-1
Section 16.2 Planning and Zoning Board Report 16-1
Section 16.3 Town Council: Action on Planning and Zoning Board Report 16-2
Section 16.4 Appeals from Decision of the Town Council 16-3
Section 16.5 Relationship of Amendments to the Comprehensive Plan 16-3
Section 16.6 Limitations on Subsequent Application 16-3

ARTICLE SEVENTEEN WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Section 17.1 Purpose 17-1
Section 17.2 Definitions 17-1
Section 17.3 Applicability 17-2
Section 17.4 General Requirements 17-2
Section 17.5 Permitted Uses 17-4
Section 17.6 Administratively Approved Uses 17-4
Section 17.7 Special Use Permits 17-6
Section 17.8 Buildings or Other Equipment Storage 17-9
Section 17.9 Removal of Abandoned Antennas and Towers 17-10
Section 17.10 Non-Conforming Uses 17-11

TABLE OF CONTENTS Continued

Page

APPENDIX A

Street Cross Section and Curb Standards A-2
Cul-de-Sac Detail A-3
Intersection Design Standards A-4
Utility Location A-5
Certificate of Surveyor A-6
Certificate of Subdivider's Engineer A-6
Certificate of Approval by County Health Department A-7
Certificate of Approval by the Town Attorney A-7
Certificate of Approval of the Town Council A-8
Certificate of Estimated Cost A-8
Preliminary and Final Plat Size Specifications A-9

ARTICLE ONE

GENERAL PROVISIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE ONE. GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

The rules and regulations hereby adopted shall be known and cited as the "Land Development Regulations for the Town".

SECTION 1.2 AUTHORITY

These land development regulations are adopted pursuant to the authority contained in Chapter 163, Part II, Florida Statutes, as amended.

Whenever any provision of these land development regulations refers to or cites a section of Florida Statutes or Florida Administrative Code and that section is later amended or superseded, these land development regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3 JURISDICTION

These land development regulations shall apply to the entire incorporated area of the Town of Brooker, Florida.

SECTION 1.4 RELATIONSHIP TO EXISTING LAND DEVELOPMENT ORDINANCES

To the extent that the provisions of these land development regulations are the same in substance as the previously adopted provisions that they replace in the various ordinances of the Town, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted land development regulations does not achieve lawful nonconforming status under these regulations merely by the repeal of the previous land development ordinances.

SECTION 1.5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

In order to accomplish the goals objectives and policies listed within the Comprehensive Plan, these land development regulations and accompanying Official Zoning Atlas are guided by, based on, related to, and a means of implementation for the Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act" (Chapter 163 Part II, Florida Statutes, as amended). All regulations, districts, and the accompanying Official Zoning Atlas are consistent with the Comprehensive Plan and any amendments thereto shall be consistent with the Comprehensive Plan. The phrase "consistent with the Comprehensive Plan" means in a manner which the land development regulations are compatible with and further the Comprehensive Plan. The term "compatible with" means that the land development regulations are not in conflict with the Comprehensive Plan; and the term "furthers" means to take action in the direction of the Comprehensive Plan.

SECTION 1.6 CONFORMITY WITH LAND DEVELOPMENT REGULATION PROVISIONS

1.6.1 Subject to Article 2.3 of these land development regulations (nonconforming situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his or her control except in accordance with all of the applicable provisions of these land development regulations.

1.6.2 For purposes of this Article, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 1.7 FEES

1.7.1 Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special exceptions applications, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as established by resolution of the Town Council filed in the Office of the Town Clerk.

1.7.2 Fees established in accordance with the Section 1.7 shall be paid upon submission of a signed application or notice of appeal.

SECTION 1.8 SEVERABILITY

In the event any court of competent jurisdiction should hold that any section or provision of these land development regulations to be unconstitutional or invalid, the same shall not affect the validity of these land development regulations as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.9 REPEAL OF CONFLICTING ORDINANCES

All ordinances and regulations or parts of ordinances and regulations in conflict with these land development regulations, or inconsistent with the provisions of these land development regulations, are hereby repealed to the extent necessary to give these land development regulations full force and effect.

ARTICLE TWO

DEFINITIONS,
LOTS DIVIDED BY DISTRICT LINES AND
NONCONFORMING SITUATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE TWO. DEFINITIONS, LOTS DIVIDED BY DISTRICT LINES AND NONCONFORMING SITUATIONS

SECTION 2.1 DEFINITIONS, GENERAL

For the purpose of these land development regulations, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

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

The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. Among other things, structures include walls, buildings, fences, signs, and swimming pools.

The word land includes the words water, marsh, or swamp.

The word abut shall not include directly across from.

The words Town Council means the Town Council of Brooker, Florida.

The word Town means Brooker, Florida.

The word County means Bradford County, Florida.

Abandoned Motor Vehicle. Abandoned motor vehicle means one (1) that is in a state of disrepair and incapable of being moved under its own power.

Abutting or Adjacent Property. Abutting or adjacent property means property that is immediately adjacent to the property being considered under these land development regulations.

Access. Access means the primary means of ingress and egress to abutting property from a dedicated right-of-way.

Accessory Use or Structure. Accessory use or structure means 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 considered a part thereof, and not an accessory building.

Addition. Addition 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 wall is new construction.

Administrator. Administrator means the Land Development Regulation Administrator designated by the Town Council for the administration and enforcement of these land development regulations (see Land Development Regulation Administrator).

Adverse Effect. Adverse effect means increases in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-Year Flood Area due to development.

Alter or Alteration of a Stormwater Management System. Alter or Alteration of a Stormwater Management System means work done other than that necessary to maintain the system's original design and function.

Alteration. Alter or alteration means any change in size, shape, occupancy, character, or use of a building or structure.

Alley or Service Drive. Alley or service drive means a public or private right-of-way which affords only a secondary means of access to property abutting thereon.

Aquifer or Aquifer System. Aquifer or aquifer system means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Arterial Streets. Arterial streets mean streets which conduct large volumes of traffic over long distances and are functionally classified as such on the Future Traffic Circulation Map of the Comprehensive Plan of the Town.

Automobile Wrecking or Automobile Wrecking Yard. Automobile wrecking or automobile wrecking yard means a facility devoted to the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

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

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

Where such motor fuel pumps are erected in conjunction with a use which is herein described as an automotive self-service station, each use shall be considered as a separate principal use and as such, each must meet all applicable requirements of these land development regulations (see Article 4 for special design standards for automotive service and self-service stations).

Bar, Cocktail Lounge or Tavern. Bar, cocktail lounge or tavern means any establishment which is devoted primarily to the retailing and on premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Bicycle and Pedestrian Ways. Bicycle and pedestrian ways means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Block. Block means a tier or group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Board of Adjustment. Board of Adjustment means the Board of Adjustment of the Town, as herein provided for within these land development regulations.

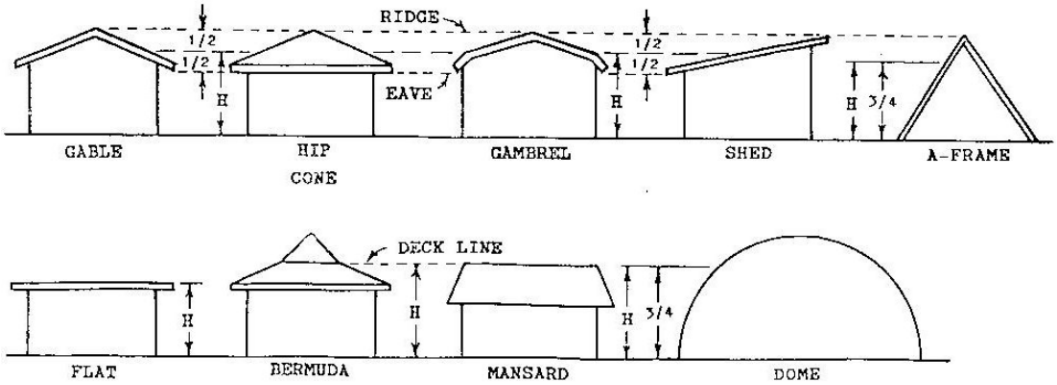
Buildable Area. Buildable area is that portion of a lot remaining after the required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percent of lot which may be covered by buildings may require open space within the buildable area.

Building. A building is any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building, as described herein. This definition of a building does not include screened enclosures not having a roof impervious to weather.

Building Front Yard Setback Line. The building front yard setback line is the rear edge of any required front yard as specified within these land development regulations. Except as specifically provided within these land development regulations, no building or structure may be erected or extended to occupy any portion of a lot street-ward of the building line.

Building, Height of. Height of building means the vertical distance measured from the established grade at the corner of a front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs, and to a height three-fourths (3/4) the distance from the ground to the apex of A-frame and dome roofs, as depicted in the diagram below. (See Article 4, Exclusions from Height Limitations).

Roof Types



HEIGHT OF BUILDING FOR LAND DEVELOPMENT REGULATION PURPOSES

Building Line. A building line means the rear edge of any required front yard or the rear edge of any required setback line. Except as specifically provided within these land development regulations, no building or structure may be erected or extended to occupy any portion of a lot street-ward of the building line.

Capital Budget. Capital budget means the portion of an annual budget of the Town which reflects capital improvements scheduled for a fiscal year.

Capital Improvements. Capital improvements means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of these land development regulations, physical assets which have been identified as existing or projected needs in the individual elements of the Comprehensive Plan shall be considered capital improvements.

Child Care Center. Child care center means an establishment where six (6) or more children, other than members of the family occupying the premises, are cared for during the day. The term includes day nurseries, kindergartens, day care services, nursery school, or play school.

Child Care Center, Overnight. Overnight child care center means an establishment where six (6) or more children, other than members of the family occupying the premises, are cared for not only during the day but overnight. An overnight child care center provides full overnight sleeping facilities for such children.

Clinics, Medical or Dental. Medical or dental clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida.

Clubs, Private. For the purpose of these land development regulations, private clubs shall pertain to and include those associations and organizations of a civic, fraternal, recreational, or social character, not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Collector Streets. Collector streets mean streets which serve as the connecting link for local streets and arterials. The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and volumes. In addition, collectors are so functionally classified as such on the Future Traffic Circulation Map of the Comprehensive Plan of the Town.

Community Residential Home. A community residential home means a dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services and which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet physical emotional, and social needs of the residents. (See also Article 4)

Completely Enclosed Building. A completely enclosed building means a building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

Comprehensive Plan. The phrase Comprehensive Plan means the Comprehensive Plan adopted by the Town Council pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act" (Chapter 163, Part II, Florida Statutes, as amended).

Cone of Influence. Cone of influence means an area around one or more major waterwells the boundary of which is based on groundwater travel or drawdown path.

Construction, Actual. Actual construction means the placing of substantial construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Actual construction shall include only work begun under a valid building permit.

Cul-de-sac. Cul-de-sac means a local street of relatively short length with one (1) end open and the other end terminating in a vehicular turnaround.

Curb Break. A curb break means a driveway or any other point of access or opening for vehicles onto a public street.

Day Care Center or Nursery. See Child Care Center.

Density, Gross Residential. Gross residential density means to the number of residential dwelling units permitted per gross acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including dedicated rights-of-way and except as otherwise provided for in these land development regulations. In the determination of the number of residential units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Developer. Developer means any person, including a governmental agency, undertaking any development as defined in Chapter 163, Part II and Chapter 380.031, Florida Statutes, as amended.

Development. Development has the meaning as defined in Chapter 163, Part II and Chapter 380.04, Florida Statutes, as amended.

Development Order. Development order means any order granting, denying, or granting with conditions an application for a development permit, which includes any building permit, subdivision approval, rezoning, certification or designation, special exception, variance, special or temporary permit, or any other official action of the appropriate Town approval body or Land Development Regulation Administrator having the effect of permitting the development of land.

Dormitory. A dormitory means a space in a unit where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, and military barracks.

Drive-In Restaurant or Refreshment Stand. Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverage to persons in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in automobiles on the premises. A restaurant which provides drive-in facilities of any kind shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drainage Basin. Drainage basin means the area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage Detention Structure. Drainage detention structure means a structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

Drainage Facilities. Drainage facilities means a system of manmade structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Drainage Retention Structure. Drainage retention structure means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

Drive-In Theater. A drive-in theater is a place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audience to view the performance from vehicles parked within the theater (See also Article 4).

Dwelling Unit (D.U.). Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one (1) kitchen.

Dwelling, Single Family. A single family dwelling means a building containing only one (1) dwelling unit and structurally connected to no other dwelling unit. The term single family dwelling also includes dwelling units which meet the State of Florida certification requirements for a "Manufactured Building". Manufactured homes defined by these land development regulations as a Residential Design Manufactured Home and meet the installation criteria prescribed in Section 4.2 of these land development regulations shall be considered a single family dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, house boats, or other forms of temporary or portable housing.

Dwelling, Mobile Home or Mobile Home. Mobile home dwelling or mobile home means a detached one (1) family dwelling unit with all the following characteristics:

1. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
2. Designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers;
3. Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities, and the like; and
4. Manufactured homes defined by these land development regulations as Standard Design Manufactured Homes and do not meet the installation criteria prescribed in Section 4.2 of these land development regulations shall be considered a mobile home.

   A travel trailer is not to be considered a mobile home.

Dwelling, One Family. One (1) family dwelling means one (1) building under one (1) roof containing only one (1) dwelling unit. A one (1) family dwelling may be either a single family dwelling or a mobile home dwelling.

Dwelling, Residential Design Manufactured Home. Residential design manufactured home means a manufactured home built on or after June 15, 1976 and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401. et seq) promulgated by the United States Department of Housing and Urban Development, and such manufactured home shall:

1. Have house-type siding and roofing materials with treatment of a type generally acceptable for site-built housing;
2. Measure at least twenty (20) feet in width (requiring at least a double section home);
3. Have a minimum roof pitch of two and one-half (2 1/2) rise for each twelve (12) feet of horizontal run; and
4. Have a minimum roof-overhang on all sides of six (6) inches.

Dwelling, Standard Design Manufactured Home. Standard design manufactured home means a manufactured home built on or after June 15, 1976 and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401. et seq) promulgated by the United States Department of Housing and Urban Development, which does not meet the definition of a Residential Design Manufactured Home.

Dwelling, Two Family or Duplex. Two (2) family or duplex dwelling means one (1) building under one (1) roof containing only two (2) dwelling units.

Dwelling, Multiple or Multiple Family. Multiple family dwelling means one (1) building under one roof containing three (3) or more dwelling units. Housing for the aged, which does not provide for routine nursing and/or medical care, shall be construed to be a multiple family dwelling.

Dwelling, Multiple Dwelling Use. For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:

1. Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.
2. Where an undivided lot contains more than one (1) building and the buildings are not so located that lots and yards conforming to requirements for single or two (2) family dwellings in the district could be provided, the lot shall be considered to be in multiple dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units.
3. Guest houses and servant's quarters in connection with single family residences shall not be considered as dwelling units in the computation of (2) above.
4. Any multiple dwelling in which dwelling units are available for rental for periods of less than one (1) week shall be considered a tourist home, a motel, motor hotel, or hotel as the case may be.

Easement. Easement means any strip of land created by a sub-divider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Engineer. Engineer means a Professional Engineer registered to practice engineering by the State of Florida who is in good standing with the Florida Board of Engineer and Land Surveyors Examiners.

Elevation. Elevation means height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1929.

Essential Services. See Article 14.

Exotic Animals. Exotic animals mean all animals excepting house cats (felis catus domestica), dogs (canis familiares) and feathered vertebrates other than poultry, as well as, livestock and poultry as defined in this section of these land development regulations.

Extermination. Extermination means the control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.

Facility. Facility means a building or buildings, appurtenant structures and surrounding land area used by a single business private entity or governmental unit or sub-unit at a single location or site.

Family. Family means one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, marriage, or foster care, no family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families and not more than two (2) roomers or boarders may occupy the dwelling unit (for three (3) or more roomers or boarders, see Group Living Facility). Family shall not be construed to mean a fraternity, sorority, club, monastery or convent or institutional group.

Fill. Fill means any materials deposited for the purpose of raising the level of natural land surface.

Floor Area. Floor area means. except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the

exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than forty-eight (48) inches above the general finished and graded level of the adjacent part of the lot.

Floor Area Ratio. Floor area ratio means the ratio of the floor area to the size of the lot.

Floridan Aquifer System. Floridan Aquifer system means the thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

Frontage of a Lot. See Lot Frontage.

Garage, Parking. Parking garage means a building or portion thereof designed or used for temporary parking of motor vehicles.

Garage, Private. Private garage means a structure designed or used for inside private parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

Garage, Repair. Repair garage means a building or portion thereof, other than a private, storage, or parking garage or automotive service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

Garage, Storage. Storage garage means a building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

Garbage. Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Grade. The level of the finished ground surface immediately adjacent to the exterior walls of the building.

Ground Water. Ground water means water in saturated zones or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

Group Living Facility. A group living facility means an establishment where lodging is provided:

1. For four (4) or more persons who are not a family or for three (3) or more roomers or boarders;

2. For residents rather than transients;

3. On a weekly or longer basis; and

4. In which residents may share common sleeping or kitchen facilities.

Group living facility includes dormitories, fraternities, sororities, rooming or boarding houses, convents or monasteries, orphanages, and housing for other institutional groups. For the purposes of these land development regulations, one (1), two (2), or multiple family dwellings which constitute separate, individual housekeeping establishments for one (1) family shall not be considered to be group living facilities.

Guest House or Guest Cottage. Guest house or guest cottage means a dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest, provided, however, that such quarters shall have no cooking facilities, shall not be rented, and shall not have separate utility meters.

Habitable Room. Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Habitable Story. Habitable story means any story used or to be used for living purposes, which includes working, sleeping, eating cooking, recreation, or a combination thereof. A story used only for storage purposes having only non-load bearing walls, e.g., breakaway lattice-work, wall, or screen, is not a "habitable story".

Hazardous Waste. Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Height of a Building. See Building Height.

Home Occupation. Unless otherwise provided herein, home occupation is an occupation conducted entirely in a dwelling unit, in accordance with the home occupation criteria in Section 4.19 of these land development regulations.

Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court. Hotel, motel, motor hotel, motor lodge, and tourist court are to be considered synonymous terms and to mean a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and group living facilities, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients.

Improvements. Improvements mean street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, road and street signs, landscaping, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by these land development regulations.

Infestation. Infestation means the presence within or around a dwelling, of any insects, rodents, or other pests.

Intensive Agriculture. Intensive agriculture means all areas of concentrated animal density generally associated with milking barns, feed lots, chicken houses and holding pens.

Junk Yard. Junk yard means a place, structure, or let where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage,

barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

Land. Land means the earth, water and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land Development Regulations. Land development regulations mean regulations which address the use of land and water, subdivision of land, drainage and stormwater management, protection of environmentally sensitive areas, sign control, standards for public facilities and services, on-site traffic flow and parking and any other regulation so deemed appropriate by the Town Council.

Land Development Regulation Administrator. The Land Development Regulation Administrator means the official designated by the Town Council for the administration and enforcement of these land development regulations.

Landmark. Landmark means a building or structure which has been designated as such within the Comprehensive Plan.

Landmark Site. Landmark site means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

Level of Service. Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Lien. Lien means a claim on the property of another as security against the payment of a just debt.

Livestock. Livestock means all domesticated animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and poultry.

Loading Space, Offstreet. Offstreet loading space means a space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled.

Local Planning Agency. Local Planning Agency means the agency designated by the Town Council, under the provisions of Chapter 163, Part II, Florida Statutes, as amended.

Local Streets. Local streets mean streets whose primary function is to provide the initial access to the collector and arterial roadways. These facilities are characterized by short trips, low speeds, and small traffic volumes.

Loading Space, offstreet. Offstreet loading space is a space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to a delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled.

Lot. A lot is 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 these land development regulations, a lot shall be of at least sufficient size to:

1. Meet minimum zoning requirements for use, coverage, and area and

2. Provide such yards and open spaces as are herein required (provided that certain non-conforming lots of record are exempted from certain of the provisions of these land development regulations (see Section 2.3).

"Lot" includes the words "plot", "parcel", "tract", or "site" and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these land development regulations.

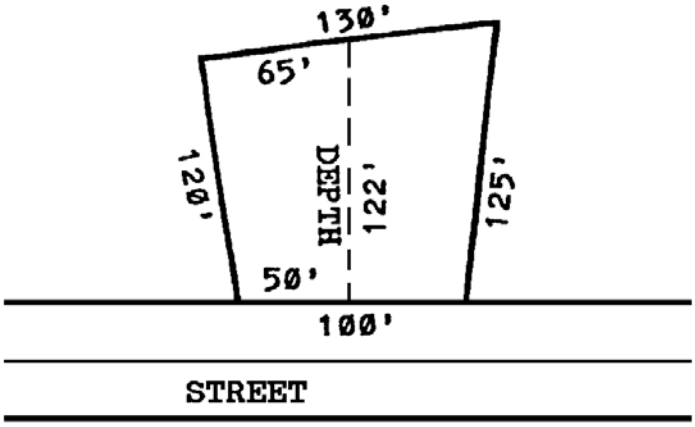
Lot Area. Lot area means the total horizontal area included within lot lines.

Lot Coverage. Lot coverage means that percentage of lot area that is covered or occupied by buildings, including accessory buildings.

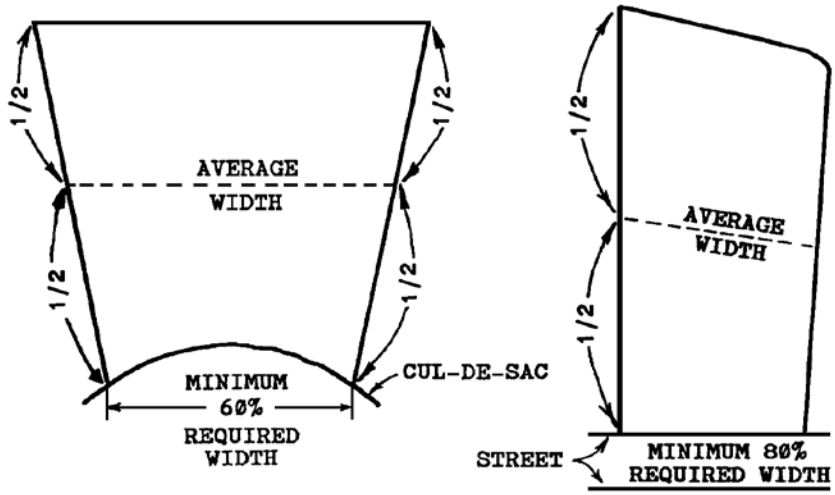
Lot Frontage. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as set out in these land development regulations.

Lot Line. Lot line means the lines bounding a lot as established by ownership.

Lot Measurement. Depth. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connection the foremost points on the side lot lines in front and the rearmost points of the side lot lines in the rear.



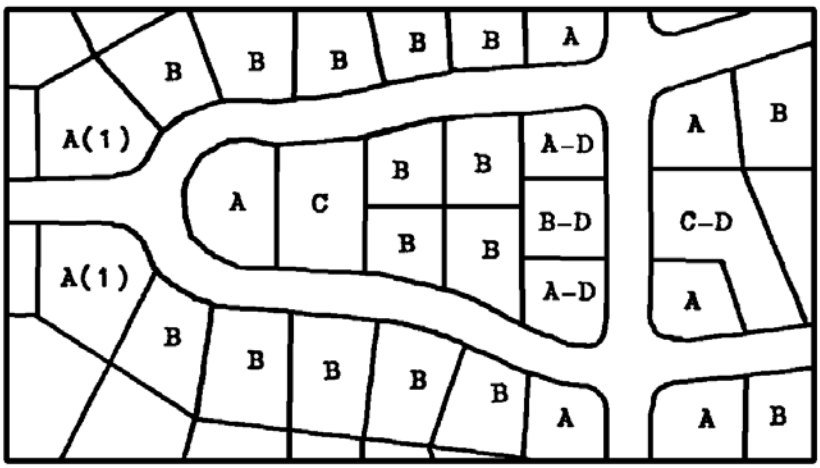
Lot Measurement, Width. The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) 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 the front shall not be 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 not be less than sixty (60) percent of the required lot width.



Lot of Record. A lot of record means:

1. A lot which is part of a subdivision recorded in the office of the County Clerk, or
2. A lot or parcel described by metes and bounds, the description of which has been so recorded on or before the date of adoption of the Comprehensive Plan of the Town.

Lot Types. The diagram which follows illustrates terminology used in these land development regulations with reference to corner lots, interior lots, reversed frontage lots, and through lots:



In the diagram:

A = Corner Lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lot marked A(1) in the diagram;

B = Interior Lot, defined as a lot other than a corner lot with only one (1) frontage on a street;

C = Through Lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots; and

D = Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one-hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D), or a through lot (C-D).

Marginal Access Street. Marginal access street means a street, parallel and adjacent to an existing street, providing access to abutting lots.

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 the purposes of these land development regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mobile Home. See Dwelling, Mobile Home.

Mobile Home Park. A Mobile home park consists of 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 or 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. (See Section 2.1 for definition of a mobile home.)

Mobile Home Stand. Mobile home stand means a lot or parcel of ground designated for the accommodation of not more than one mobile home.

Mobile Home Subdivision. Mobile home subdivision means a residential subdivision where lots are offered for sale for use exclusively by mobile homes. (See Section 2.1 for definition of a mobile home.)

Motel, Motor Hotel or Motor Lodge. See Hotel.

Natural Drainage Features. Natural drainage features mean the naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes, and wetlands.

New Construction. New construction means structures for which the "start of construction" commenced on or before the effective date of these land development regulations.

Newspaper of General Circulation. Newspaper of general circulation means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonconforming Lot, Structure, Characteristics of Use, Use of Land and Use of Structures and Premises. See Section 2.3.

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known in common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the Town health officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.

6. Inadequate or unsanitary sewerage or plumbing facilities.

7. Uncleanliness, as determined by the County health officer.

8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Town health officer.

Nursery School. See Child Care Center.

Nursing Home. A nursing home is a private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance personal care, or nursing for three (3) or more persons not related by lineal consanguinity or marriage to the operator, who by reason of illness, physical infirmity, or advanced age are unable to care for themselves; provided, that this definition shall include homes offering services for less than three (3) persons where the homes are held out to the public to be establishments which regularly provide nursing, extended care, and custodial services. (See also, Residential Home for the Aged.)

Office, Business. A business office is an office for such operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies, insurance companies, stockbroker, employment agencies, billing office, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on or delivered from the premises to a customer.

Office, Professional. A professional office is an office for the use of a person or persons generally classified as professional such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including boarding of animals on the premises, except as part of treatment and then 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.

100-Year Flood Area. 100-Year Flood Area means those areas that have a land elevation less than the Official 100-Year Flood Elevations.

Official 100-Year Flood Map. Official 100-Year Flood Map means the map issued by the Federal Emergency Management Agency that delineates the areas having ground elevations that are less than the Official 100-Year Flood Elevations.

Official 10-Year Flood Elevations. Official 10-Year Flood Elevations means the most recent and reliable flood elevations based on a Log Pearson type III probability distribution produced by the United States Geological Survey and based on historical data.

Openable Area. Openable area (window) means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Open Spaces. Open spaces mean undeveloped lands suitable for passive recreation or conservation uses.

Operator. Operator means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. Owner means the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

2. Shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person firm, or corporation in control of a building; of their duly authorized agents. Any such person thus representing the actual owner is considered to be bound by these land development regulations to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported infractions of these land development regulations pertaining to the property which apply to the owner.

Package Liquor Store. A package liquor store is a place where alcoholic beverages are dispersed or sold in containers for consumption off the premises.

Parcel of Land. Parcel of land means any quantity of land capable of being described with such definity that its location and boundary may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

Parking Space, Handicapped. Handicapped parking space means an offstreet parking space which is reserved for persons who are physically disabled or handicapped.

Parking Space, Offstreet. For the purposes of these land development regulations, offstreet parking space shall consist of a space adequate for parking a standard size automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required offstreet parking areas for three (3) or more automobiles shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street or walk and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, and offstreet parking space and necessary access and maneuvering room may be estimated at two hundred (200) square feet, but offstreet parking requirements will be considered to be met only where actual spaces meeting the requirements above, are provided and maintained, improved in the manner required by these land development regulations of the Town. (See Article 4, Offstreet Parking Requirements.)

Performance Bond. See Surety Device.

Permanent Control Point (PCP). A permanent control point (PCP) is a secondary horizontal control monument which shall be a metal marker with the point of reference marked thereon or a four (4) inch by four (4) inch concrete monument a minimum of twenty-four (24) inches long with the point of reference marked thereon. Permanent Control Points shall bear the registration number of the surveyor filing the plat of record.

Permanent Reference Monument (PRM). Permanent reference monument (PRM) is a metal rod twenty-four (24) inches long or a one and one-half (1 1/2) inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which shall be encased in a solid block of concreter or set in natural bedrock, a minimum of six (6) inches in diameter, and extending a minimum of eighteen (18) inches below the top of the monument, or a concreter monument four (4) inches by four (4) inches, a minimum of twenty-four (24) inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, shall bear the registration number of the surveyor certifying the plat of record, and the letter PRM shall be placed on the top of the monument.

Planning and Zoning Board. Planning and Zoning Board shall refer to the Planning and Zoning Board of the Town, as herein provided for within these land development regulations.

Plat. A plat is a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and other information required by these land development regulations. The word plat includes the terms replat or revised plat.

Plat, Final. Final plat means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Plot. See Lot.

Plumbing. Plumbing means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Sanitary drainage or storm drainage facilities;
2. The venting system and the public or private water supply systems, within or adjacent to any building structure, or conveyance; and
3. The practice and materials used in the installation, maintenance, extension, or alteration of stormwater, liquid waste, or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Poultry. Poultry means all domesticated birds that serve as a source of eggs or meat, including chickens, turkeys, ducks, ostriches, quail, pheasants and geese.

Premises. Premises means a lot, plot or parcel of land including the buildings of structures thereon.

Product Tight. Product tight means impervious to the hazardous material which is or could be contained so as to prevent the seepage of the hazardous material from the containment system. To be product tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

Public Areas. Public areas mean unoccupied open spaces adjoining a building and on the same property, that are permanently maintained accessible to the Fire Department and free of all encumbrances that might interfere with their use by the Fire Department.

Public Buildings and Facilities. For the purpose of these land development regulations, public buildings and facilities mean the use of land or structures by a municipal, county, State, or Federal governmental entity for a public service purpose. More specifically public facility means major capital improvements including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreation, and health systems and facilities. Essential services shall not be considered public buildings and facilities.

Recreational Facility. Recreational facility means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

Recreational Uses. Recreational uses means activities within areas where recreation occurs.

Regulated Materials. Shall be the following materials:

1. Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products, lubricating oils, motor oils, hydraulic fluids and other similar products). This term does not include liquefied petroleum gas, American Society for Testing and Materials grade number 5 and number 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils.
2. Substances listed by the Secretary of the Florida Department of Labor and Employment Security pursuant to Chapter 442, Florida Statutes (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in Chapter 38F-41, Florida Administrative Code.
3. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification.

4. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification.
5. Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations.
6. The following elemental metals, if they are stored in an easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc.
7. Mixtures containing the above materials if they contain one (1) per cent or more by volume or if they are wastes.
8. Any material not included above which may present similar or more severe risks to human health or the environment as determined by the Land Development Regulation Administrator. Such determinations must be based upon competent testing or other objective means with conclusions which indicate that the material may pose a significant potential or actual hazard.

Repair. Repair means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provisions of law or ordinance. Repair or repairs shall not apply to any change of construction.

Residential Buildings. Residential buildings mean buildings in which families or households live or in which sleeping accommodations are provided and all dormitories, shall be classified as residential occupancy. Such buildings include, among others, the following: dwellings, multiple dwellings and rooming houses (see also Dwelling Unit, Section 2.1).

Residential Home for the Aged. Residential home for the aged (also known as Adult Congregate Living Facility) means a health care facility containing characteristics of multiple family housing, providing a maximum in independent living conditions for individuals or couples and a minimum of custodial services which would include daily observation of the individual residents by designated staff personnel. As accessory uses, residential homes for the aged may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

Restaurant. A restaurant is an establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Restaurant includes cafes, coffee shops, donut shops, delicatessens, cafeterias, and other establishments of a similar nature.

Retention. Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Right-of-Way. Right-of-way means land dedicated, deeded, used, or to be used for a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up his or her rights to the property so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalk, grass area, and underground or above ground utilities.

Riverbank Setback Line. Riverbank setback line means a line running parallel to a river and at a distance as specified within these land development regulations.

Roadway Functional Classification. Roadway functional classification means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rooming House. Rooming house means any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons which are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming Unit. Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

Sanitary Sewer Facilities. Sanitary sewer facilities mean structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants, and disposal systems.

Sediment. Sediment means the mineral or organic particulate material that is in suspension or has settled in surface or groundwaters.

Servants' Quarters. Servants' quarters mean accommodations, without cooking facilities or separate utility meters, for domestic servants employed on the premises. Such units may be in either a principal or an accessory building but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for servants.

Service Station. See Automotive Service and Self-Service Station.

Sidewalk. Sidewalk means that portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

Sign. Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Unless otherwise specified, a sign may have one (1) or two (2) faces. (See Article 4 for general regulations governing signs.)

Sign, Surface Area. Surface area of a sign means the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed, but not including blank masking, frames, or structural elements of the sign and bearing no advertising matter. In the case of double face signs, each sign face shall be measured as surface area and the combined surface area of both faces shall not exceed the maximum permitted for the building or use.

Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site. Off-site sign means a sign other than an on-site sign.

Sign, Animated. Animated sign means a sign with externally moving parts or messages, or so operating as to give a viewer the illusion of moving parts or messages.

Sign, Attached. Attached sign means a sign painted on the exterior face of a building or attached to a building. Attached signs include canopy signs, marquee signs, wall signs, roof signs, and projecting or hanging signs supported or attached to a canopy, awning, marquee, or building.

Sign, Flashing. Flashing sign means a sign designed to attract attention by the inclusion of a flashing, changing, revolving, or flickering light source or a change of light intensity.

Sign, Freestanding. Freestanding sign means a sign which is not attached to a building. Freestanding signs include ground signs, pole signs, and portable signs.

Sign, Identification. Identification sign means a sign which depicts the name and/or address or a building or establishment on the premises where the sign is located as a means of identifying said building or establishment. An identification sign shall not contain promotional or sales material.

Sign, Non-Flashing. Non-flashing sign means a sign which does not have a flashing, changing, revolving, or flickering light source or which does not change light intensity.

Site. See Lot.

Soil Survey. Soil survey means the United States Department of Agriculture, Soil Conservation Service Soil Survey for the Town.

Solid Waste. Solid waste means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid Waste Facilities. Solid waste facilities mean structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Solid Waste Processing Plant. Solid waste processing plant means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

Solid Waste Transfer Station. Solid waste transfer station means a facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Special Exception. Special exception means a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, welfare, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in these land development regulations. (For the procedure in securing special exceptions, see Sections 12.2 and 13.2)

Stairway. Stairway means one (1) or more flights of stairs and the necessary landings and platforms connecting then, to form a continuous and uninterrupted passage from one (1) story to another in a building or structure.

Start of Construction. Start of construction means substantial improvement, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eighty (180) days of the date the building permit was issued. The actual start means the first placement of permanent construction of a structure (including a manufactured 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 manufactured 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 structure.

Stormwater. Stormwater means the flow of water which results from and that occurs immediately following a rainfall.

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

Stormwater Management System. Stormwater management system means a system designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Story.· A story is that portion of a building included between the surface of a floor and the surface of the next floor above it (including basement), or if there be no floor above it, then the space between such floor and the ceiling next above it. (See also Habitable Story, Section 2.1.)

Street. A street is a public or private roadway which affords the principal means of access to abutting property. Street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used.

Street Line. Street line means the line between the street and abutting property. A street line is also referred to as the right-of-way line.

Structure. See Section 2.1, General.

Subdivider. Subdivider shall refer to any person, firm, corporation, partnership, association, estate, or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

Subdivision. Subdivision means the division of a parcel of land, whether improved or unimproved, into nine (9) or more lots or parcels of land, for the purpose whether immediate or future, of transfer of ownership, whether by deed, metes and bounds description, devise, lease, map, plat or other recorded instrument or if the establishment of a new street is involved, any division of such parcel. The term shall not mean the division of land into parcels of more than five (5) acres not involving any change in street lines; the transfer of property by sale or gift or testate succession by the property owner to his or her spouse or lineal descendants; or the transfer of property between tenants in common or the purpose of dissolving the tenancy in common among those tenants. The term includes a re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Subdivision, Major. Major subdivision means any subdivision not classified as a minor subdivision, including but not limited to subdivisions of ten (10) or more lots, or where there is an extension of the local governmental facilities, or the creation of any public improvements, except where otherwise specifically exempted from the requirements of these land development regulations.

Subdivision. Minor. Minor subdivision means any subdivision containing not more than nine (9) lots.

Substantial Damage. Means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement. Substantial improvement means for a structure built prior to the enactment of these land development regulations any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. Substantial improvement is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2. Any alteration of a structure listed on the National Register of Historic Places.

Supplied. Supplied means paid for, furnished, or provided by or under control of, the owner or operator.

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

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or

2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or

3. Any wetland.

Surficial Aquifer System. Surficial aquifer system means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer System where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table and water within it is under mainly unconfined conditions. However, beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one (1) or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

Surety Device. Surety device means an agreement by a subdivider with the Town Council for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

Surveyor, Land. Land surveyor means a land surveyor registered under Chapter 472, Florida Statutes, as amended, who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

To Plat. To plat means to divide or subdivide land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and the recording of the plat in the office of the County Clerk in the manner provided for in these land development regulations.

Travel Trailer. Travel trailer means a vehicular, portable structure built on a chassis, designed to be a temporary dwelling for travel, recreational, and vacation purposes, which is:

1. Identified on the unit by the manufacturer as a travel trailer;

2. Not more than eight (8) feet in body width; and

3. Of any weight provided its body length does not exceed thirty-five (35) feet.

Truck Stop. Truck stop means an establishment where the principal use is primarily the refueling and servicing of trucks and tractor trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Unsafe Building. Unsafe building means any structure that has any of the following conditions, such that the life, health, property, or safety of the general public is endangered:

1. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the Town Building Code for new buildings.
2. Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the Town Building Code for new buildings.
3. Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.
4. Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
5. Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of Town regulations.
6. Whenever any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Use. Use means the purpose for which land or water or a structure thereon is designed, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by these land development regulations.

Use of Land. Use of land means use of land, water surface, and land under water to the extent covered by these land development regulations, and over which the Town Council has jurisdiction.

Utilities. Utilities means, but is not necessarily limited to, water systems, electrical power, sanitary sewer systems, stormwater management systems, and telephone or television cable systems; or portions, elements, or components thereof.

Valuation or Value. Valuation or value means the estimated cost to replace the building in kind.

Variance. Variance means a relaxation of the terms of these land development regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts. (For the procedure in securing variances, see Article 12.)

Ventilation. Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Water-dependent Uses. Water-dependent uses mean activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

Water-related Uses. Water-related uses mean activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

Water Wells. Water wells mean wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

Well. Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when intended use of such excavation is to conduct ground water from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor aquifer system(s). Geotechnical borings greater than twenty (20) feet in depth shall be included in the definition of "well".

Wellfield Management Zone. Wellfield management zone is a wellfield protection area of three hundred (300) feet around wellheads with a permitted capacity of one hundred thousand (100,000) gallons per day or more (see Section 6.2).

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

Yard. Yard means a required open space unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

For explanation of how to measure the various types of yards, on rectangular and nonrectangular lots, as defined in the following definitions, see accompanying diagrams.

Yard, Front. Front yard means a yard extending between side lot lines across the front of a lot adjoining a street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Land Development Regulation Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots and reverse frontage lots, a front yard of the required depth shall be provided on both frontages.

Yard, Front; Depth Required. Yard front, depth required shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Side. A side yard is a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

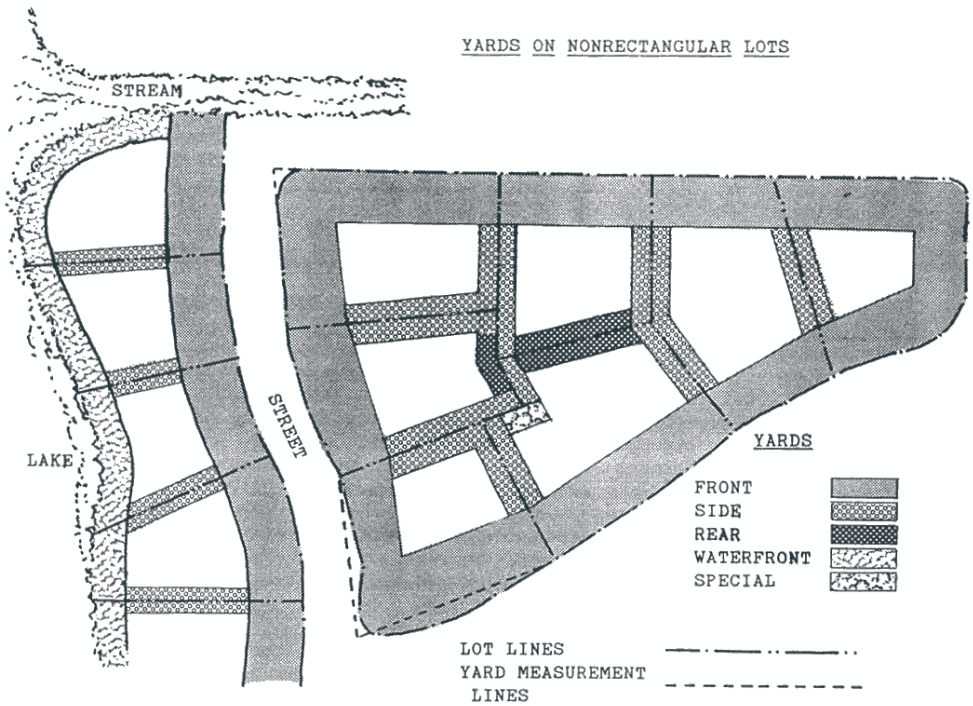
Yard, Side; Depth Required. Yard side; depth required shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

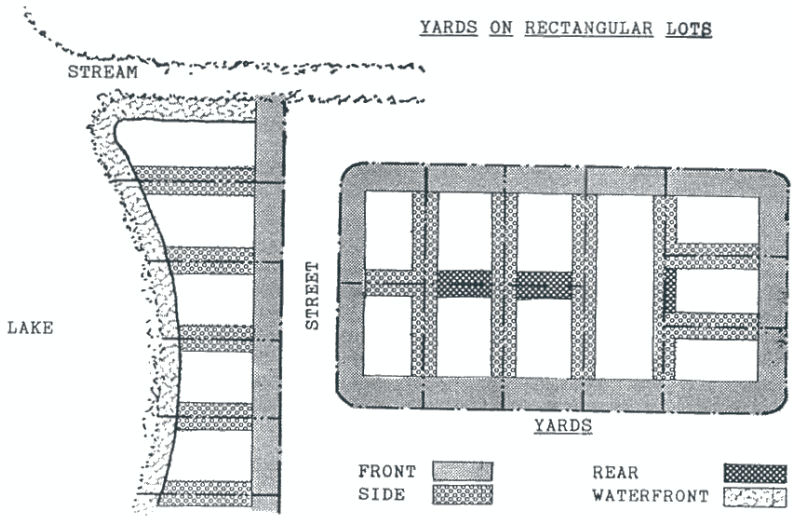
Yard, Rear. Rear yard means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Rear; Depth Required. Yard rear; depth required shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special. A special yard is a yard behind any required yard adjacent to a street required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Land Development Regulation Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable area thereon.

Yard, Waterfront. A waterfront yard is a yard measured from and parallel to the mean high water mark of the lake, stream, or other watercourse on which the lot is located.





SECTION 2.2 LOTS DIVIDED BY DISTRICT LINES

2.2.1 Whenever a single lot is located within two (2) or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

SECTION 2.3 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES. NONCONFORMING CHARACTERISTICS OF USE, NONCONFORMING USE OF STRUCTURES AND PREMISES

Within the districts established by these land development regulations or amendments that may later be adopted there may exist:

1. Lots;
2. Uses of land;
3. Structures;
4. Characteristics of use; and
5. Use of structures and premises

which were lawful before adoption of the Comprehensive Plan of the Town on December 12, 1991, or amendment thereafter, but which would be prohibited, regulated, or restricted under the terms of these land development regulations or future amendments.

It is the intent of these land development regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival. It is further the intent of these land development regulations that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the date of adoption or amendment of the Comprehensive Plan of the Town, by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the date of adoption or amendment of the Comprehensive Plan of the Town and upon which actual building construction has been carried on diligently (see Section 2.1 for definition of actual construction). Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2.3.1 Nonconforming lots of record. Vacant or unimproved lands or parcels which are nonconforming as to size for residential use for single family, duplex, or triplex units only, and which can individually be identified and described from documents recorded in the Public Records of the County as of the date of adoption or amendment of the Comprehensive Plan of the Town shall continue to be eligible for the issuance of residential building permits, subject to all other provision of the plan, including setbacks and concurrency. In addition, a single family dwelling may be erected, expanded, or altered on any single lot of record.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations of the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

In addition, no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these land development regulations, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in these land development regulations.

2.3.2 Nonconforming Uses of Land. Where, as of the date of adoption or amendment of the Comprehensive Plan of the Town, lawful use of land exists which would not be permitted by the Comprehensive Plan and regulations, imposed by these land development regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Enlargement, increase, intensification, alteration. No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied as of the date of adoption or amendment of the Comprehensive Plan.

2. Movement. 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 as of the date of adoption or amendment of the Comprehensive Plan of the Town.

3. Discontinuance. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by these land development regulations for the district in which such land is located.

4. Structure additions. No structures shall be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.

2.3.3 Nonconforming Structures. Where a structure existed lawfully under these land development regulations on the date of adoption or amendment of the Comprehensive Plan of the Town that could not be built under the Comprehensive Plan of the Town and these land development regulations 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:

1. Enlargement or alteration. No such nonconforming structure may be enlarged or altered in a way which increases its structural square footage more than fifty (50) percent of the structural square footage, which existed on the date of adoption or amendment of the Comprehensive Plan of the Town, although any structure or portion thereof may be altered to decrease its nonconformity;

2. Destruction. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.

3. Movement. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

2.3.5 Nonconforming Use of Structures and Premises. Where a lawful use of a structure, or of a structure and premises in combination, existed at the date of adoption or amendment of the Comprehensive Plan of the Town, that would not be allowed in the district under the terms of the Comprehensive Plan and these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Enlargement, extension, alteration, etc. No existing structure devoted to a use not permitted by these land development regulations in the district in which such use is located shall be enlarged or altered, extended, moved, constructed, or reconstructed, moved or structurally altered in a way which increases the structural square footage of the structure, which existed on the date of adoption or amendment of the Comprehensive Plan of the Town, except in changing the use of the structure to a use permitted in the district in which it is located.

2. Extension of use. Any nonconforming use may be extended throughout any part of a building which were manifestly arranged or designed for such use as of the date of adoption or amendment of the Comprehensive Plan of the Town. Any nonconforming use which occupied a 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 occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such nonconforming use at the date of adoption or amendment of the Comprehensive Plan of the Town.

3. Change in tenancy or ownership. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

4. Change in use. Any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the Board of Adjustment 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 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 Board of Adjustment may require appropriate conditions and safeguards in accordance with the intent and purpose of these land development regulations.

5. Change to conforming use requires future conformity with district regulations. 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 for 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. Discontinuance. 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 twelve (12) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.

7. Structure additions. 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. Destruction. Should a structure containing a nonconforming use be destroyed by any means, to the extent of more than fifty percent (50%) of its replacement value at the time of destruction, its status as a nonconforming use is terminated, and it shall not be reconstructed except in conformity with provisions of these land development regulations, and unless the use of land and structures thereafter conforms to the regulations for the district in which such land is located.

2.3.6 Casual, Temporary, or Illegal Use. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

2.3.7 Uses Under Special Exception Provisions Not Nonconforming Uses. Where on the date of adoption of the Comprehensive Plan of the Town, the lawful use of land exists which would be permitted as a special exception in a district under the terms of these land development regulations, such use shall not be deemed a nonconforming use in such district. However, any enlargement or expansion of any such uses shall be subject to the procedures for securing special exceptions (see Article 12.2).

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE THREE

ADMINISTRATIVE MECHANISMS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE THREE. ADMINISTRATIVE MECHANISMS

SECTION 3.1 PLANNING AND ZONING BOARD

3.1.1 Planning and Zoning Board: Organization

3.1.1.1 Establishment. A Planning and Zoning Board is hereby established for the Town.

3.1.1.2 Appointment. The Planning and Zoning Board shall consist of five (5) residents of the Town who shall be appointed by the Town Council. No member of the Planning and Zoning Board shall be a paid or elected official of the Town.

The Town Council may by resolution designate members of the Planning and Zoning Board to perform the functions of the Board of Adjustment. If the Town Council so selects, the terms of office of the members of the Planning and Zoning Board shall run concurrently with said members' term of office on the Board of Adjustment.

3.1.1.3 Term of Office. The term of office shall be for three (3) years; provided, however, that of the five (5) members first appointed to the Planning and Zoning Board at the effective date of these land development regulations one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years, and three (3) shall be appointed for three (3) years, and that all appointments thereafter shall be for three (3) years. However, where the Town Council has been designated as the Planning and Zoning Board, the terms of office shall be concurrent with the terms of office of the members of the Town Council.

3.1.1.4 Removal for Cause. Members of the Planning and Zoning Board may be removed for cause by the Town Council after filing of written charges, a public hearing, and a majority vote of the Town Council.

3.1.1.5 Removal for Absenteeism. The term of office of any member, of the Planning and Zoning Board who is absent from three (3) consecutive, regularly scheduled meetings of the Planning and Zoning Board, shall be declared vacant by the Town Council.

3.1.1.6 Appointments to Fill Vacancies. Vacancies in Planning and Zoning 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 Chairman of the Planning and Zoning Board to notify the Town Council within ten (10) days after any vacancy shall occur among members of the Planning and Zoning Board.

3.1.2 Planning and Zoning Board Procedures

3.1.2.1 Rules. The Planning and Zoning Board shall establish rules for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Planning and Zoning Board and to the public.

3.1.2.2 Officers. The Planning and Zoning Board shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Planning and Zoning Board. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two (2) consecutive terms in the same position.

3.1.2.3 Meetings and Quorum. The Planning and Zoning Board shall meet at regular intervals at the call of the Chairman, at the written request of three (3) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Planning and Zoning Board, provided that the Planning and Zoning Board shall hold a least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Planning and Zoning Board. Three (3) members of the Planning and Zoning Board shall constitute a quorum.

All meetings of the Planning and Zoning Board shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.

3.1.2.4 Disqualification of Members. If any member of the Planning and Zoning Board shall find that his or her private or personal interests are involved in a matter coming before the Planning and Zoning Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board as agent or attorney for any person.

3.1.2.5 Decisions. The concurring vote of a majority of the members of the Planning and Zoning Board, who are present and voting, shall be necessary to pass any motion which is considered by the Planning and Zoning Board.

3.1.2.6 Appropriations, Fees, and Other Income. The Town Council shall make available to the Planning and Zoning Board such appropriations as it may see fit for expenses necessary in the conduct of Planning and Zoning Board work.

3.1.3 Planning and Zoning Board - Functions, Powers, and Duties: Generally. The functions, powers, and duties of the Planning and Zoning Board in general shall be:

1. 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 man-made 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, direction, and kind of development to be expected in the Town.

2. To prepare and recommend to the Town Council for adoption, and from time to time amend and revise a comprehensive and coordinated general plan (the Comprehensive Plan) for meeting present requirements and such future requirements as may be foreseen.

3. To recommend principles and policies for guiding action affecting development in the Town.

4. To prepare and recommend to the Town Council ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.

5. To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan, especially relating to the management of concurrency requirements as stated within the Comprehensive Plan and these land development regulations.

6. To serve as the Town Council's Historic Preservation Agency to meet the requirements and carry out the policies and responsibilities of the Comprehensive Plan and Article 11 of these land development regulations.

7. To review preliminary plats to determine conformity with the Comprehensive Plan and these land development regulations and make recommendations to the Town Council.

8. To conduct an annual review of the Town's Capital Improvement Element of the Comprehensive Plan, in conformance with the Procedure for Monitoring and Evaluation of the Capital Improvements Element (see Chapter VIII of the Comprehensive Plan). This review is conducted to ensure that the fiscal resources are available to provide the public facilities needed to support the established level of service standards.

9. 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.

10. To make any necessary special studies on the location, adequacy, and conditions of specific facilities in the Town. These may 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, and the like.

11. To keep the Town Council informed and advised on these matters.

12. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

All employees of the Town shall, upon request and within a reasonable time, furnish to the Planning and Zoning Board such available records or information as may be required in its work. The Planning and Zoning Board may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized agents or employees of the Town, and shall have such other powers as are required for the performance of official functions in carrying out of the purposes of the Planning and Zoning Board.

3.1.4 Planning and Zoning Board – Powers and Duties: Special Exceptions. It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 12 and 13 of these land development regulations.

3.1.5 Planning and Zoning Board – Powers and Duties: Amendments. It is the intent of these land development regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 13 and 16 of these land development regulations.

3.1.6 Planning and Zoning Board – Powers and Duties: Land and Water Fills, Dredging, Excavation, and Mining. It is the intent of these land development regulations that all proposals for land and water fills, dredging, excavation, and mining shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

3.1.7 Planning and Zoning Board – Powers and Duties: Bulkheads, Docks, Piers, Wharves, and Similar Structures. It is the intent of these land development regulations that all proposals to erect or enlarge bulkheads, docks, piers, wharves, and similar structures shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

3.1.8 Planning and Zoning Board – Powers and Duties: Temporary Use Permits. It is the intent of these land development regulations that temporary use permits which are issued by the Town Council shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations

3.1.9 Planning and Zoning Board – Powers and Duties: Site and Development Plans. It is the intent of these land development regulations that all applications for site and development plan approval shall be heard by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

SECTION 3.2 BOARD OF ADJUSTMENT

3.2.1 Board of Adjustment: Organization

3.2.1.1 Establishment. A Zoning Board of Adjustment, hereinafter referred to as a Board of Adjustment, is hereby established for the Town.

3.2.1.2 Appointment. The Board of Adjustment shall consist of five (5) residents of the Town who shall be appointed by the Town Council. No member of the Board of Adjustment shall be a paid or elected official or employee of the Town.

The Town Council may by resolution designate members of the Board of Adjustment to perform the functions of the Planning and Zoning Board. If the Town Council so elects, the terms of office of members of the Planning and Zoning Board shall run concurrently with said members' term of office on the Board of Adjustment.

3.2.1.3 Term of Office. The term of office shall be for three (3) years; provided, however, that of the five (5) members first appointed to the Board of Adjustment at the effective date of these land development regulations two (2) shall be appointed for two (2) years and three (3) shall be appointed for five (5) years, and that all appointments thereafter shall be for five (5) years.

3.2.1.4 Removal for Cause. Members of the Board of Adjustment may be removed for cause by the Town Council after filing of written charges, a public hearing, and a majority vote of the Town Council.

3.2.1.5 Removal for Absenteeism. The term of office of any member of the Board of Adjustment who is absent from three (3) consecutive, regularly scheduled meetings of the Board of Adjustment shall be declared vacant by the Town Council.

3.2.1.6 Appointments to Fill Vacancies. Vacancies in Board of Adjustment 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 Chairman of the Board of Adjustment to notify the Town Council within ten (10) days after any vacancy shall occur among members of the Board of Adjustment.

3.2.2 Board of Adjustment: Procedures

3.2.2.1 Rules and Regulations. The Board of Adjustment shall establish rules and regulations for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Board of Adjustment and to the public.

3.2.2.2 Officers. The Board of Adjustment shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Board of Adjustment. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two (2) consecutive terms in the same position.

3.2.2.3 Meetings and Quorum. The Board of Adjustment shall meet at regular intervals at the call of the Chairman, at the written request of two (2) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Board of Adjustment; provided, that the Board shall hold at least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Board of Adjustment. Three (3) members of the Board of Adjustment shall constitute a quorum.

All meetings of the Board of Adjustment shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.

3.2.2.4 Disqualification of Members. If any member of the Board of Adjustment shall find that his or her private or personal interests are involved in a matter coming before the Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Board of Adjustment shall appear before the Board of Adjustment as agent or attorney for any person.

3.2.3 Board of Adjustment: Powers and Duties: Administrative Review. The Board of Adjustment shall have the power to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the Land Development Regulation Administrator in the enforcement of these land development regulations.

The procedure for taking an appeal for an alleged error in an order, requirement, decision, or determination made by the Land Development Regulations Administrator shall be set forth in Section 12.1.1, Zoning Regulations Appeals Provisions, and in addition any person appealing an alleged error in any order, requirement, decision, or determination made by the Land Development Regulations Administrator shall make such appeal within thirty (30) days after rendition of the order, requirement, decision, or determination appealed to the Board of Adjustment and file such appeal in writing, with supporting facts and data with the Land Development Regulations Administrator.

This provision does not, however, restrict the filing of a request for special exception or variance by any person at any time as provided elsewhere in these land development regulations.

3.2.4 Board of Adjustment: Powers and Duties: Special Exceptions. The Board of Adjustment shall have the power to:

1. Hear and decide upon appeal in specific cases such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of these land development regulations;

2. Decide such questions as are involved in the determination of when special exceptions should be granted; and

3. Grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when not in harmony with the purpose and intent of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land development regulations and punishable, as provided in these land development regulations within Article 15.

3.2.5 Board of Adjustment: Powers and Duties: Variances. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of these land development regulations will result in unnecessary and undue hardship.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these land development regulations, including but not limited to, reasonable time limits within which the action for which variance is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations.

Under no circumstances shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved, or any use expressly or by implication prohibited by the terms of these land development regulations in the zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of land, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

The procedure for taking an appeal for a variance shall be as set forth in Section 12.3, Variance, General.

ARTICLE FOUR

ZONING REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE FOUR. ZONING REGULATIONS

SECTION 4.1 ZONING DISTRICTS

4.1.1 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 growth within areas subject to these land development regulations, the following zoning districts are established:

CODE	NAME	SECTION NO.
A	Agricultural	4.5
CG	Commercial, General	4.12
CN	Commercial, Neighborhood	4.11
CSV	Conservation	4.3
ESA-1	Environmentally Sensitive Areas	4.4
ILW	Industrial, Light and Warehousing	4.13
PRD	Planned Residential Development	4.14
RMF-1, 2	Residential, Multiple Family	4.10
RMH-1, 2, 3	Residential, Mobile Home	4.8
RMH-P	Residential, Mobile Home Park	4.9
RSF-1, 2, 3	Residential, Single Family	4.6
RSF/MH-1, 2, 3	Residential, (Mixed) Single Family/Mobile Home	4.7

4.1.2 OFFICIAL ZONING ATLAS

The land areas subject to these land development regulations are hereby divided into zoning districts as set out in this Article above and as shown on the Official Zoning Atlas of the Town. The Official Zoning Atlas, which may consist of one (1) or more maps, together with all explanatory material shown therein is hereby adopted by reference and declared to be part of these land development regulations. The Official Zoning Atlas is and shall remain on file in the office of the Land Development Regulation Administrator. The Official Zoning Atlas shall be identified by the signature of the Major of the Town Council and attested by the Town Clerk.

If, in accordance with the provisions of these land development regulations, changes are made in district boundaries or other subject matter portrayed on the Official Zoning Atlas, such changes shall be made on the Official Zoning Atlas by the Land Development Regulation Administrator promptly after the amendment has been adopted.

All changes made on the Official Zoning Atlas or matter shown thereon shall be in conformity with the procedures set forth in these land development regulations.

The Official Zoning Atlas, which shall be located in a designated place easily accessible to the public, shall be the final authority as to the current zoning status of land and water areas, as well as, buildings and other structures in areas subject to these land development regulations.

Prior zoning atlases or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for areas subject to these land development regulations, shall be retained as a public record and as a guide to the historical zoning of land and water areas.

4.1.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

4.1.3.1 District Regulations Extend to All Portions of Districts Surrounded by Boundaries. Except as otherwise specifically provided, district symbols or names shown within district boundaries on the Official Zoning Atlas indicate that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.

4.1.3.2 Rules Where Uncertainty Exists. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Atlas, the following rules shall apply:

1. Centerlines. Boundaries shown as approximately following the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such center lines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at its center, in which case the boundary shall be construed as moving with the ownership.
2. Lot Lines. Boundaries shown as approximately following lot lines or public property lines shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a dedicated street, alley, highway, or right-of-way and the zoning status of the street, highway, alley, or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley, or right-of-way. In the event of street vacation, interpretation shall be as provided in (1) above.
3. City or Town Limits. Boundaries shown as approximately following city or town limits shall be construed to follow such city or town limits.
4. Railroad Tracks. Boundaries shown as following railroad tracks shall be construed to be midway between the main tracks.
5. Mean High Water Lines; Centerlines of Streams, Canals, Lakes or Other Bodies of Water. Boundaries indicated as following mean high water lines or centerlines of streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high water line or of the course or extent of bodies of water, the boundaries shall be construed to move with the change, except where such move would change the zoning status of a lot or parcel. In such case, the boundary shall be interpreted in a manner as to avoid changing the zoning status of any lot or parcel.
6. Body of Water. Boundaries shown as entering any body of water but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of the Town Council shall be construed to continue in the direction in which they enter the body of water and intersection with another zoning boundary or with the limits of jurisdiction of the Town Council.
7. Boundaries Parallel. Boundaries shown as parallel to or extensions of features indicated in (1) through (6) above shall be construed to be parallel to or extensions of such features.

8. Measurement of District Boundaries. Distances not specifically shown on the Official Zoning Atlas shall be determined by the scale of the map showing the property in question.

4.1.3.3 Cases Not Covered by Section 4.1.3.2. In cases not covered by Section 4.1.3.2 above, the Land Development Regulation Administrator shall interpret the Official Zoning Atlas in accord with the intent and purpose of these land development regulations. Appeal from the interpretation of the Land Development Regulation Administrator shall be only to the Board of Adjustment in conformity with Article 12 of these land development regulations.

4.1.4 SCHEDULE OF DISTRICT REGULATIONS

The restrictions and controls intended to regulate development in each zoning district are set forth in the Schedule of District Regulations within this Article and are supplemented by Section 4.2, Supplementary District Regulations and Section 2.3. Nonconformities.

4.1.5 APPLICATION OF DISTRICT REGULATIONS

The regulations, set by these land development regulations, within each district shall be minimum or maximum limitations, as appropriate to the use, and shall apply uniformly to each class or kind of structure, use, land, or water. Except as hereinafter provided:

4.1.5.1 Zoning Affects Use or Occupancy. No structure, land, or water shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations specified in these land development regulations for the district in which it is located.

4.1.5.2 Zoning Affects Height of Structures, Population Density, Lot Coverage, Yards, and Open Spaces. No structure shall hereafter be erected or altered:

1. To exceed height, bulk, or floor area;
2. To provide a greater number of dwelling units per acre;
3. To provide less lot area per dwelling unit or to occupy a smaller lot; or
4. To occupy a greater percentage of lot area; or to provide narrower or smaller yards, courts, or open spaces; or lesser separation between buildings or structures or portions of buildings or structures, than herein required; or in any other manner contrary to the provisions of these land development regulations.

4.1.5.3 Multiple Use of Required Space Prohibited. No part of a required yard or other required open space, or offstreet parking or offstreet loading space, provided in connection with one (1) structure or use shall be included as meeting the requirements for any other structure or use, except where specific provision is made in these land development regulations.

4.1.5.4 Reduction of Lot Area Prohibited. No lot or yard existing at the effective date of these land development regulations shall thereafter be reduced in dimension or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner such as dedication, condemnation or purchase. Lots or yards created after the effective date of these land development regulations shall meet at least the minimum requirements established by these land development regulations.

4.1.6 DEFINITIONS OF GROUPINGS OF VARIOUS DISTRICTS

Where the phrases "all agricultural districts", "agricultural districts", "zoned agriculturally". "agricultural zone", "agriculturally zoned" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

A	Agricultural

Where the phrases "commercial districts", "zoned commercially", "commercially zoned", "commercial zoning", or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

CG	Commercial, General
CN	Commercial, Neighborhood

Where the phrases "all conservation districts", "conservation districts", "zoned conservation", "conservation zone" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

CSV	Conservation

Where the phrases "environmentally sensitive areas districts", "zoned environmentally sensitive", "environmentally sensitive zone", "agriculturally zoned" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

ESA-1	Environmentally Sensitive Areas

Where the phrases "industrial districts", "zoned industrially", "industrially zoned", "industrial zoned" or phraseology of similar intent, are used in these land development regulations the phrases shall be construed to include the following district:

ILW	Industrial, Light and Warehousing

Where the phrases "planned residential development", "zoned for planned residential development" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

PRD	Planned Residential Development

Where the phrases "one (1) family residential districts", "one (1) family residential district". "zoned for one (1) family residential purposes" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

RMH-1, 2, 3	Residential, Mobile Home
RSF-1, 2, 3	Residential, Single Family
RSF/MH-1, 2, 3	Residential, (Mixed) Single Family/Mobile Home

Where the phrases "all residential districts", "residential district", "zoned residentially". "residentially zoned", "zoned for residential purposes" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

RMF-1, 2	Residential, Multiple Family
RMH-1, 2, 3	Residential, Mobile Home
RMH-P	Residential, Mobile Home Park
RSF-1, 2, 3	Residential, Single Family
RSF/MH-1, 2, 3	Residential, (Mixed) Single Family/Mobile Home

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.2 SUPPLEMENTARY DISTRICT REGULATIONS

4.2.1 SCOPE

Provisions set forth in this Section apply to all areas subject to these land development regulations, and all zoning districts therein, unless exceptions are specifically provided relating to one (1) or more zoning districts, or except as otherwise provided in these land development regulations.

4.2.2 ACCESSIBILITY FOR THE PHYSICALLY DISABLED OR HANDICAPPED

The public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be accessible to the physically disabled and handicapped.

4.2.2.1 Application. The requirements of Section 4.2 shall apply to all levels and areas of buildings and uses, and to all types of uses, with the exceptions that one (1) family and two (2) family (duplex) dwellings are exempted from these requirements.

4.2.2.2 Requirements for Access to Buildings and Uses.

1. Accessibility to buildings and uses shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public. Such pathway shall have been cleared of all obstructions related 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 a sidewalk surface, inclined curb approaches or curb cuts having a gradient 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.

2. Except as otherwise specified herein, required offstreet parking areas shall have offstreet parking space reserved for the physically handicapped. (See Section 4.2.17.5. Offstreet Parking: Handicapped Parking Spaces, for the number, dimensions, and other requirements for handicapped parking spaces).

4.2.3 ACCESS CONTROL

In order to provide ease and convenience in 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 shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street.

Further, for roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with Chapters 14-96 and 14-97, Rules of the Florida Department of Transportation and the Department's Access Management Manual.

4.2.3.1 Number and Location of Curb Breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number and location of curb breaks shall be regulated as follows:

1. One (1) curb break shall be permitted for ingress and egress purposes to a single property or development.

2. 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 curb breaks equals or exceeds twenty (20) feet.

3. 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 (100) feet.

4. More than three (3) curb breaks entering on a particular street may be permitted from a single property or development where the minimum distance between adjacent curb breaks equals or exceeds one thousand (1,000) feet.

4.2.3.2 Width of Curb Break.

1. The width of a curb break shall be within the minimum and maximum limits as specified below:

Location	Minimum	Maximum
Residential	12 feet	24 feet
Planned shopping centers, industrial developments, multi-family developments (with parking for 300 or more vehicles)	24 feet	60 feet
All other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

2. All curb break widths shall be measured at the street right-of-way line.

3. In no case shall a curb break width be less than twelve (12) feet.

4.2.3.3 Areas of limited street improvements.

1. No curb break shall be constructed in the radius return (curved arc between intersecting street pavements) of an intersection.

2. No curb break shall be constructed nearer than ten (10) feet from the intersection of street right-of-way lines.

3. No curb break shall be constructed nearer than five (5) feet from any interior property line.

4. To prevent vehicle overhang on private property in the vicinity of curb breaks, offstreet parking areas, and offstreet 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.

5. No curb break shall be permitted to include any public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or other similar type structures.

4 2.3.4 Curb Break Permit. No curb break shall be established or altered without a permit issued by the Land Development Regulation Administrator.

4.2.4 ACCESSORY USES AND STRUCTURES

Unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front, side or waterfront yards but may be located in rear yards not less than ten (10) feet from the rear lot line; provided, however:

1. That accessory structures for the housing of persons, such as guest houses, shall not be located in any required yard, nor shall air conditioner compressor units be located in any required yard; and

2. Structures used for water related activities such as boat docks, boat houses, and similar uses may be located anywhere in a required waterfront yard.

No separate accessory building shall be located within five (5) feet of any building.

4.2.5 ALCOHOLIC BEVERAGES

Indications in the Schedule of District Regulations that the sale of alcoholic beverages is permitted in any zoning district shall not in any way be deemed to limit, qualify or repeal any other local regulations or regulations of the State of Florida relating to the licensing, dispensing, or sale of such beverages or the location of alcoholic beverage establishments.

4.2.6 AUTOMOTIVE SERVICE AND SELF-SERVICE STATIONS

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

4.2.6.1 Lot Dimensions and Area. An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet. A corner lot shall have a minimum area of not less than twenty thousand (20,000) square feet and an interior lot a minimum area of not less than fifteen thousand (15,000) square feet.

4.2.6.2 Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.

4.2.6.3 Location of Pumps and Structures. No main or accessory building, no sign of any type and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.

4.2.6.4 Curb Breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty

(150) feet of street frontage, each break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.

4.2.6.5 Trash Storage. Adequate, enclosed trash storage facilities shall be provided on the site.

4.2.7 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A PLATTED LOT

Whenever any land is subdivided, a building permit for the construction of a building or other principal structure (excluding commercial buildings under common ownership or unified control) shall not be issued for any such structure on less than a lot as platted within such subdivided land.

4.2.8 FUTURE LAND USE PLAN AMENDMENT FOR PUBLIC BUILDINGS AND FACILITIES

Public buildings and facilities, including public schools, which do not meet the definition of "essential services" as stated in Article 14 of these land development regulations, shall require an amendment to the Future Land Use Plan Map of the Comprehensive Plan to "Public Land Use", prior to submission of an application for approval as a special exception.

4.2.9 EXCLUSIONS FROM HEIGHT LIMITATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, observation towers, or other appurtenances usually required to be placed above the roof level and, excepting airport control towers and observation towers, not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency, or airport zoning regulations within the flight-approach zone of airports.

4.2.10 FALLOUT SHELTER

Fallout shelters are permitted in all zoning districts. Individual structures in residential districts shall be considered as accessory structures.

4.2.11 FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence, solid wall, or hedge located within the required front yard shall constitute an obstruction to visibility between two and one half (2-1/2) and six (6) feet above the centerline grade of the adjacent street.

4.2.12 LANDSCAPED BUFFER AREAS

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

4.2.12.1 Requirements. Where these land development regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area width shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.

2. The area shall be so designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally; provided, however, that plantings located in the required front yard shall not exceed two and one-half (2 1/2) ft. in height.

3. Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit. No building permit shall be issued without such data, where these land development regulations require a landscaped buffer area or areas.

4. Plantings shall be of a size and type which will ensure the meeting of the eighty (80) percent opacity requirement within no longer than thirty (30) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Land Development Regulation Administrator.

5. The remainder of the required landscaped buffer area not covered by planting shall be landscaped with grass, ground cover, or other landscape treatment; except as otherwise provided herein, structures including buildings and offstreet parking and loading areas shall not be located in any required landscaped buffer area.

6. The landscaped buffer area shall be maintained by the property owner and successors and continued so long as the main use continues. Failure to maintain the landscaped buffer area as set out above shall be a violation of these land development regulations. '

4.2.12.2 Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by these land development regulations, a six (6) foot high masonry or wood opaque structure may be substituted for the six (6) foot high, planted buffer within these supplementary regulations; provided, however, that where the masonry or wood opaque structure is located in the required front yard, it shall not exceed two and one-half (2 1/2) feet in height.

4.2.12.3 Waiver by Land Development Regulation Administrator. When the Land Development Regulation Administrator finds that the public safety requires, he or she may waive or modify the buffer requirements set out in Section 4.2 at street and alley frontages adjacent to any entrance; the finding of the Land Development Regulation Administrator shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.

4.2.12.4 Waiver by Board of Adjustment. Where by the terms of these land development regulations a nonresidential use is required to provide a landscaped buffer along a property line which is contiguous to another nonresidential use, the Board of Adjustment may waive the landscaped buffer

requirements if evidence is presented to the Board that the buffer will serve no useful purpose. Such evidence shall be heard in the same manner as a request for variances, and adjoining property owners must be notified in writing of the Board of Adjustment meeting when the request will be heard.

4.2.12.5 Application Where These Land Development Regulations Set Out Different Requirements. In those instances where these land development regulations set out a different buffering requirement (e.g., greater height or landscaped buffer, or a different type of buffer), then the specific provisions of these land development regulations applicable to the particular type or use shall govern.

4.2.13 MINIMUM LIVING AREA

No one (1) family, two (2) family, or multiple family dwelling, shall be erected with less than four hundred and fifty (450) square feet of floor area devoted to living space per dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. The Board of Adjustment may waive the minimum living area requirements if evidence is presented to the Board of Adjustment that such waiver will not adversely affect the public interest or the character of the surrounding neighborhood. Such evidence shall be heard in the same manner as other variances, and adjoining property owners shall be notified in writing of the Board of Adjustment meeting when the requested will be heard.

4.2.14 MOBILE HOME - REPLACEMENT OF EXISTING MOBILE HOMES

For the purposes of these land development regulations, the phrase existing mobile homes shall mean mobile homes which existed as of the effective date of adoption or amendment of these land development regulations. In those districts which do not permit the erection of new mobile homes but do permit existing mobile homes as a principle use, such existing mobile homes may be removed and replaced by another mobile home, provided:

1. That a period or not greater than six (6) consecutive months elapses between the removal of one (1) mobile home and the erection of another mobile home; and

2. Where a mobile home is removed and is not replaced for a period greater than six (6) consecutive months for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.

4.2.15 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one (1) 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 these land development regulations and to all other regulations and ordinances of the Town.

4.2.16 OFFSTREET PARKING AND LOADING

It is the intent of these land development regulations that the public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be provided with adequate offstreet parking facilities (including in certain specified cases, offstreet parking facilities for the handicapped) for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of these land development regulations that the public interest, welfare, and safety require

that certain uses provide adequate offstreet loading facilities. Such offstreet parking and offstreet loading facilities shall be maintained and continued so long as the main use continues. (For definitions of "loading space, offstreet", "parking space, handicapped", and "parking space, offstreet", see Definitions, Section 2.1).

4.2.16.1 Offstreet Parking and Offstreet Loading: General.

1. Offstreet parking and loading facilities shall be provided as set out in these land development regulations. Conforming buildings and uses existing as of the effective date of these land development regulations may be modernized, altered, or repaired without providing additional offstreet parking or offstreet loading facilities, providing there is no increase in floor area or capacity.

2. Where a conforming building or use existed as of the effective date of these land development regulations and such building or use is enlarged in floor area, volume, capacity, or space occupied, offstreet parking and offstreet loading as specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.

3. Change in use of a building or use existing as of the effective date of these land development regulations shall require additional offstreet parking and/or offstreet loading facilities to the extent that the use shall provide additional parking spaces and/or offstreet loading facilities amounting to the difference between the required number of parking spaces and/or offstreet loading facilities for the new use and the required number of parking spaces for the previous use.

4. The design, construction, and arrangement regulations herein set out for offstreet parking and offstreet loading facilities do not apply to one (1) and two (2) family (duplex) dwellings.

5. Required offstreet 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 offstreet parking requirements.

6. Unless otherwise specified and subject to meeting required landscaped buffer requirements, all required yards may be used for offstreet parking.

4.2.16.2 Offstreet Parking and Offstreet Loading Facilities: Identification, Surfacing, Drainage, Lighting, Access. The required offstreet parking and offstreet loading facilities shall be:

1. Identified as to purpose and location when not clearly evident.

2. Surfaced with (1) inch of Type II asphaltic concreter surface course or the equivalent as approved as meeting standards established by the Town Council and maintained in a smooth, well-graded condition (driveways, access aisles, and parking space for public and private schools offering academic courses may be surfaced with grass or lawn.

3. Drained so as not to cause any nuisance on adjacent property.

4. So lighted as to prevent glare or excessive light on adjacent property.

5. Arranged for convenient access and safety of pedestrians and vehicles.

6. Designed to conform to curb break requirements (see Section 4.2.3).

7. So arranged that no vehicle shall be required to back from such facilities directly onto public streets.

8. Designed to provide curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public right-of-way or adjacent property.

9. Required offstreet parking areas for three (3) or more automobiles shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on a public street or walk, and so that an automobile may be parked and unparked without moving another automobile.

4.2.16.3 Offstreet Parking: Location. The required offstreet parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that the Board of Adjustment may allow the establishment of such offstreet parking facilities within three hundred (300) feet of the premises they are intended to serve when:

1. Practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve;

2. The owner of the said parking area shall enter into a written agreement with the Town Council with enforcement running to the Town Council 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 facilities are required; and

3. The owner agrees to bear the expense of recording the agreement and agrees that the agreement shall be voided by the Town Council if other offstreet facilities are provided in accord with these land development regulations.

4.2.16.4 Offstreet Parking: Dimensional Standards. Each offstreet 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:

	AISLE WIDTH	
Angle of Parking	One Way	Two Way
Parallel	12 ft.	20 ft.
30º	12 ft.	22 ft.
45º	12 ft.	22 ft.
60º	18 ft.	24 ft.
90º	22 ft.	24 ft.

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

4.2.16.5 Offstreet Parking: Handicapped Parking Spaces. Except as otherwise specified herein, required offstreet 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	Number of Required Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. These parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators. (See Section 4.2.2 for additional provisions regarding accessibility for physically handicapped persons.)

4.2.16.6 Offstreet Parking: Plans Required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide offstreet parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the offstreet parking facilities to the uses or structures such facilities are designed to serve.

4.2.16.7 Offstreet parking: Combined Offstreet Parking. Two (2) or more owners or operators of buildings or uses requiring offstreet parking facilities may make collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately. Any arrangement for combined offstreet parking shall be subject to the filing of a legal instrument satisfactory to the

Attorney for the Town Council insuring that such offstreet parking will be maintained in the future so long as a use or uses requiring such offstreet parking continue.

No part of an offstreet parking area required for any building or use shall be included as a part of an offstreet parking area similarly required for another building or use unless the Board of Adjustment shall find that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

4.2.16.8 Offstreet Parking: Fractional Measurements. When units or measurements determining number of required offstreet parking spaces result in requirement of a fractional space, then such fraction equal or greater than one-half (1/2) shall require a full offstreet parking space.

4.2.16.9 Offstreet Parking: Minimum Requirement. Irrespective of any other requirement of these land development regulations, each and every separate individual store, office, or other business shall be provided with at least one (1) offstreet parking space, unless specific provision to the contrary is made herein.

4.2.16.10 Offstreet parking: Landscaping Requirements. Wherever in any zoning district offstreet parking facilities are provided, such offstreet parking facilities shall conform to the minimum landscaping requirements set forth in this section, except that one (1) family and two (2) family (duplex) residential dwellings and multiple-level parking structures shall be exempt from such requirements.

1. Except as otherwise noted herein, a minimum of ten (10) percent of any offstreet parking area shall be landscaped with grass, plants, shrubs, and/or trees. Required landscaping may, in part, be located around the periphery of the offstreet parking area; however, a portion of the required landscaping shall also be located within the interior of the offstreet 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.

2. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least three (3) feet, and shall include at least one (1) tree with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material.

3. The total number of trees shall not be less than one (1) for each two hundred (200) square feet or fraction thereof of required landscaping. Trees shall be a minimum of four (4) feet overall height immediately after planting. Trees shall not be planted closer than six (6) feet to any public street or other public works, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6 x 6 x 6) or equivalent.

4. Required landscaped areas shall be maintained by the property owner and continued so long as the main use continues. Failure to maintain required landscaped area shall be a violation of these land development regulations.

5. See also Section 4.2.25, Visibility at Intersections and Curb Breaks.

4.2.16.11 Offstreet Loading: Specifications, Amounts. Offstreet loading facilities are required by these land development regulations so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys by pedestrians and so that goods, materials, or things for delivery and shipping. Offstreet loading facilities supplied to meet the needs of one (1) use may not be considered as meeting the needs of another use. Offstreet parking facilities may not be used or counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size. Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space.

Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

4.2.16.12 Offstreet Loading: Dimensional Standards. Each offstreet loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

4.2.16.13 Offstreet Loading: Plans Required. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.

4.2.16.14 Offstreet Loading: Combined Offstreet Loading. Collective, joint, or combined provisions for offstreet loading facilities for two (2) or more buildings or uses may be made, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

Any arrangement for combined offstreet loading shall be subject to the filing of a deed restriction satisfactory to the Town Attorney ensuring that such offstreet loading will be maintained in the future so long as a use or uses requiring such offstreet loading continue.

4.2.16.15 Offstreet Loading Requirements. Offstreet loading spaces shall be provided and maintained as follows:

1. Each retail commercial store, service establishment, storage warehouse, wholesale establishment, research or industrial plant, factory, freight terminal, restaurant, dry cleaning and laundry package plant, funeral home, or similar use which has an aggregate floor area of:

Sq. Ft.		Sq. Ft.	Number of Spaces
Over 5,000	But not over	24,999	1
25,000	to	59,999	2
60,000	to	119,999	3
120,000	to	199,999	4
200,000		and over	5

Plus one (1) additional offstreet loading space for each additional ninety thousand (90,000) square feet over two hundred ninety thousand (290,000) square feet or major fraction thereof.

2. For each multiple dwelling unit having at least twenty (20) dwelling units but not over fifty (50) dwelling units: two (2) spaces.

   For each multiple dwelling unit having over fifty (50) dwelling units: two (2) spaces,

   Plus two (2) spaces for each additional fifty (50) dwelling units, or major fraction thereof.

3. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, bank or financial institution, office building, sports arena, stadium, hospital, or similar use which has an aggregate floor area of: Over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet: one (1) space; plus for each additional sixty thousand (60,000) square feet over forty thousand (40,000) square feet or major fraction thereof: one (1) space.

4. For any use not specifically mentioned, the requirements for offstreet loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

4.2.17 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT

Major recreational equipment is hereby defined as including boats and 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 for transporting 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 district, or in any other location not approved for such use. In residential districts, major recreational equipment may be parked or stored in a rear or side yard, but not in a required front yard; provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading

4.2.18 PARKING AND STORAGE OF CERTAIN VEHICLES

In residential districts, automotive vehicles or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings.

4.2.19 PERFORMANCE STANDARDS

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

4.2.19.1 Fire and Explosion Hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.

4.2.19.2 Smoke, Dust, Dirt, Visible Emissions, and Open Burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 17-5 Florida Administrative Code, as amended.

4.2.19.3 Fumes, Vapors, and Gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in Chapter 17-2, Florida Administrative Code.

4.2.19.4 Heat, Cold, Dampness or Movement of Air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the Industrial (I) district, this standard shall be applied at the boundaries of the Industrial (I) district and not at the lot lines of the individual properties located within the Industrial (I) district.

4.2.19.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the Industrial (I) district, this standard shall be applied at the boundaries of the Industrial (I) district and not at the lot lines of the individual properties located within the Industrial (I) district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

4.2.19.6 Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.

4.2.19.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

4.2.20 RAILROAD RIGHT-OF-WAY

Existing railroad right-of-way, but not including switching, freight, or storage yards and railroad buildings or maintenance structures, is a permitted use in all zone districts. Switching, freight, or storage yards and railroad buildings or maintenance structures are permitted only where expressly allowed by these land development regulations.

4.2.21 SIGNS

The provisions of these land development regulations shall govern the sizes, location, and character of signs which may be permitted as a principal or accessory use. No signs shall be permitted in any location except in conformity with these land development regulations.

4.2.21.1 Intent. Signs may unreasonably distract the attention of motorists and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detract from the enjoyment and pleasure in the natural scenic beauty of the areas subject to these land development regulations and, in

turn, injuriously affects the economic wellbeing of the citizenry. Thus, it is the intent of these land development regulations to prevent the uncontrolled erection of signs. The provisions of this section are intended to provide for the regulation of types, sizes, and locations of signs in relation to the identification of various uses and activities on premises, to provide for certain types and locations of off-site signs, and to supplement the regulations set out in the Schedule of District Regulations.

4.2.21.2 Applicability of Other Code or Regulatory Requirements. Signs or other advertising structures shall be constructed and maintained in accordance with the building and electrical codes of the Town, and all other applicable ordinances and regulations of the Town, as well as other, State and Federal rules and regulations.

4.2.21.3 Definitions. Definitions for the purposes of sign regulation under these land development regulations are set out in the definitions section of these land development regulations under Sign, etc. Sections 2.1.

4.2.21.4 Prohibited Signs. It shall be a violation of these land development regulations punishable as provided by these land development regulations, to erect or maintain:

1. Traffic or pedestrian hazard. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of moving vehicles from the traffic movement on streets, roads, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing or revolving red, green, blue, or amber lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

2. Obscenities. Signs which are obscene, indecent, or immoral.

3. Rights-of-Way. Signs erected on the right-of-way of any street, road, or public way, except as specifically provided by these land development regulations.

4. Public property. Signs erected on public property, other than signs erected by a public authority for public purposes, unless otherwise authorized by these land development regulations.

5. Ingress or egress to buildings. Signs so located as to prevent free ingress or egress from any door, window, or fire escape.

6. Yard areas. Signs in required yard areas except as specifically permitted by the terms of these land development regulations.

7. Roof signs. Signs erected, constructed, and maintained wholly upon or over the roof structure.

8. Height. Signs which are higher than eighteen (18) feet from established grade.

9. Glare. Illuminated signs which result in glare or reflection of light on residential property in the surrounding area.

10. Minimum clearance. Canopy, marquee, projecting, or hanging signs with less than a nine (9) feet minimum clearance between the bottom of the sign and the ground surface.

4.2.21.5 Sign Permits. Within areas subject to these land development regulations, it shall be unlawful for any person to erect, maintain or replace any sign not specifically exempted by these land development regulations, without first securing from the Land Development Regulation Administrator a building permit to do so.

4.2.21.6 Exemptions. Except as otherwise provided, the following signs may be erected without a permit, subject however, to all remaining requirements of these land development regulations. All exempt signs may be located within the required front yard, but shall not be located within twenty (20) ft. of any adjacent property line.

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

2. Flags and insignia of any government except when displayed in connection with commercial promotion.

3. Traffic or other municipal, Town, State, or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency, or non-advertising signs. Such signs may be located in or may overhang or infringe upon the right-of-way of streets, roads, or public ways.

4. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

6. Signs within buildings.

7. One (1) "For Sale" or "For Rent" sign per parcel of property, unless such property fronts on more than one (1) street, in which case two (2) signs may be erected, one (1) on each frontage. The size of any such sign shall not be in excess of eight (8) square feet, and such sign shall be removed within one (1) month after the premises have been sold or rented.

8. Occupational signs denoting only the name, street number, and business of an occupant, which do not exceed five (5) square feet in surface area.

4.2.21.7 On-site Signs. Unless otherwise specified in these land development regulations, the following regulations shall govern on-site signs (see Section 2.1 for definition of on-site signs):

1. On-site signs may be erected in any zone district.

2. On-site signs may be located in the required front yard; provided, however that any such sign shall not obstruct visibility at intersections and curb breaks (see Section 4.2.26).

3. On-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.2.21.8 Off-site Signs. Unless otherwise specified in these land development regulations, the following regulations shall govern off-site signs (see Section 2.1 for definition of off-site signs):

1. Off-site signs are prohibited, except where specifically permitted by these land development regulations.

2. Off-site signs may be erected in the required front yard, provided:

   a. Off-site signs shall be no nearer the street right-of-way line than fifteen (15) feet.

   b. No off-site sign shall be erected so as to obstruct visibility at intersections and curb breaks (see Section 4.2.25).

3. Off-site signs may not be erected within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or National forest, or railroad intersection.

4. Off-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.2.22 TRANSITIONAL USE AREA REQUIREMENTS

It is the intent of these requirements to ease the frictions between residential and nonresidential uses by creating a transition area in which certain intensive nonresidential uses are prohibited.

Where a commercial or industrial district adjoins a residential district, along the same frontage and without an intervening street, the following uses shall not be located within one hundred (100) feet of the residential district:

1. Drive-in restaurants or refreshment stands;

2. Bars, taverns, and cocktail lounges;

3. Car washes;

4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junk yards, yards used in whole or in part for scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts; and

5. Bulk storage of flammable liquids or explosives.

4.2.23 TRAVEL TRAILER PARKS AND CAMPGROUNDS

The following regulations apply to the construction and operation of travel trailer parks and campgrounds.

1. Sites in travel trailer parks and campgrounds shall be occupied primarily by travel trailers, pickup coaches, tents, camping trailers, and other vehicular accommodations.

2. Each site in a travel trailer park or campground shall be at least twelve hundred (1,200) square feet in area. No part of a travel trailer or other unit placed on a travel trailer or campground site shall be closer than twenty-five (25) feet to any lot line.

4.2.24 USE OF LAND IN A RESIDENTIAL DISTRICT FOR ACCESS

No land in a residential district shall be used for driveway, walkway, or access purposes to any land which is in a commercial 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.

4.2.25 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

4.2.25.1 Visibility at Intersections. On a corner lot in all zoning districts, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and six (6) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of such intersection.

4.2.25.2 Visibility at Curb Breaks. In all zone districts, where a curb break intersects a public 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) and six (6) ft. within the areas of property on both sides of the curb break formed by the 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 being a line connecting the end of the two (2) other sides.

4.2.25.3 Retaining Walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.

4.2.25.4 Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

4.2.26 YARD ENCROACHMENTS

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these land development regulations:

1. Sills and belt courses may project not over twelve (12) inches into a required yard.

2. Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard.

3. Chimneys, fireplaces, bay windows or pilasters may project not over two (2) feet into a required yard.

4, Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard or not over three (3) feet into a required side yard of a multiple dwelling, hotel, or motel.

5. Hoods, canopies, roof overhangs or marquees may project not over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line.

6. Fences, walls, and hedges are permitted in required yards, subject to the provisions of this Section.

7. Cornices, eaves, or gutters may project not over three (3) feet into a required yard, provided that where the required yard is less than six (6) feet in width, such projection shall not exceed one-half (1/2) of the width of the yard.

8. Except as provided herein, nothing in these land development regulations shall be so construed as to prohibit any type of landscaping or private, nonprofit, gardening on any lot.

4.2.27 SPECIAL RIGHT-OF-WAY REQUIREMENTS

4.2.27.1 For all new arterial and collector roadways extra right-of-way, as provided within the Florida Department of Transportation Bicycle Facilities Planning and Design Manual. Official Standards, Revised Edition, 1982, shall be provided for integrated or parallel bicycle ways or lanes.

4.2.27.2 All new structures shall provide a minimum setback of seventy-five (75) feet as measured from the center line of the right-of-way for new or realigned collector or arterial roads.

4.2.28 HOME OCCUPATION REQUIREMENTS

1. Only one (1) additional 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 (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet distance from the main entrance to the residence;

4. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.

5. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.

6. 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 occupation shall be met off the street and other than in the required front yard.

7. 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 lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

8. For purposes of illustration, the following uses shall not be considered home occupations:
   a. Studio for group instruction;
   b. Dining facility or restaurant;
   c. Antique or gift shop;
   d. Photographic studio;
   e. Outdoor repair;
   f. Food processing;
   g. Retail sales; and
   h. Child care center.

9. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs a.-h. above and all other provisions of these land development regulations:
   a. The giving of individual instruction to one (1) person at a time such as art or music teacher;
   b. Fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home;
   c. Custom dressmaking, seamstress, milliner;
   d. Tutoring for not more than one (1) student at a time;
   e. Answering telephone;
   f. Barber or beauty shop with no more than two (2) chairs; and
   g. Seven (7) professional offices.

10. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

4.2.29 SPECIAL SEPTIC TANK REQUIREMENTS

Existing septic tanks shall be allowed to remain in service until such time as a centralized sanitary sewer service is accessible, conditioned on the following requirements:

1. A building permit shall not be issued for construction of a building or facility where sanitary sewage is proposed to be disposed using an on-site sewage disposal system in an area zoned industrial on the Official Zoning Atlas, or used for industrial or manufacturing purposes, or its equivalent, where the Town's centralized sanitary sewer system is available within one-eighth (1/8) mile of the area used or zoned industrial or manufacturing, or where a likelihood exists that the on-site sewage disposal system may receive toxic, hazardous or industrial waste;
2. An occupational license shall not be issued to the owner or tenant of a building located in an area zoned industrial on the Town's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit from the County Health Department; and
3. A certificate of land development regulation compliance shall not be issued to a new owner or tenant of a building located in an area zoned industrial on the Official Zoning Atlas, or used for industrial or manufacturing purposes, or its equivalent, or who operates a business which has the potential to generate toxic, hazardous or industrial wastewater, when such site is served by an on-site sewage disposal system without first obtaining an annual operating permit for an onsite sewage disposal system from the County Health Department.

4.2.30 PROVISIONS FOR RESIDENTIAL DESIGN MANUFACTURED HOUSING.

Residential Design Manufactured Homes as defined in Section 2.1 shall be installed in accordance with the following:

1. A permanent foundation and anchoring according to Chapter 15c-1.10 of the Florida Administrative Code; and
2. Underfloor area of the home shall be permanently enclosed (e.g. masonry block stem wall).
3. Have all transportation equipment removed.

4.2.31 SPECIAL COMMUNITY RESIDENTIAL HOME REQUIREMENTS

The Town shall facilitate the provision of group homes or foster care facilities as licensed or funded by the Florida Department of Health and Rehabilitative Services within residential areas or areas of residential character.

4.2.31.1 The Town shall permit group homes with six (6) or fewer residents which otherwise meet the definition of a community, as provided in Chapter 419, Florida Statutes, in effect upon adoption of the Comprehensive Plan, as a single-family non-commercial use to be allowed in all residential land use districts provided such homes shall be located within a radius of one thousand (1,000) feet of an existing home of six (6) or fewer residents.

4.2.31.2 The Town shall permit group homes of more than six (6) residents which meet the definition of a community, as provided in Chapter 419, Florida Statutes, within medium and high density residential land use categories. The Town shall approve the siting of a community residential home, unless the Town determines that the siting of the home at the site selected based upon the following criteria:

1. The site selected does not meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
2. The site selected would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. (A home that would be located within a radius of one thousand two hundred (1,200) feet of another existing community residential home shall be considered to be an over concentration of such homes that substantially alters the nature and character of the area. A home that would be located within a radius of five hundred (500) feet of a one (1) family residential district shall be considered to substantially alter the nature and character of the area).

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.3 "CSV" CONSERVATION

4.3.1 DISTRICTS AND INTENT

The "CSV" Conservation category includes one (1) zoning district: CSV. Lands within this district are devoted to the conservation of the unique natural functions. To conserve these lands, no use other than non-intensive resource based recreation activities and native vegetative community restoration shall be permitted.

4.3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Non-intensive resource based recreation activities.
2. Native vegetative community restoration.

4.3.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to non-intensive resource based recreation activities.
2. Examples of permitted accessory uses and structures include:
   a. Forestry stations and scientific stations for the study of the natural resources within the conservation district.
   b. Residential facilities for caretakers.
   c. Boat docks and boat ramps.

4.3.4 PROHIBITED USES AND STRUCTURES

1. Residential uses (excepting forestry stations, scientific stations for the study of the natural resources within the conservation district, and residential facilities caretakers).
2. Any use or structure not specifically, provisionally or by reasonable implication permitted herein or permissible as a special exception.

4.3.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Recreational activities, such as campsites and similar uses.

4.3.6 MINIMUM LOT REQUIREMENTS

None, except to meet other requirements as set out herein.

4.3.7 MINIMUM YARD REQUIREMENTS
(See Section 4.2 for Right-of-Way Setback Requirements.)

Special Provisions:

The location of any structure (except permitted docks, walkways or piers) shall be setback a minimum thirty-five (35) feet from wetlands.

The location of any structure (except permitted docks, walkways or piers) shall be setback a minimum seventy-five (75) feet from the Santa Fe River.

The location of any structure (except permitted docks, walkways or piers) shall be setback a minimum of fifty (50) feet from all other perennial rivers, streams and creeks.

4.3.8 MINIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:
(See Section 4.2.9 - Exclusion from Height Limitations)

35 feet

4.3.9 MINIMUM LOT COVERAGE BY ALL BUILDINGS

None

4.3.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS

None

4.3.11 MINIMUM OFFSTREET PARKING REQUIREMENTS

None

SECTION 4.4 "ESA" ENVIRONMENTALLY SENSITIVE AREAS

4.4.1 DISTRICTS AND INTENT

The "ESA" category includes one zone district: ESA-1. Lands in this district are considered in need of special planning and treatment regarding land development regulation. This is not a preservation district, but land uses permitted within this district are to provide mitigating measures to protect the natural functions of the Town's environmentally sensitive areas, as designated within the Comprehensive Plan, with special emphasis on the planning and treatment of land development within the one-hundred (100) year floodplain of the Suwannee River. These regulations prohibit intensive residential, recreational and agricultural uses and prohibit industrial and non-water dependent commercial development within the one-hundred (100) year floodplain of the areas designated as Environmentally Sensitive Areas.

4.4.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Non-intensive agricultural (see definition of intensive agriculture in Section 2.1) and forestry operations conducted in accordance with Silviculture Best Management Practices Manual, published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, Revision May 1990.
2. Single family dwellings.
3. Mobile homes.
4. Homes of six (6) or fewer residents which otherwise meet the definition of a "Community Residential Facility" (See also Section 4.2).
5. Public resource based recreation facilities.

4.4.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
    a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
    b. Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership; and
    c. Do not involve operations or structures not in keeping with the intent of these land development districts.
2. Examples of permitted accessory uses and structures include:
    a. Private garages.
    b. Docks, ramps, and walkways for residential uses (see Article 14).
    c. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.4.4 PROHIBITED USES AND STRUCTURES

Industrial uses, intensive agricultural uses (see definition of intensive agriculture in Section 2.1), private recreational uses and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.4.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Home occupations.
2. Campgrounds of less than one hundred (100) campsites and not located within two (2) miles from another campground.

4.4.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings and mobile homes:

ESA-1

Minimum lot area	Ten (10) acres (five (5) acres if developed as a Planned Rural Residential Development and an overall density of one (1) dwelling unit per ten (10) acres is maintained on site).
Minimum lot width	400 ft.

Note: Minimum lot areas for any portions of the area designated as environmentally sensitive which is outside of the 100-year flood plain as designed by the Federal Emergency Management Agency, Flood Insurance Rate Map, shall conform with the following requirements:

ESA Minimum lot area:	Five (5) acres (two (2) acres if developed as a Planned Rural Residential Development and an overall density of one (1) dwelling unit per five (5) acres is maintained on site).

2. All other permitted or permissible uses and structures (unless otherwise specified):

Minimum lot area	10 acres
Minimum lot width	400 ft.

4.4.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard) (See Section 4.2. for right-of-way setback requirements.)

All permitted or permissible uses and structures (unless otherwise specified):

Front	30 ft.
Side	25 ft.
Rear	25 ft.

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas. In addition, within the riverine and wetland buffer area, agriculture uses and silviculture uses conducted in accordance with "Silviculture Best Management Practices Manual", Revision May 1990 and "Guidelines for Forested Wetlands in Florida", February 1988, published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, may be allowed.

4.4.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:
(See Section 4.2.9 for exclusions from height limitations)

35 ft.

4.4.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

20%

Note: In addition to providing the required lot yard, building height, lot coverage, landscaped buffering and off street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.4.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS

1. All permitted or permissible uses and structures (unless otherwise specified):

None, except as necessary to meet other requirements as set out herein.

4.4.11 MINIMUM OFFSTREET PARKING REQUIREMENTS

1. Each residential dwelling unit: two (2) spaces for each dwelling unit.

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.5 "A" AGRICULTURAL

4.5.1 DISTRICTS AND INTENT

Lands in this district are intended to provide for areas primarily consisting of agricultural and residential uses consistent with the areas as designated agriculture within the Town's Comprehensive Plan.

4.5.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agricultural activities (but not livestock or poultry slaughterhouses) including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruits and berries, forestry, apiculture, and similar uses; provided that no structure used for housing of animals or any commercial feed lot operation shall be located within three hundred (300) feet of any lot line, and no structure used for housing domestic animals shall be located within one hundred (100) feet of any lot line.
2. The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided that no building used for these activities shall be located within three hundred (300) feet of any side or rear lot line.
3. Single family dwellings.
4. Mobile homes.
5. Plant nurseries and greenhouses.
6. Homes of six (6) or fewer residents which meet the definition of a community residential home. (See also Section 4.2)

4.5.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
   b. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.
   c. Uses and structures which involve operations not in keeping with the character of a rural area.
2. Examples of permitted accessory uses and structures include:
   a. Barns and stables.
   b. Private garages.
   c. Private swimming pools.
   d. On-site signs. (See Section 4.2)
   e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.5.4 PROHIBITED USES AND STRUCTURES

Junk yard or automobile wrecking yard and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.5.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. The processing, storage, and sale of agricultural products and commodities not raised on the premises; provided no building used for these activities located within three hundred (300) feet of any side or rear lot line.
2. Livestock auction arenas.
3. Livestock or poultry slaughterhouses; provided that no building used for these activities shall be located within three hundred (300) feet of any lot line.
4. Sawmills and planing mills; provided that no building used for these activities shall be located within three hundred (300) feet of any lot line.
5. Agricultural equipment and related machinery sales.
6. Agricultural feed and grain packaging, blending, storage, and sales.
7. Agricultural fertilizer storage and sales.
8. Agricultural fairs and fairground activities.
9. Recreational activities such as racetracks and speedways; golf courses; country clubs; tennis and racquet clubs; golf and archery ranges; rifle, shotgun, and pistol ranges; travel trailer parks or campgrounds including day camps; and similar uses.
10. Bottled water plants.
11. Conference centers
12. Explosive manufacturing or storage.
13. Flea Markets
14. Riding or boarding stables provided no building used for housing of animals is located within three hundred (300) feet of a lot line.
15. Drive-in theaters (see Section 4.2 for special design standards).
16. Hospitals, sanitariums, nursing homes, and residential homes for the aged.
17. Commercial kennels, veterinary clinics, and animal shelters provided no open runs or buildings used for housing of animals are located within three hundred (300) feet of any lot line.
18. Group living facilities.
19. Crematories.
20. Airplane landing fields.
21. Child care centers, provided:
    a. No outdoor play activities are conducted before 8 a.m. or after 8 p.m.
    b. Provision is made for offstreet pick-up and drop-off of children.
22. Home occupations (see also Section 4.2).

23. Public or private schools offering curricula comparable to that of public schools. (See Section 4.2)

24. Public buildings and facilities (unless otherwise specified) (see Section 4.2).

25. Off-site signs (See also Section 4.2).

26. Group home care facilities

27. Churches and other houses of worship.

4.5.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings, mobile homes and group living facilities:

Minimum lot area	5 acres
Minimum lot width	275 feet (two (2) acres if developed as a Planned Rural Residential Development and an overall density of one (1) dwelling unit per five (5) acres is maintained on site and have direct access to a county approved road).

Note: Subdivision approved after the effective date of the Land Development Regulations of the Town, shall have direct access to a Town approved road.

2. Other permitted uses and structures (unless otherwise specified):

None, except as necessary to meet other requirements as set out herein.

4.5.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard) (See Section 4.2 for Right-of-Way Setback Requirements.)

1. Permitted uses and structures (unless otherwise specified):

Front	30 feet
Side	25 feet
Rear	50 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas. In addition, within the riverine and wetland buffer area, agriculture uses and silviculture uses conducted in accordance with "Silviculture Best Management Practices Manual", Revision May 1990 and "Guidelines for Forested Wetlands in Florida", February 1988, published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, may be allowed.

4.5.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED: (See also Section 4.2.9 for exceptions)

Unrestricted

4.5.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

20%

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscape buffering, and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.5.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

All permitted uses and structures (unless otherwise specified):

None, except as necessary to meet other requirements as set out herein.

4.5.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high school: four (4) spaces for each classroom or office room plus two (2) space for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) sq. ft. of floor area.
7. Child care centers: one (1) space for each three hundred (300) sq. ft. of floor area devoted to child care activities.
8. Group living facilities: one (1) space for each bedroom.
9. Hospitals: one (1) space for each bed.
10. Sanitariums and nursing homes: one (1) space for each 2 beds.
11. Residential home for the aged: one (1) space for each dwelling unit.
12. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
13. Livestock or poultry slaughterhouse; saw mills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one (1) space for each five hundred (500) square feet of floor area.
14. Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters racetracks and speedways; golf and archery ranges; rifle, shotgun, and pistol ranges; commercial kennels; veterinary clinics; and animal shelters: one (1) space for each three hundred fifty (350) square feet of floor area plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
15. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.6 "RSF" RESIDENTIAL, SINGLE FAMILY

4.6.1 DISTRICTS AND INTENT

The "RSF" Residential, Single Family, category includes three (3) zoning district: RSF-1, RSF-2 and RSF-3. It is the intent of this district to provide for single family areas of low density together with public and semi-public buildings and facilities and accessory structures as may be desirable and compatible with such development, as well as surrounding development within the designated urban development area, as defined within the Comprehensive Plan of the Town. Non-residential uses in this district may be subject to restrictions and requirements necessary to preserve and protect the single family residential character of this district. Variation among the RSF-1, RSF-2 and RSF-3 districts is in requirements for lot area, width and certain yards.

4.6.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Public parks and recreational areas.
3. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential" home. (See also Section 4.2).

4.6.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
    a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
    b. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.
    c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
    d. Do not involve operations or structures not in keeping with the character of single family residential development.
2. Examples of permitted accessory uses and structures include:
    a. Private garages.
    b. Private swimming pools.
    c. Non-commercial greenhouses and plant nurseries.
    d. On-site signs (See Section 4.2).

4.6.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), new mobile homes except as permitted in Section 4.2 and Article 14, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.6.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2)
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by a private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified.
8. Home occupations (See Section 4.2).
9. Child care centers provided:
   a. No outdoor play activities are conducted before 8 a.m. or after 8 p.m.
   b. Provision is made for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.
11. Conference centers.

4.6.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings:

RSF-1	Minimum lot area	20,000 square feet
	Minimum lot width	100 feet
RSF-2	Minimum lot area	10,000 square feet
	Minimum lot width	85 feet

Note: RSF-2 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

RSF-3	Minimum lot area	5,000 square feet
	Minimum lot width	50 feet

Note: RSF-3 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

2. Other permitted uses and structures:

None except as needed to meet other requirements herein set out.

4.6.7 MINIMUM YARD REQUIREMENTS (depth of front and back yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings:

RSF-1	Front:	30 feet
	Side:	15 feet for each side yard
	Rear:	15 feet

RSF-2	Front:	25 feet
	Side:	10 feet for each side yard
	Rear:	15 feet
RSF-3	Front:	20 feet
	Side:	10 feet for each side yard
	Rear:	15 feet

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and other all permitted or permissible uses unless otherwise specified:

Front	35 ft.
Side	25 ft. for each side yard
Rear	35 ft.

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.6.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

35 feet

4.6.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Single family dwellings and duplexes, including their accessory buildings:

   40%

2. Other permitted buildings in connection with permitted uses, including their accessory buildings:

   35%

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscaped buffering and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio. Recreational use shall not exceed 0.5.

4.6.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools): where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall not be less than 10 feet in width along the affected rear and/or side yards as the case may be.

2. Other permitted or permissible uses (unless otherwise specified):

   None, except as necessary to meet other requirements set herein set out herein.

4.6.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Each residential dwelling unit: two (2) spaces.
2. Elementary and middle schools: two (2) spaces for each classroom or office room plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high school: four (4) spaces for each classroom or office room plus two (2) space for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Childcare centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.7 "RSF/MH" RESIDENTIAL, (MIXED) SINGLE FAMILY/MOBILE HOME

4.7.1 DISTRICTS AND INTENT

The "RSF/MH" Residential, (Mixed) Single Family/Mobile Home category includes three (3) zone district: RSF/MH-1, RSF/MH-2, and RSF/MH-3. It is the intent of this district to provide for single family residential areas of low to medium density for single family dwellings and individual mobile homes within the designated urban development area, as defined within the Comprehensive Plan of the Town. In addition to providing for mixed single family/mobile home areas, this district also provides for public and semi-public buildings and facilities and accessory structures as may be desirable and compatible with mixed single family/mobile home residential development. In this district, permitted nonresidential uses and special exceptions may be subject to restrictions and requirements necessary to preserve and protect the single family residential character of this district.

4.7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Mobile home dwellings.
3. Public parks and recreational areas.
4. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential home" (see Section 4. 2).

4.7.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
    a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
    b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
    c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and
    d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
    a. Private garages;
    b. Private swimming pools;
    c. Noncommercial greenhouses and plant nurseries; and
    d. On-site signs (see Section 4.2).

4.7.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), mobile home parks, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.7.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
   a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
   b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.
11. Conference centers.

4.7.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings and mobile homes:

   Minimum site area for single family/mobile home district; 10 acres.

RSF/MH-1	Minimum lot area	20,000 square feet
	Minimum lot width	100 feet
RSF/MH-2	Minimum lot area	10,000 square feet
	Minimum lot width	85 feet

   Note: RSF/MH-2 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

RSF/MH-3	Minimum lot area	5,000 square feet
	Minimum lot width	50 feet

   Note: RSF/MH-3 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

2. Other permitted uses and structures:

   None, except as needed to meet all other requirements herein set out.

4.7.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side of yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings and mobile homes:

RSF/MH-1	Front	30 feet

	Side	15 feet for each side yard
	Rear	15 feet
RSF/MH-2	Front	25 feet
	Side	10 feet for each side yard
	Rear	15 feet
RSF/MH-3	Front	20 feet
	Side	10 feet for each side yard
	Rear	15 feet

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and all other permissible uses unless otherwise specified:

Front	35 ft.
Side	25 ft. for each side yard.
Rear	35 ft.

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.7.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

35 ft.

4.7.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. One family dwellings and duplexes, including their accessory buildings: 40%
2. Other permitted buildings in connection with permitted uses, including their accessory buildings: 35%.

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio. Recreational use shall not exceed 0.5.

4.7.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools):

   Where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall not be less than 10 feet in width along the affected rear and/or side yards as the case may be.

2. All other permitted uses (unless otherwise specified):

   None, except as necessary to meet other requirements set out herein.

4.7.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.7.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOMES

1. Anchoring. Each mobile home shall be located on a stand permitting each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring Mobile Homes. In addition, each mobile home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed unless permanently attached in such a manner that it cannot be readily removed.
2. Skirting. A skirt or apron which is continually and properly maintained by the owner of the mobile home shall surround each mobile home between the bottom of the unit and the ground.

SECTION 4.8 "RMH" RESIDENTIAL, MOBILE HOME

4.8.1 DISTRICTS AND INTENT

The "RMH" Residential, Mobile Home category includes three (3) zone districts: RMH-1, RMH-2, and RMH-3. It is the intent of this district to provide for low to medium density mobile home subdivision development together with public and semi-public buildings and facilities and accessory structures as may be desirable and compatible with such development as well as surrounding development within the designated urban development area, as defined within the Comprehensive Plan of the Town. Non-residential uses in this district may be subject to restrictions and requirements necessary to protect the residential character of this district.

4.8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Mobile homes.
2. Public parks and recreational areas.

4.8.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
    a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
    b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
    c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and
    d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
    a. Private garages;
    b. Private swimming pools;
    c. Noncommercial greenhouses and plant nurseries; and
    d. On-site signs (see Section 4.2).

4.8.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), new single family dwelling units, mobile home parks, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.8.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
   a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
   b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.
11. Conference centers.

4.8.6 MINIMUM LOT REQUIREMENTS (areas, width)

1. Mobile homes:

RMH-1	Minimum lot area	20,000 square feet
	Minimum lot width	100 feet
RMH-2	Minimum lot area	10,000 square feet
	Minimum lot width	85 feet

Note: RMH-2 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

RMH-3	Minimum lot area	5,000 square feet
	Minimum lot width	50 feet

Note: RMH-3 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

2. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.8.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Mobile homes:

RMH-1	Front	30 feet
	Side	15 feet for each side yard.

	Rear	15 feet
RMH-2	Front	25 feet
	Side	15 feet for each side yard.
	Rear	15 feet
RMH-3	Front	20 feet
	Side	10 feet for each side yard.
	Rear	15 feet

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and all other permitted uses unless otherwise specified:

Front	35 feet
Side	25 feet for each side yard.
Rear	35 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.8.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

35 ft.

4.8.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Mobile home dwellings including their accessory buildings: 40%
2. Other permitted building in connection with permitted uses, including their accessory buildings: 35%

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio. Recreational use shall not exceed 0.5.

4.8.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools):

   Where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential /office district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) ft. in width along the affected rear and/or side yards as the case may be.

2. All other permitted uses (unless otherwise specified):

   None, except as necessary to meet other requirements set out herein.

4.8.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary, and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.8.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOMES

1. Anchoring. Each mobile home shall be located on a stand permitting each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring Mobile Homes. In addition, each mobile home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed unless permanently attached in such a manner that it cannot be readily removed.
2. Skirting. A skirt or apron which is continually and properly maintained by the owner of the mobile home shall surround each mobile home, between the bottom of the unit and the ground.

SECTION 4.9 "RMH-P" RESIDENTIAL, MOBILE HOME PARK

4.9.1 DISTRICTS AND INTENT

The "RMH-P" Residential, Mobile Home Park, category includes one (1) zoning district: RMH-P. It is the intent of this district to provide for mobile homes in approved parks, occupied as one family dwellings within designated urban development area, as defined within the Comprehensive Plan of the Town. This is a high density district designed to create an environment of residential character and permitting only those uses, activities, and services which are compatible with the residential environment. The RMH-P district is a residential district and not a commercial district. The minimum size for a mobile home park shall be ten (10) acres to avoid spotty development and to provide enough area for adequate site design.

4.9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Mobile home parks.

   For uses under one (1) above: Site and development plan approval is required (see Article 14).

4.9.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
   b. Are located on the same lot as the permitted or permissible principal use or structure or on a contiguous lot in the same ownership.
   c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
   d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
   a. Private garages.
   b. Private swimming pools and cabanas.
   c. Non-commercial greenhouses and plant nurseries.
   d. Storage rooms.
   e. Mobile home park administrative/management offices and recreational and laundry facilities intended for use solely by the residents of the mobile home park and their guests.
   f. On-site signs (see Section 4.2).

4.9.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, retail commercial outlets, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.9.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Private elementary and middle schools offering curricula comparable to that of public schools.
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries or mausoleums.
5. Private clubs and lodges.
6. Public parks; parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers provided:
   a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
   b. Provision is made for offstreet pick-up and drop-off of children.
10. Conference centers.

4.9.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Mobile home parks:

   Site requirements:

   Minimum site area; 10 acres

   Minimum site width; 400 feet

   Minimum land area per dwelling unit; 5,445 sq. ft.

   Mobile home stand requirements:

   Minimum mobile home stand size; 3,500 sq. ft.

   Minimum average width of mobile home stand; 40 ft.

2. Other permitted or permissible uses and structures:

   None, except as needed to meet other requirements herein set forth.

4.9.7 MINIMUM YARD REQUIREMENTS. (Depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Mobile home parks: (to be applied at site perimeter)

   Front; 35 feet

   Side; 25 feet for each side yard

   Rear; 25 feet

2. No mobile home shall be sited closer than twenty (20) feet to (a) another mobile home or (b) a mobile home park access or circulation drive.

3. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and other permitted or permissible uses unless otherwise specified:

Front;	35 feet
Side;	25 feet for each side yard
Rear;	35 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a fifty (50) foot natural buffer shall be required from perennial rivers, streams and creeks. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.9.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

Thirty-five (35) feet.

4.9.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Mobile home parks including all accessory buildings: 30%
2. Other permitted buildings in connection with permitted or permissible uses, including their accessory buildings: 35%

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of this section, no structure shall exceed 1.0 floor area ratio. Recreational use shall not exceed 0.5.

4.9.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4)

1. Mobile home parks:

   Where erected or expanded on land abutting a one (1) family residential district, the proposed use shall provide a landscaped buffer which shall be not less than fifteen (15) feet in width along the affected rear and/or side yards as the case may be.

2. Churches, other houses of worship, private clubs and lodges, child care centers, public buildings (but not public schools):

   Where a use listed under (2) above is erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

3. Other permitted or permissible uses (unless otherwise specified):

   None, except as necessary to meet other requirements herein set forth.

4.9.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Each residential dwelling unit: two (2) spaces which shall be so located as to provide convenient access to the mobile home and not exceeding a distance of 200 feet from the mobile home it serves.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room plus one (1) space for each three (3) seats in any auditorium or gymnasium.

3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
8. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.9.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOME PARKS

1. Mobile home stands. The following requirements shall apply:
   a. Each mobile home shall be so located on a stand to permit it to be sufficiently supported and anchored in compliance with State Standards for Anchoring Mobile Homes.
   b. Each approved mobile home stand shall be clearly defined by stakes or other markers which physically delineate the location of each stand within the mobile home park.
   c. A skirt or apron shall surround each mobile home between the bottom of the unit and the ground. This skirt or apron shall be continually and properly maintained by the owner of the mobile home.
2. Street or Driveway Improvements. Streets and drives shall be constructed using generally accepted engineering practices so as to allow proper drainage of the entire area and to provide access to each mobile home site.
   a. Pavement base. Six (6) inches of compacted limerock.
   b. Wearing surface. One (1) inch of type II asphalt or concrete surface course or the equivalent as approved as meeting standards established by the Town Council.
   c. Pavement width. All streets shall have a minimum pavement width of twenty (20) feet.
3. Street lighting. Streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 foot candles.
4. Usable open space. A minimum of fifteen (15) percent of the gross land area within the mobile home park shall be designed for recreational purposes.
5. Parking. No parking shall be allowed on any mobile home park access or circulation drive.
6. State regulations. In addition to the requirements listed above, the mobile home park shall comply with applicable rules and regulations of the State of Florida including Chapter 10D-26 of the Florida Administrative Code, as amended.

SECTION 4.10 "RMF" RESIDENTIAL, MULTIPLE FAMILY

4.10.1 DISTRICTS AND INTENT

The "RMF" Residential, Multiple Family, category includes two (2) zoning districts: RMF-1 and RMF-2. It is the intent of these districts to provide for residential areas of medium to high density within designated urban development areas as defined by the Comprehensive Plan of the Town and only when community potable water systems are available and accessible. These zoning districts allow for a desirable variety of housing types together with public and semi-public buildings and facilities and accessory structures as may be compatible with residential development. Non-residential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the residential character of these districts. Variation between the RMF-1 and RMF-2 districts is in requirement for density (land area per dwelling unit).

4.10.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Conventional single family dwellings.
2. Duplex dwellings.
3. Multiple family dwellings.
4. Public parks and recreational areas.
5. Community residential facilities (see Section 2.1)

For uses under (3) above: Site and development plan approval is required for multiple family developments consisting of five (5) or more dwellings or two (2) or more separate buildings (see Article 14).

4.10.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
   b. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.
   c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
   d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
   a. Private garages.
   b. Private swimming pools.
   c. Non-commercial greenhouses and plant nurseries.
   d. For multiple family dwellings: administrative/management offices for the multiple family complex and recreational and laundry facilities intended for use solely by the residents of the multiple family complex and their guests.
   e. On-site signs (see Section 4.2).

4.10.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.10.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools.
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified (see Section 4.2).
8. Home occupations (see also Section 4.2).
9. Child care centers provided:
   a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
   b. Provision is made for offstreet pick-up and drop-off of children.
10. Group living facilities.
11. Nursing homes and residential homes for the aged.
12. Conference centers.

4.10.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings:

   Minimum lot area; 7,500 square feet

   Minimum lot width; 75 feet

2. Duplexes:

   Minimum lot area; 10,000 square feet

   Minimum lot width; 85 feet

3. Multiple family development:

   Minimum site area; 16,335 square feet

   Minimum site width; 80 feet

   Minimum land area per dwelling unit;

   RMF-1: 10,900 square feet

   RMF-2: 5,445 square feet

4. Other permitted or permissible uses and structures:

None, except as needed to meet other requirements herein set forth.

4.10.7 MINIMUM YARD REQUIREMENTS (Depth of front and rear yards, width of side yards.) (See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings, mobile homes, and duplexes:

Front; 20 feet

Side; 10 feet for each side yard.

Rear; 15 feet

2. Multiple family dwellings: (To be applied to site perimeter.)

Front; 30 feet

Side; 15 feet for each side yard.

Rear; 20 feet

Special Provisions; Where two (2) or more multiple family structures are located on one (1) site, no detached residential structure shall be closer than twenty (20) feet to another.

3. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, nursing homes, residential homes for the aged, group living facilities, and other permitted or permissible uses unless otherwise specified:

Front; 35 feet

Side; 25 feet for each side yard.

Rear; 35 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a fifty (50) foot natural buffer shall be required from perennial rivers, streams and creeks. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.10.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.2.9 for exceptions)

45 feet

4.10.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Single family dwellings, including their accessory buildings: 40%

2. Duplexes and multiple family development, including their accessory buildings: 40%

3. Other permitted buildings in connection with permitted or permissible uses, including their accessory buildings: 35%

4.12~~0~~.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (See also Section 4.2)

1. In the RMF-2 district only, multiple family dwellings:

Where a use listed under (1) above is erected or expanded on land abutting a one (1)

family residential district, then the proposed use shall provide a landscaped buffer which shall not be less than fifteen (15) feet in width along the affected rear and/or side yards as the case may be.

2. Churches, other houses of worship, private clubs and lodges, conference centers, child care centers, and public buildings (but not public schools):

   Where a use listed under (2) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

3. Other permitted or permissible uses (unless otherwise specified):

   None, except as necessary to meet other requirements herein set forth.

4.10.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Each residential dwelling unit: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
8. Group living facilities: one (1) space for each bedroom.
9. Nursing homes: one (1) space for each two (2) beds.
10. Residential homes for the aged: one (1) space for each dwelling unit.
11. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.11 "CN" COMMERCIAL, NEIGHBORHOOD

4.11.1 DISTRICTS AND INTENT

The "CN" Commercial, Neighborhood, category includes one (1) zoning district: CN. It is the intent of this district to provide for small scale retail and service developments which serve the convenience needs of a limited population and/or geographic area (i.e., a neighborhood) within both rural and designated urban development areas as defined within the Comprehensive Plan of the Town. In accordance with the Comprehensive Plan, this district is not intended to accommodate major or large scale commercial or service activities. The CN district is intended to be oriented to and compatible with the neighborhood to be served and shall be located on a collector or arterial road.

4.11.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, hardware, and drugs.
2. Service establishments such as barber or beauty shop, shoe repair shop, photographic studio, interior decorator, art, dance or music studio, tailor or dressmaker, real estate services, self-service laundry or dry cleaner, laundry or dry cleaning pick-up station.

   The above uses are subject to the following: (1) floor area of each individual outlet or establishment shall not exceed five thousand (5,000) sq. ft.; (2) sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than twenty percent (20%) of floor area to be devoted to storage; (3) products to be sold only at retail; and (4) site and development plan approval (see Article 14).
3. Lawfully existing conventional residential dwellings at the time of adoption or amendment of these land development regulations.
4. Lawfully existing duplex dwellings at the time of adoption or amendment of these land development regulations.
5. Lawfully existing multiple family dwellings at the time of adoption or amendment of these land development regulations.

4.11.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
2. On-site signs (see Section 4.2)
3. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
   b. Are located on the same lot as the permitted use or structure or on a contiguous lot in the same ownership.
   c. Do not involve operations or structures not in keeping with the character of the district.

4.11.4 PROHIBITED USES AND STRUCTURES

1. Any use or structure not specifically, provisionally, or by reasonable implication permitted herein.
2. New residential uses, except as specified under CN accessory uses.

4.11.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Automotive service and self-serve stations (See Section 4.2 for special design standards for automotive service stations).
2. Child care centers and overnight child care centers provided:
   a. No outdoor play activities are conducted before 8 a.m. or after 8 p.m.
   b. Provision is made for offstreet pick-up and drop-off of children.
3. Financial institutions.
4. Public buildings and facilities.
5. Churches and other houses of worship.
6. Private club and lodges.

4.11.6 MINIMUM LOT REQUIREMENTS (area, width)

None, except as needed to meet other requirements herein set forth.

4.11.7 MINIMUM YARD REQUIREMENTS (Depth of front and rear yard, width of side yards.)
(See Section 4.2 for right-of-way setback requirements.)

1. Commercial and service establishments (unless otherwise specified):

   Front; 25 feet

   Side; 10 feet for each side yard.

   Rear; 15 feet

2. Child care centers and overnight child care centers:

   Front; 20 feet

   Side; 10 feet for each side yard.

   Rear; 15 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.11.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

35 feet.

4.11.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

40%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.11.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer at least twenty (20) feet in width along the affected rear and/or side yards as the case may be.

4.11.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
2. Childcare centers and overnight child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
3. Each residential dwelling unit: two (2) spaces for each dwelling unit.

Note: Offstreet loading required (see Section 4.2).

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.12 "CG" COMMERCIAL, GENERAL

4.12.1 DISTRICTS AND INTENT

The "CG" Commercial, General category includes one (1) zone district: CG. This district is intended for general retail, commercial, office and service activities which serve a market area larger than a neighborhood. While some of the same types of uses are found in Commercial, Neighborhood (CN) area, the Commercial, General (CG) areas are generally greater in scale and intensity. Businesses in this category require locations convenient to automotive traffic and ample off-street parking is required, however; pedestrian traffic may also be found in this district. This district is not suitable for highly automotive-oriented uses and shall be located within designated urban development areas as defined by the Comprehensive Plan of the Town.

4.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, wallpaper, jewelry (including repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennel), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories (but not junk yards or automotive wrecking yards), and similar uses.
2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales), office equipment or furniture, hardware, second-hand merchandise in completely enclosed buildings, and similar uses.
3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, self-service laundry or dry cleaner, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home, radio and television repair shop, appliance repair shop, letter shops and printing establishments, pest control, and similar uses.
5. Medical or dental offices, clinics, and laboratories.
6. Business and professional offices.
7. Newspaper offices.
8. Banks and financial institutions.
9. Professional, business, and technical schools.
10. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
11. Hotels and motels.

12. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable to normal senses from off the premises.

13. Art galleries.

14. Miscellaneous uses such as telephone exchange and commercial parking lots and parking garages.

15. Recovery homes.

16. Residential treatment facilities.

17. Automotive self service station. (See Section 4.2 for special design standards for automotive self-service stations)

Unless otherwise specified, the above uses are subject to the following limitations:

1. Sale, display, preparation, and storage to be conducted within a completely enclosed building, and not more than thirty percent (30%) of the floor space to be devoted to storage;

2. Products to be sold only at retail; and

3. Site and development plan approval (see Article 14) is required for the following uses:

   a. All commercial developments

4.12.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:

   a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;

   b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership; and

   c. Do not involve operations or structures not in keeping with the character of the district.

4.12.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities, except as specifically permitted.

2. Warehousing or storage, except in connection with a permitted use.

3. Off-site signs.

4. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks, and tractors, mobile homes, boats, heavy machinery and equipment, lumber and building supplies, and monuments.

5. Motor vehicle body shop.

6. Any other uses or structures not specifically, provisionally or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor; noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district. Performance standards apply (see Section 4.2).

4.12.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Automotive service stations (see Section 4.2 for special design standards for automotive service stations).
2. Rental of automotive vehicles, trailers and trucks.
3. Package store for sale of alcoholic beverages, bar, tavern or cocktail lounge.
4. Hospitals and nursing homes.
5. Motor bus or other transportation terminals.
6. Child care centers and overnight child care centers, provided:
   a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
   b. Provision is made for areas for offstreet pick-up and drop-off of children.
7. Public buildings and facilities.
8. Residential dwelling units, which existed within this district on the date of adoption or amendment of these land development regulations.
9. Churches and other houses of worship.
10. Private clubs and lodges.

4.12.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted uses and structures (unless otherwise specified):

   None, except as needed to meet other requirements set out herein.

4.12.7 MINIMUM YARD REQUIREMENTS (Depth of front and rear yard, width of side yards.)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted uses and structures (unless otherwise specified):

Front	20 feet
Side	None, except where a side yard is provided, then a side yard of at least 10 feet must be provided.
Rear	15 feet

2. Child care centers and overnight child care centers:

Front	20 feet
Side	10 feet for each side yard.
Rear	15 feet

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.12.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2.9 for exceptions)

35 feet

4.12.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required lot yard, building height, landscaped buffering, and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.12.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

   Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

2. Existing single family dwellings and mobile homes:

   None, except as necessary to meet other requirements set out herein.

4.12.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
2. Commercial establishments selling home furnishings and major appliances, and office equipment and furniture: one (1) space for each five hundred (500) square feet of non-storage floor area.
3. Restaurants: one (1) space for each three (3) seats in public rooms.
4. Funeral homes: one (1) space for each three (3) seats in the chapel.
5. Medical or dental offices, clinics, or laboratories: one (1) space for each one hundred fifty (150) square feet of floor area.
6. Business and professional offices: one (1) space for each two hundred (200) square feet of floor area.
7. Newspaper office: one (1) space for each three hundred fifty (350) square feet of floor area.
8. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
9. Banks and financial institutions: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
10. Professional, business, and technical schools: one (1) space for each two hundred (200) square feet of floor area.
11. Community and little theaters, indoor motion picture theaters: one (1) space for each four (4) seats.

12. Hotels and motels: one (1) space for each sleeping room, plus two (2) spaces for the owner or manager, plus required number of spaces for each accessory use such as restaurant, bar, etc. as specified.
13. Dry cleaning and laundry package plants: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
14. Each residential dwelling unit: two (2) spaces for each dwelling unit.
15. Churches and houses of worship: one (1) space for each six (6) permanent seats in main auditorium.
16. Art galleries: one (1) space for each three hundred (300) square feet of floor area.
17. Dance, art, and music studios: one (1) space for each three hundred fifty (350) square feet of floor area.
18. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
19. Hospitals: one (1) space for each bed.
20. Nursing homes: one (1) space for each bed.
21. Telephone exchange, motor bus or other transportation terminals: one (1) space for each three hundred fifty (350) square feet of floor area.
22. Child care centers and overnight child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
23. Other special exceptions as specified herein: to be determined by findings in the particular case.

Note: Offstreet loading required (see Section 4.2).

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.13 "ILW" INDUSTRIAL, LIGHT AND WAREHOUSING

4.13.1 DISTRICTS AND INTENT

The "ILW" Industrial, Light and Warehousing category includes one (1) zone district: ILW. This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution within the designated urban development areas defined within the Comprehensive Plan of the Town. Service and commercial activities relating to the character of the district and supporting its activities are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district shall not be deemed commercial in character. Regulations for this district are intended to prevent or reduce adverse impacts between the uses in this district, and also to protect nearby residential and commercial districts. Performance standards are applied at lot lines (see Article 14).

4.13.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Wholesaling, warehousing, storage or distribution establishments and similar uses.
2. Research laboratories and activities in completely enclosed buildings.
3. Light manufacturing, assembling, processing (including food processing, but not slaughter houses), packaging or fabricating in completely enclosed building.
4. Printing, lithographing, publishing, photographic processing, blue printing or similar establishments.
5. Outdoor storage yards and lots, provided, this provision shall not permit wrecking yards (including automobile wrecking yards), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.
6. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), and similar uses.
7. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, water softening establishment and similar uses.
8. Service establishments such as crematory.
9. Vocational, technical, trade or industrial schools and similar uses.
10. Medical clinic in connection only with industrial activity.
11. Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and garages, motor bus or truck or other transportation terminal.
12. Radio and television stations.
13. Building trades contractor including on premises storage yard for materials and equipment, but no manufacturing of concrete or asphalt is permitted.

14. Railroad switching, freight, and storage yards; railroad buildings and maintenance structures.

15. All commercial or industrial developments.

4.13.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

2. On-site signs (see Section 4.2).

4.13.4 PROHIBITED USES AND STRUCTURES

Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including the following, which are listed for purposes of emphasis:

1. Petroleum bulk storage and sales.

2. Yards or lots for scrap or salvage operations or for processing, storage, display, or sale of any scrap, salvage, or second-hand building materials and automotive vehicle parts.

3. Wrecking yards (including automotive vehicle wrecking yards) and junk yards.

4. Manufacturing activities not in completely enclosed buildings.

5. Any use not conforming to performance standards of Article 14.

4.13.5 SPECIAL EXCEPTIONS (see also Articles 12 and 13)

1. Off-site signs (see also Section 4.2).

2. Truck stops and automotive service and self-service stations (see Section 4.2 for special design standards for automotive service stations).

3. Public buildings and facilities.

4.13.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted and structures (unless otherwise specified):

Minimum lot area	None
Minimum lot width	None

4.13.7 MINIMUM YARD REQUIREMENTS (Depth of front and rear yard, width of side yard) (See Section 4.2 for right-of-way setback requirements.)

1. All permitted or permissible uses and structures (unless otherwise specified):

Front	20 ft. of which no less than ½ the depth shall be maintained as a landscaped area; the remainder may be used for off-street parking, but not for buildings. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways.
Side and Rear	15 ft. except where railroad spur abuts side or rear property line, in which case no yard is required.

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer areas.

4.13.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (see also Section 4.2.9 for exceptions)

35 feet

4.13.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required lot yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.13.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (see also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than twenty-five (25) feet in width along the affected rear and/or side yards as the case may be.

4.13.11 MINIMUM OFFSTREET PARKING REQUIREMENTS (see also Section 4.2)

1. Warehousing and storage only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; crematories; and similar uses: one (1) space for each three hundred fifty (350) square feet of floor area, plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Restaurants: one (1) space for each three (3) seats in public rooms.
4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one (1) space for each three hundred fifty (350) square feet of floor area.
5. Other permitted uses (unless otherwise specified): one (1) space for each five hundred (500) square feet of floor area.

Note: Offstreet loading required (see Section 4.2).

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 4.14 “PRD" PLANNED RESIDENTIAL DEVELOPMENT

4.14.1 DISTRICTS AND INTENT

The "PRD" Planned Residential Development category. Includes one (1) zone district: "PRD". The purpose of this district is to permit Planned Residential Developments within the designated urban development areas as defined in the Comprehensive Plan of the Town, which are intended to:

1. Encourage the development of planned residential development of land;
2. Encourage flexible and creative concepts of site planning;
3. Preserve the natural amenities of the land by encouraging scenic and functional open areas;
4. Accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
6. Provide a stable environmental character compatible with surrounding areas.

4.14.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Residential dwellings including conventional single family dwellings and duplex dwellings.
2. Public or private schools offering curricula comparable to that of public schools.
3. Churches and other houses of worship.
4. Golf courses, country clubs, and racquet and tennis clubs.
5. Public buildings and facilities.

4.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On-site signs (see also Section 4.2).
2. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
   b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership; and
   c. Do not involve operations or structures not in keeping with the character of the district.

4.14.4 SPECIAL EXCEPTIONS
(See also Articles 12 and 13).

1. Home occupations (see Section 2.1).

4.14.5 DEFINITIONS

In addition to the definitions contained in Article Two, the following terms, phrases, words, and derivations shall have the following meaning:

1. Applicant. Applicant is a landowner or the landowner's agent who files a petition for a zoning amendment to a Planned Residential Development District.

2. Development Plan. Development plan is the proposal for development of a Planned Residential Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of building, density of development, common open space, and public facilities.

3. Common Open Space. Common Open Space is an area of land, or an area of water, or a combination of land and water within the area of a Planned Residential Development in common. Common open space may contain such recreational structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Residential Development.

4. Gross Density. Gross Density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a Planned Residential Development.

5. Net Residential Acreage. Net Residential Acreage is the total number of acres within the perimeter boundaries of a Planned Residential Development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted non-residential uses.

6. Planned Residential Development. Planned Residential Development (PRD) is:

   a. A concept which requires land to be under unified control, planned and developed as a whole in a single development or approved, programed series of developments for dwelling units and related uses and facilities;

   b. A plan which, when adopted, becomes the land development regulations for the land to which it is applied;

   c. Includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and

   d. Is a concept which, when implemented, allows for development according to comprehensive and detailed plans which include not only streets, utilities, building sites, and the like, but also site 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 buildings.

4.14.6 PROCEDURE FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

The procedure for obtaining a change in zoning for the purpose of undertaking a Planned Residential Development shall be as follows:

1. Planned Residential Development Zoning and Preliminary Development Plan Approval. The applicant shall submit to the Land Development Regulation Administrator a request for change to a Planned Residential Development zoning district containing the following exhibits:

   a. A statement of objectives describing:

      (1) The general purpose of the proposed development; and

      (2) The general character of the proposed development.

b. A Vicinity Map showing the location of the proposed Planned Residential Development in relation to:

(1) Surrounding streets and thoroughfares;

(2) Existing zoning on the site and surrounding areas; and

(3) Existing land use on the site and surrounding areas.

The Vicinity Map shall be drawn at a scale to show an area of no less than one thousand (1,000) feet surrounding the property. A greater area may be required if the Planning and Zoning Board determines information on a larger vicinity is needed.

c. A Boundary Survey and legal description of the property.

d. A Topographic Survey from the most recent United States Geological Service topographic survey may be used if more detailed topographic information is not available.

e. A Site Analysis Map at the same scale as the Preliminary Development Plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five (5) percent, areas of soils which are marginally suited for development purposes and tree cover.

f. A Preliminary Development Plan drawn at a scale suitable for presentation, showing:

(1) Proposed land uses;

(2) Lot sizes indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Development Plan concerning proposed lot sizes, including minimum lot sizes; and

(3) Building setbacks defining the distance buildings will be set back from:

(a) Surrounding property lines;

(b) Proposed and existing streets;

(c) Other proposed buildings;

(d) The center line of streams and creeks;

(e) The high water line of lakes; and

(f) Other man-made or natural features which would be affected by building encroachment.

(4) Maximum height of buildings;

(5) Common open spaces;

(6) Arterial and collector streets and thoroughfares;

Local access streets and interior circulation should be shown on the Preliminary Development Plan for Planned Residential Developments which have no planned arterial or collector streets within the projects.

(7) Common outside storage areas; and

(8) Screening, buffering, and landscaped buffer areas.

Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers. For all other perennial rivers, streams and creeks, shown as Environmentally Sensitive Areas on the Future Land Use Plan Map of the Comprehensive Plan of the Town. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer area.

g. A table showing acreage for each category of land use.

h. A statement concerning gross density and net residential acreage (see Section 4.18.5 for definition of gross density and net residential acreage).

i. A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building coverage expressed as a percent of the total site area.

j. A Preliminary Utility Service Plan including sanitary sewers, storm drainage, and potable water supply, showing general locations of major water and sewer lines, plant location, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations, and detailed calculations are not required at this stage.

k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.

2. Processing the Planned Residential Development Zoning Application and Preliminary Development Plan Submittals. When the Land Development Regulation Administrator has received the application and submittals, and is satisfied that the application and submittals are complete, the application shall be processed as any other zoning application in accordance with the provisions of these land development regulations.

The Planning and Zoning Board shall make a recommendation to the Town Council. The Town Council's actions shall be one (1) of the following:

a. Approval as submitted;

b. Conditional approval; or

c. Disapproval.

3. Final Development Plan. If the Preliminary Development Plan for the Planned Residential Development is approved, the applicant shall submit a Final Development Plan covering all or part of the approved Preliminary Development Plan within twelve (12) months to the Land Development Regulation Administrator. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Town Council and the applicant of such date. Such notice to the applicant shall be mailed via certified mail, return receipt requested. If a Final Development Plan is not submitted within this twelve (12) month period or an additional twelve (12) month period granted by the Town Council, the Land Development Regulation Administrator shall cause the Planned Residential Development district to be removed from the Official Zoning Atlas and reinstate the

zoning district in effect prior to approval of the Planned Residential Development. The Town Council may extend this lapse date for a period not to exceed an additional twelve (12) months, provided the request for extension is made in writing to the Land Development Regulation Administrator by the applicant prior to the expiration of the initial approval period.

The Final Development Plan shall include the following exhibits:

a. A statement of objectives:

   (1) The general purpose of the proposed development.

   (2) The general character of the proposed development.

b. A Topographic Map drawn at a scale of one hundred (100) feet to one (1) inch by a surveyor or engineer registered in the state of Florida showing:

   (1) The location of existing private and public property rights-of-way, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, and any public utility easements;

   (2) Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site; and

   (3) Existing contours at intervals of one (1) foot.

c. A Final Development Plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:

   (1) The boundaries of the site, topography, and proposed grading plan;

   (2) Width, location, and names of surrounding streets;

   (3) Surrounding land use;

   (4) Proposed streets and street names and other vehicular and pedestrian circulation systems including offstreet parking;

   (5) The use, size, and location of all proposed building sites; and

   (6) Location and size of common open spaces and public or semi-public areas.

d. A Utility Service Plan showing:

   (1) Existing drainage and sewer lines;

   (2) The disposition of sanitary waste and storm water;

   (3) The source of potable water;

   (4) Location and width of all utility easements or rights-of-way; and

   (5) Plans for the special disposition of stormwater drainage when it appears that said drainage could substantially harm a body of surface water.

e. A Landscaping Plan showing:

   (1) Landscaped areas;

   (2) Location, height, and material for walks, fences, walkways, and other man-made landscape features; and

(3) Any special landscape features such as, but not limited to, man-made lakes, land sculpture, and waterfalls.

f. Statistical information:

(1) Total acreage of the site;

(2) Maximum building coverage expressed as a percent of the area;

(3) Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area; and

(4) Calculated gross density and net residential acreage for the proposed development (see Section 4.18.5 for definition of gross density and net residential acreage)

g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All such legal documents, including homeowners associations and deed restrictions, shall be approved by the Town Attorney before final approval of the plan.

4.14.7 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for any portion of a proposed Planned Residential Development until the Final Development Plan has been approved.

4.14.8 REVISION OF A PLANNED RESIDENTIAL DEVELOPMENT

A proposed substantial change in the approved Preliminary Development Plan which affects the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the Planning and Zoning Board and the Town Council in the same manner as the initial application. A request for a revision of the Preliminary Development Plan shall be supported by a written statement and by revised plans demonstrating the reasons the revisions are necessary or desirable. All revisions to the approved Preliminary Development Plan shall only be approved if they are consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary Development Plan.

Minor changes, and/or deviations from the Preliminary Development Plan which do not affect the intent or character of the development shall be reviewed by the Land Development Regulation Administrator and shall be approved only if they are consistent with the original purpose, intent and overall design and integrity of the approved preliminary development plan.

Upon approval of the revision, the applicant shall make revisions to the plans and submittals and file the revised plans with the Land Development Regulation Administrator within thirty (30) days.

Examples of substantial and minor changes are:

Substantial Changes

1. Perimeter changes.

2. Major street relocation.

3. Change in building height, density, land use patterns, or buffers.

Minor Changes

1. Change in alignment, location, or length of local street.
2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density.
3. Reorientation or slight shifts in building locations.

4.14.9 PLANNED RESIDENTIAL DEVELOPMENT TIME LIMITATIONS

If substantial construction, as determined by the Land Development Regulation Administrator, has not begun within two (2) years after approval of the Final Development Plan, the approval of the Planned Residential Development will lapse. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Town Council and the applicant of such date. Such notice to the applicant shall be mailed via certified mail, return receipt requested. The Town Council may extend the period for beginning construction, at the request of the applicant for a period not to exceed an additional two (2) years, provided the request for extension is made in writing to the Land Development Regulation Administrator prior to the expiration of the initial approval period. If the Planned Residential Development lapses under this provision, the Land Development Regulation Administrator shall cause the Planned Residential Development district to be removed from the Official Zoning Atlas and reinstate the zoning district which was in effect prior to the approval of the Planned Residential Development.

4.14.10 DEVIATION FROM THE FINAL DEVELOPMENT PLAN

Any unapproved deviation from the accepted Final Development Plan shall constitute a breach of agreement between the applicant and the Town Council. Such deviation may cause the Town to immediately revoke the Final Development Plan until such time as the deviations are corrected or become a part of the accepted Final Development Plan.

4.14.11 PHASING

The Town Council may permit or require the phasing of a Planned Residential Development. When provisions for phasing are included in the Final Development Plan, each phase of development shall be so planned and so related to previous development, surrounding properties, and available public facilities and services so that a failure to proceed with subsequent phases of development will have no adverse impact on the Planned Residential Development or surrounding properties.

4.14.12 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1. The minimum size parcel for Planned Residential Development shall be five (5) acres.
2. Conformance with the Comprehensive Plan. Densities for Planned Residential Developments shall be based upon and consistent with the Comprehensive Plan. No Final Development Plan may be approved unless it is in conformance with the Comprehensive Plan.
3. Relationship to Zoning District. An approved Planned Residential Development is a separate zoning district in which the Final Development Plan, as approved, establishes the restrictions and regulations according to which the development shall occur. Upon approval, the Official Zoning Atlas shall be changed to indicate the area as a Planned Residential Development.

4. Residential Density and Housing Types. Any combination of residential density and housing types is permitted for a Planned Residential Development, as long as the overall gross density does not exceed the prescribed total number of dwelling units of the Comprehensive Plan land use classifications contained on the project site.

5. Dimensional and Bulk Restriction. The location of all proposed building sites shall be shown on the Final Development Plan subject to minimum lot sizes, setback lines, lot coverage and floor area specified by the Preliminary Development Plan as approved by the Town Council.

6. Internal Compatibility. All land uses proposed within a Planned Residential Development shall be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility by a Planned Residential Development shall be based on the following factors:

   a. The existence or absence of and the location of common open spaces and recreational areas;

   b. The use of existing and proposed landscaping;

   c. The treatment of pedestrian ways;

   d. The use of topography, physical environment, and other natural features;

   e. The traffic and pedestrian circulation pattern;

   f. The use and variety of building setback lines, separations and buffering;

   g. The use and variety of building groupings;

   h. The use and variety of building sizes;

   i. The separation and buffering of parking areas and sections of parking area;

   j. The variety and design of dwelling types;

   k. The proposed land uses and the conditions and limitations thereon;

   1. The form of ownership proposed for various uses; and

   m. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any proposed use within the Planned Residential Development.

7. External Compatibility. All land uses proposed within a Planned Residential Development shall be compatible with existing and planned uses of properties surrounding the Planned Residential Development; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a Planned Residential Development should be based on the following factors:

   a. All of these factors listed in this Section, with particular attention to those areas of the Planned Residential Development located on or near its perimeter;

   b. The uses proposed near the Planned Residential Development perimeter and the conditions and limitations thereon;

   c. The type, number, and location of surrounding external uses;

d. The Comprehensive Plan designation and zoning on surrounding lands; and

e. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the Planned Residential Development and any existing or planned use of such lands.

8. Intensity of Development. The residential density and intensity of use of a Planned Residential Development shall be compatible with, and shall have no undue adverse impact upon, the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the Comprehensive Plan. Specific densities and intensity of uses within a Planned Residential Development shall be determined based on the following factors:

   a. The locations of various proposed uses within the Planned Residential Development and the degree of compatibility of such uses with each other and with surrounding uses;

   b. The amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the Planned Residential Development;

   c. The existing residential density and intensity of use of surrounding lands;

   d. The availability and location of utility services and public facilities and services;

   e. The amount and size of common open spaces and recreation areas;

   f. The existence and treatment of any environmentally sensitive areas on the Planned Residential Development property or surrounding lands;

   g. The access to and suitability of transportation arteries proposed within the Planned Residential Development and existing external transportation systems and arteries; and

   h. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, safety and welfare.

9. Common Open Space. At least fifteen (15) percent of the area covered by a Final Development Plan shall be usable, common open space owned and operated by the applicant or dedicated to a homeowner association or similar group, provided that in establishing the density per gross acre the Town Council may increase the percentage of common open space in order to carry out the intent and purpose set forth in this Article; and provided that any Planned Residential Development which only consists of one family dwellings with individually deeded lots shall only be required to have five (5) percent usable, common open space. Not more than one-half (1/2) of the total common open space area may be in a flood plain, buffer area, and/or water bodies.

   Special Provision: A minimum thirty-five (35) foot natural buffer shall be required from all wetlands and a seventy-five (75) foot natural buffer shall be required from the Suwannee and Santa Fe Rivers and for all other perennial rivers, streams and creeks shown as Environmentally Sensitive Areas on the Future Land Use Plan Map of the Comprehensive Plan of the Town. For all other perennial rivers, streams and creeks, a fifty (50) foot natural buffer shall be required. The location of any structure (except permitted docks, walkways, and piers) shall be prohibited within these buffer areas, although non-intensive resource based recreation activities shall be permitted within the riverine buffer area.

10. Access and Planning. All streets, thoroughfares, and access ways shall be designed to relate to the traffic circulation plans of the area. Adequate off-street parking shall meet the requirements specified for the uses found in the District Regulations and Section 4.2 of these land development regulations.

11. External Transportation Access. A Planned Residential Development shall provide direct access to, a major street (arterial or collector) unless, due to the size of the Planned Residential Development and the type of uses proposed, it will not adversely affect the traffic on adjoining minor (local) streets.

12. Internal Transportation Access. Every dwelling unit or other use permitted in a Planned Residential Development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed according to Town specifications as found in the Subdivision Regulations (see Article 5). If the Planned Residential Development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group.

13. Perimeter Requirements. Structures, buildings and streets located at the perimeter of the development shall be permanently screened by a landscaped buffer area (see Section 4.2).

14. Control of Area Following Completion. After completion of a Planned Residential Development, the use of the land and/or modification or alteration of any buildings or structures within the area covered by the Final Development Plan shall continue to be regulated in accordance with the approved Final Development Plan except as otherwise provided for herein.

    a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the Land Development Regulation Administrator provided they are substantially consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.

    b. Substantial change in permitted uses, location of buildings, or other specifications of the Final Development Plan may be permitted following public hearing and approval by the Town Council upon receipt of the recommendation of the Planning and Zoning Board, as long as such changes are consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.

ARTICLE FIVE

SUBDIVISION REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE FIVE. SUBDIVISION REGULATIONS

SECTION 5.1 APPENDICES

The appendices set forth in these land development regulations are made a part hereof and shall be used where required by these land development regulations.

SECTION 5.2 POLICY

5.2.1 It is hereby declared to be the policy of the Town Council to consider the subdivision of land and the development of a subdivision plat as subject to the control of the Town Council pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.

5.2.2 Land to be subdivided shall:

1. Aid in the coordination of land development in accordance with orderly physical patterns.
2. Discourage haphazard, premature, uneconomic, or scattered land development.
3. Ensure safe and convenient traffic control.
4. Encourage development of an economically stable and healthful community.
5. Ensure adequate utilities.
6. Prevent periodic and seasonal flooding by providing adequate protective flood control and drainage facilities.
7. Provide public open spaces and/or parks for recreation.
8. Assure land subdivision with installation of adequate and necessary physical improvements.
9. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the subdivider of adequate and necessary physical improvements.
10. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
11. Serve as one (1) of the several instruments of implementation for the Comprehensive Plan.

SECTION 5.3 PURPOSE

It is the intent of these land development regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the residents of the Town.

SECTION 5.4 CONDITIONS

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Town. The subdivider has the duty of compliance with reasonable conditions established by the Town Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

SECTION 5.5 CHARACTER OF THE LAND

Land which the Town Council finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Town Council to solve the problems created by the unsuitable land conditions.

SECTION 5.6 JURISDICTION

5.6.1 These land development regulations shall apply to all subdivisions of land, as defined herein, located within the incorporated area of the Town.

5.6.2 No land shall be subdivided within any area subject to these land development regulations until:

1. The subdivider or his agent has obtained approval of the final plat by the Town Council; and
2. The approved final plat is filed with the Clerk of the Circuit Court of the County.

5.6.3 No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date, of and not in conformity with, the provisions of these land development regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these land development regulations.

SECTION 5.7 MAINTENANCE

Nothing in these land development regulations shall be construed as meaning that the Town Council shall take over for maintenance any road, street, utilities, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the Town Council's requirements and accepted for maintenance by specific action by the Town Council.

SECTION 5.8 PLATS STRADDLING LOCAL GOVERNMENT BOUNDARIES

Whenever access to the subdivision is required across land in another government's jurisdiction, the Town Council may request assurance from that government's attorney that access is legally established, and that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

SECTION 5.9 RESUBDIVISION OF LAND

5.9.1 Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Town Council by the same procedure, rules, and regulations as for a subdivision.

5.9.2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and where such lots could eventually be re-subdivided into smaller building sites, the Town Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 5.10 SELF-IMPOSED RESTRICTIONS

If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by these land development regulations, such restriction or reference thereto shall be indicated on the subdivision plat and/or recorded with the Clerk of the Circuit Court of the County.

SECTION 5.11 SUBDIVISION BY METES AND BOUNDS

The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, shall be subject to all of the requirements of these land development regulations. Such subdivision of a parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease shall be subject to these subdivision regulations where two (2) or more developments which separately do not meet the literal definition of a subdivision but which collectively demonstrate at least one (1) of the following characteristics:

1. The same person has retained or shared control of the parcels within the developments;
2. The same person has ownership or a significant legal or equitable interest in the parcels within the developments;
3. There is common management of the development controlling the form of physical development or disposition of parcels of the development;
4. There is a voluntary sharing of infrastructure that is indicative of common development; or
5. There is a common advertising theme or promotional plan for the parcels within the developments.

SECTION 5.12 SUBDIVISION NAME

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within the Town so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his or her successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The Town Council shall have final authority to approve the names of subdivisions.

SECTION 5.13 VACATION AND ANNULMENT OF PLATS

The vacation and annulment of plats shall be according to Chapter 177, Florida Statutes, as amended. In addition, the Town Council may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision within its jurisdiction including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when:

1. The plat of which subdivision was recorded as provided by law not less than five (5) years before the date of such action, and
2. In which subdivision or part thereof not more than ten (10) percent of the total subdivision area has been sold as lots by the original subdivider or his or her successor in title.

Such action shall be based on a finding by the Town Council that the proposed vacation and reversion to acreage of subdivided land conforms to the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the Town Council shall hold a public hearing thereon with due public notice.

No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access to existing facilities to which such parcel has theretofore had access, provided that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, the Town Council shall conduct proceedings for amending the zoning district designation of such acreage as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

SECTION 5.14 GENERAL PROCEDURE

5.14.1 Preparation of Plats. All preliminary and final plats shall be prepared by a registered surveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The subdivider shall present a letter to the Town Council certifying that he or she has employed a registered surveyor to prepare the plats and if construction plans are required, a registered engineer.

5.14.2 Classification of Subdivisions. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and four (4) steps for a major subdivision (see Section 2.1 for the definition of a major and minor subdivision):

1. Minor Subdivision
    a. Pre-application Conference
    b. Final Subdivision Plat
2. Major Subdivision
    a. Pre-application Conference
    b. Preliminary Plat
    c. Construction Plans
    d. Final Subdivision Plat

5.14.3 Modified Procedure for Minor Subdivisions. Proposed subdivisions meeting the criteria of a minor subdivision as defined by these land development regulations in Section 2.1 shall not have to comply with Sections 5.16 and 5.17. A final plat may be prepared directly following the pre-application conference in accordance with the final plat procedure as outlined in Section 5.18.

SECTION 5.15 PRE-APPLICATION CONFERENCE

The subdivider or his or her representative shall have a pre-application conference with the Land Development Regulation Administrator and other departments or agencies as the case may require, in order that the subdivider may become familiar with the requirements of these land development regulations, and any provisions of the Comprehensive Plan affecting the land in which the proposed subdivision is located.

SECTION 5.16 PRELIMINARY PLAT PROCEDURE.

5.16.1 Step 1 - The subdivider shall submit twelve (12) copies of the preliminary plat materials which have been prepared in accordance with these land development regulations to the Land Development Regulation Administrator.

5.16.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the preliminary plat materials to the Town Attorney, County Road Superintendent, County Health Department, the Water Management District and other appropriate departments or agencies as the case may require for review and comment.

5.16.3 Step 3 - Following review of the materials by the Land Development Regulation Administrator, Town Attorney, County Road Superintendent, County Health Department, Water Management District and other agencies which received copies of the preliminary plat materials, the Planning and Zoning Board shall review the preliminary plat materials at a scheduled meeting as part of a previously prepared agenda to determine conformity with the Comprehensive Plan and these land development regulations. At the meeting, any person may appear in person or by agent. The Planning and Zoning Board shall recommend approval, approval subject to conditions, or disapproval of the preliminary plat to the Town Council. In approving subject to conditions or in disapproving, the reasons for such action shall be stated in writing to the subdivider and the Town Council. Reference shall be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations with which the preliminary plat does not comply.

5.16.4 Step 4 - After review and recommendation of the Planning and Zoning Board, the Town Council shall consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations of the Town with which the preliminary plat does not comply.

5.16.5 The action of the Town Council shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained in the office of the Land Development Regulation Administrator.

5.16.6 Approval of the preliminary plat shall not constitute approval of the final plat. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. Any change in the number and configuration of lots and/or the addition of a new street subsequent to preliminary plat approval shall require the subdivider to re-submit the preliminary plat and follow the procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of twenty-four (24) months, but may be extended by a request from the subdivider and approval of the Town Council for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the subdivider must re-submit the preliminary plat and follow the procedures for approval of the preliminary plat.

5.16.7 For subdivisions presumed to be developments of regional impact, as provided in Chapter 380, Florida Statutes, as amended, and Chapter 28-24, Florida Administration Code, a copy of the preliminary plat and a completed application for development approval shall be submitted to the Town Council, the Regional Planning Agency, and the State Land Planning Agency.

5.16.8 A development order shall not be issued by the Town Council prior to the review and approval of construction plans as provided in Section 5.17 of these land development regulations.

SECTION 5. 17 CONSTRUCTION PLANS PROCEDURES

5.17.1 Step 1 - Either at the time of submission of preliminary plat materials or following preliminary plat approval by the Town Council, the subdivider shall submit twelve (12) copies of the construction plan materials as specified herein to the Land Development Regulation Administrator.

5.17.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the construction plan materials to the County Road Superintendent, Town Attorney, the Town Engineer, the Water Management District and other appropriate departments or agencies as the case may require for review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments or agencies and notify the subdivider of the status of the construction plans.

5.17.3 Step 3 - Following review by these agencies, the Town Council shall consider approval, approval with conditions, or disapproval of the construction plans at its next regularly scheduled meeting as part of a previously prepared agenda. The reasons for approving with conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these or other applicable ordinances or regulations with which the construction plans do not comply.

5.17.4 At this stage, if the proposed subdivision is extensive and the Town Council finds that development in stages is consistent with the intent and purpose of these land development regulations, the Town Council, with the aid of the Land Development Regulation Administrator and appropriate departments shall, if approval of the preliminary plat and construction plans has been given, work out an agreement (or agreements) with the subdivider. This agreement (or agreements) shall include, but not to be limited to, provisions for carrying out the required construction and improvements to completion and the developing of the subdivision in stages.

This agreement (called the Subdivider's Agreement) shall constitute a covenant by the Town Council and the subdivider of the subdivision. The terms and conditions of which shall run with the land and be binding upon all successors in interest to the subdivider.

5.17.5 Approval of the preliminary plat and construction plans by the Town Council is authorization for the subdivider to proceed with site development and the installation of improvements in accordance with the approved construction plans, subject to the approval of other agencies having authority. In the event minor changes or deviations from the approved construction plans are necessary due to requirements caused by actual construction or other necessary causes, the Town Council shall authorize such minor changes or deviations. If minor changes or deviations are authorized, the subdivider shall submit new construction plan materials as specified herein.

SECTION 5.18 FINAL PLAT PROCEDURE.

5.18.1 Step 1 - No less than thirty (30) calendar days following approval of the preliminary plat and construction plans and while the preliminary plat approval is in effect, the subdivider shall submit twelve (12) copies of the final plat for approval to the Land Development Regulation Administrator. The final plat shall include the information required in Section 5.37 of these land development regulations. The final plat shall also be accompanied by the materials required in Section 5.37 of these land development regulations, as well as a copy of any conditions imposed at the time of conditional approval of the preliminary plat or of the construction plans. Also, the final plat shall conform to all applicable provisions of Chapter 177, Florida Statutes.

5.18.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the final plat and materials to the County Health Department, Town Engineer, Town Attorney, the Water Management District and other appropriate departments or agencies as the case may require for review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments and agencies and notify the subdivider of the status of the final plat.

5.18.3 Step 3 - Following review by these agencies, the Town Council shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall conform to the preliminary plat as approved and, at the option of the subdivider, shall constitute only that portion of the approved preliminary plat which he or she proposes to record provided, however, that such portion conforms to these land development regulations. Approval by the Town Council shall not be shown on the final plat until all requirements of these land development regulations have been met and the following conditions have been complied with:

1. Upon completion of the improvements, the Town Council or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the requirements of these land development regulations or a surety device has been posed which meets the requirements of Section 5.39;
2. Upon completion of improvements in the subdivision, the subdivider has submitted three (3) blue line sets and one (1) reproducible set of blue prints showing "as-built" improvements;
3. Subdivider's Agreement as required in Section 5.17.4 of these land development regulations has been entered into by the subdivider and the Town Council;
4. Certificate of the Surveyor has been executed (see Section 5.38 and Appendix A);
5. Certificate of the Subdivider's Engineer has been executed (see Section 5.38 and Appendix A) or a Certificate of Estimated Cost (see Appendix A) has been completed and a surety device has been provided by the subdivider to satisfy the requirements of Section 5.39);
6. Certificate of Approval of the County Health Department has been executed (see Section 5.38 and Appendix A); and
7. Certificate of Approval by the Town Attorney has been executed (see Section 5.38 and Appendix A).

5.18.4 Step 4 - Upon final plat approval by the Town Council, the subdivider shall submit the original and three (3) copies of the approved final plat for execution to the Land Development Regulation Administrator. Upon execution, the subdivider shall take the signed original and one (1) signed copy of the approved final plat to the Clerk of the Circuit Court of the County for recording. The subdivider shall pay all recording costs. Two (2) signed copies of the final plat shall be filed in the office of the Land Development Regulation Administrator.

SECTION 5.19 GENERAL IMPROVEMENTS

Where required by these land development regulations, the subdivider shall grade and improve streets; install sidewalks, street name signs, street lights, fire hydrants, and curbs and gutters, place monuments and corner stakes and install sanitary sewer and water mains and storm water facilities in accordance with the specifications of these land development regulations and any other specifications established by the Town Council. The Town Council may, if conditions warrant such action, require that improvements be designed and constructed to higher standards than are incorporated herein. Required improvements shall be paid for by the subdivider.

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

1. Applicable statutory provisions.

2. The Building Code, and other applicable land development regulations of the County/Town.

3. The Comprehensive Plan in effect at the time of submission.

4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation, the appropriate Water Management District and other appropriate regional, State and Federal agencies.

5. Rules and regulations of the Florida Department of Transportation if the subdivision or any lot · contained therein abuts a State highway or connecting street.

SECTION 5.20 MAINTENANCE AND REPAIR OF REQUIRED IMPROVEMENTS

The subdivider shall maintain and repair all improvements which these land development regulations require the subdivider to construct in the subdivision for a period of one (1) year after the completion of the same. A final plat shall neither be approved by the Town Council nor accepted for filing until the subdivider posts a maintenance bond to cover at least ten (10) percent of the estimated costs of all required improvements for a period of one (1) year (See Appendix A). All defects which occur within one (1) year after completion of all required improvements shall be remedied and corrected at the subdivider's expense.

SECTION 5.21 SUBDIVISIONS LOCATED OUTSIDE THE CORPORATE LIMITS OF MUNICIPALITIES BUT CONNECTED TO MUNICIPAL UTILITIES

Subdivisions which are located outside the corporate limits of any municipality but are to be connected to and serviced by municipal utilities such as water, sewage, and/or natural gas shall meet all the requirements of the applicable sections of these regulations, as well as municipal regulations governing the design, construction, and connection of such utilities.

SECTION 5.22 MONUMENTS

The subdivider shall adhere to the requirements of Chapter 177, Florida Statutes, as amended, regarding the placement of all monuments.

SECTION 5.23 LOT IMPROVEMENTS

5.23.1 Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with these land development regulations of the Town and other applicable regulations and in providing driveway access to buildings on such lots from an approved street.

5.23.2 Dimensions and Design. Lot dimensions, shall comply with any minimum standards as established within any land development regulations of the Town and provided, that the lot length shall not exceed eight (8) times the width of lots. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot plan. The entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area in accordance with approved construction plans (see Article 7 of these land- development regulations).

5.23.3 Double Frontage. Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from existing streets or to overcome specific disadvantages of topography and orientation.

5.23.4 Access. Lots shall not derive access from an existing street except within a minor subdivision.

5.23.5 Corner Stakes. As a minimum, lot corners shall be staked with three-eighths (3/8) or one-half (1/2) inch diameter solid iron bars or pies or suitable concreter monuments with reinforced steel, either of which must be twenty-four (24) inches long and driven so as to be flush with the finished grade.

SECTION 5.24 USE OF SUBDIVIDED LOTS

The proposed use of lots within any subdivision shall comply with those uses permitted by the Comprehensive Plan and these land development regulations. Further, whenever any land in the incorporated area of the Town is subdivided, a building permit for the construction of a residence, commercial building or other principal structure shall not be issued for any such structure on less than a lot as platted within such subdivided land.

SECTION 5.25 PUBLIC PURPOSE SITES

The Town Council may require the dedication to the public of public purpose sites (school sites, parks, playground, or other public areas) as are attributable by the Town Council to the demand created by the subdivision. At the discretion of the Town Council, the subdivider may be required to pay in cash an amount equal to the fair market value of such public purpose sites, said fair market value to be estimated on the basis of platted land without improvements.

SECTION 5.26 STREETS

5.26.1 General Requirements.

1. The arrangements, character, extent, width, grade, and location of all streets shall conform with the Comprehensive Plan, where applicable, and shall be considered in their relations to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of land to be served by such streets. Streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these land development regulations. However, the Town Council may approve private streets when constructed to the specifications of these land development regulations and when adequate provision for initial installation and future private maintenance is made for such streets. In addition, when the Town Council approves private streets, the following statement of limitations shall be entered on the final plat which states; “No government agency, including the government of the Town, shall be responsible for the construction, maintenance, or improvement of any private drive, road, street, easement or right-of-way providing ingress or egress to the property herein conveyed nor shall said government be responsible in any way for the construction, maintenance or improvement of any stormwater management, centralized potable water or sanitary sewer facility”.

2. Work performed under these land development regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and amendments, where applicable, unless stated otherwise herein. These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work, unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these land development regulations.

5.26.2 Street Improvement Schedule. Street improvements shall be provided as required by the following schedule. Improvements shall conform to:

1. STANDARD A, for commercial and industrial subdivisions.
2. STANDARD B, for residential subdivisions where any lot is less than or equal to ten thousand (10,000) square feet.
3. STANDARD C, for residential subdivisions where all lots are greater than ten thousand (10,000) square feet, which provide access to nine (9) or more lots and for all streets in residential subdivisions of fifty (50) or more lots.
4. STANDARD D, for residential subdivisions where all lots are greater than ten thousand (10,000) square feet, which provide access to eight (8) or fewer lots and where there are less than fifty (50) lots within the subdivision.

Where the proposed subdivision includes an existing street, said street shall also be improved as required to conform to this schedule. This requirement shall not apply to any abutting street which is not connected with the proposed subdivision's street system. In addition, where the proposed subdivision provides a new street, which connects with an existing street, the intersection of such streets may be required to be improved to ensure the level of service for the roadways will be maintained.

STANDARD IMPROVEMENT

5.26.2.1 Grading and Centerline Gradients

Standards A, B, C and D: Grading and Centerline Gradients shall be a maximum of eight percent (8%) and a minimum of three-tenths of a percent (.3%) for standard A and B and a maximum of eight percent (8%) (no minimum) for standards C, and D.

5.26.2.2 Arterial Streets

Standards A, B, C and D: Arterial Streets shall be improved as follows: Two (2) twenty-four (24) foot wearing surfaces with twenty (20) foot median. The subdivider shall be required to install the second twenty-four (24) foot wearing surface only in large subdivisions where projected average daily traffic generated on the arterial by the subdivision exceeds seven thousand (7,000) vehicles. Minimum right-of-way shall be one hundred (100) feet.

5.26.2.3 Collector Streets

Standards A, B, C and D: Collector Streets shall be improved as follows:

1. Thirty-six (36) foot wearing surface and minimum right-of-way of eighty (80) feet.

5.26.2.4 Local Streets shall be improved as follows:

1. Standard A: Twenty-four (24) foot wearing surface and minimum right-of-way of sixty (60) feet.
2. Standards B and C: Twenty (20) foot wearing surface and minimum right-of-way of sixty (60) feet.
3. Standard D: Twenty (20) foot pavement base and minimum right-of-way of sixty (60) feet.

5.26.2.5 Marginal Access Streets shall be improved as follows:

1. Standard A: Twenty-four (24) foot wearing surface and minimum right-of-way of sixty (60) feet.

2. Standards B and C: Twenty (20) foot wearing surface and minimum right-of-way of sixty (60) feet.

3. Standard D: Twenty (20) foot pavement base and minimum right-of-way of sixty (60) feet.

5.26.2.6 Curb and gutter (see Appendix A) shall be provided as follows:

1. Standards A and B: Type E or F curb.

2. Standards C and D: Curbs not required.

5.26.2.7 Stabilized Shoulders

Standards C: Stabilized Shoulders shall be required on both sides of all streets not having curb and gutter. Stabilized shoulders shall be six (6) feet in width and constructed as specified for the subgrade (see Section 5.26.2.9) except that they shall be constructed to a compacted thickness of six (6) inches and have a minimum Florida Bearing Value (FBV) of fifty (50).

5.26.2.8 Roadside Swales

Standards C and D: Roadside Swales shall have side slopes and back slopes no steeper than four (4) to one (1). Run-off may be accumulated and carried in the swales in the right-of-way up to but not above the point where flooding of the shoulders or roadside property would occur. Water in excess of this quantity shall be diverted from the roadside swales and carried away by storm sewers or other approved means.

5.26.2.9 Subgrade

Standards A, B, and C: Subgrade shall have a compacted thickness of eight (8) inches, stabilized to a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials D1557). Also where soil classified as AASHO (American Association of State Highway Officials) soil groups A-6 or A-7 are encountered in the subgrade, such materials shall be removed to a minimum depth of eighteen (18) inches below the pavement base and replaced with acceptable material and where soil classified as AASHO (American Association of State Highway Officials) soil group A-8 is encountered, in the subgrade, all such materials shall be removed.

5.26.2.10 Pavement Base shall be improved as follows:

1. Arterial

Standards A, B, and C: Eight (8) inches of compacted limerock or the equivalent, as approved as meeting standards established by the Town Council.

2. Collector, Local, and Marginal Access Streets:

a. Standard A: Eight (8) inches of compacted limerock or the equivalent, as approved as meeting standards established by the Town Council.

b. Standards B and C: Six (6) inches of compacted limerock or the equivalent, as approved as meeting standards established by the Town Council.

c. Standard D: Six (6) inches of compacted limerock shall be constructed above the subgrade and stabilized to have a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials (D1557).

5.26.2.11 Wearing Surface shall be improved as follows:

1. Arterials

   Standards A, B, C and D: One and one-half (1 1/2) inches of Type I asphaltic concrete surface course.

2. Collector, Local, and Marginal Access Streets:

   a. Standard A: One and one-fourth (1 1/4) inch of Type I asphaltic concrete surface course or the equivalent, as approved as meeting standards established by the Town Council.

   b. Standards B and C: One and one-fourth (1 1/4) inch of Type I or S III asphaltic concrete surface course or the equivalent, as approved as meeting standards established by the Town Council.

   b. Standard D: Wearing surface is not required.

5.26.2.12 Grassing

Standards A, B C and D: Grassing shall be provided as follows:

1. Seeding and mulching shall be performed on all areas within the right-of-way, except for that part of the right-of-way covered by a wearing surface or, where these land development regulations do not require a wearing surface, that part covered by the pavement base.

2. Sodding may be required in areas of high erosion potential.

5.26.2.13 Concrete Sidewalks are not required unless, in the opinion of the Town Council, pedestrian traffic will justify the installation of sidewalks as a safety precaution.

If sidewalks are required, they shall be installed by the subdivider, provide curb cuts for bicycles and handicapped access, and constructed at least five (5) feet wide and four (4) inches thick.

5.26.2.14 Quality Control. The subdivider shall be required to have a qualified soils and materials testing laboratory certify to the Town Council that all materials and improvements entering into the completed work are in compliance with these land development regulations. All costs shall be borne by the subdivider and copies of the test results shall be submitted to the Town Council with the final plat. There shall be a minimum of one (1) density test on subgrade and base for every one thousand (1,000) square yards each. In addition, there shall be a minimum of one (1) Florida Bearing Value Test (FBV) for every one-thousand (1,000) square yards of the subgrade.

5.26.3 Design Standards.

5.26.3.1 Topography and Arrangement.

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to place as many building sites as possible at or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

2. Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

3. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such configuration will result in a more desirable layout.

4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Council, such extension is neither necessary nor desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.

5. In commercial and industrial development, the streets and other accessway shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

5.26.3.2 Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to existing streets, railroads, or waterways.

2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet, nor be less than four hundred (400) feet in length.

3. In long blocks, the Town Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

   Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Town Council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

5.26.3.3 Access to Existing Streets. Where a subdivision borders on or contains an existing street, the Town Council shall require that access to such streets be limited by one (1) of the following means:

1. The subdivision of lots so as to back onto the existing street; no access shall be provided from the existing street and screening shall be provided in a strip of land along the rear property line of such lots.

2. A marginal access street separated from the existing street by a grass strip and having access thereto at suitable points.

3. A series of cul-de-sacs, or u-shaped streets, entered from and designed generally at right angles to the existing street. Each proposed roadway or street shall be located no less than one thousand (1,000) feet apart where such streets connect with the existing street.

5.26.3.4 Street Names. The following standards shall be followed in establishing street names:

1. No two (2) streets shall have the same name.
2. Streets in a proposed subdivision which are extensions of existing streets shall have the same name as the existing street.
3. No street names shall be used which will duplicate or be confused with the names of existing or other proposed streets.
4. All street names shall conform to the Town's street naming and addressing system.
5. The Town Council shall have final authority to approve the names of all streets.

5.26.3.5 Road and Street Signs.

1. Road and Street Signs. Road and street signs are traffic control signs such as stop signs, speed limit signs, etc. for all subdivisions, all road and street signs shall be designed in number and location to meet Florida Department of Transportation standards and shall be shown on the preliminary plat. Prior to approval of the final plat, the subdivider shall install such road and street signage as approved by the Town Council body and shall maintain and repair such signage as provided for in Section 5.20 herein. In lieu of installation of such signage prior to the approval of the final plat, the posting of a surety device in accordance with Section 5.39 herein shall be filed, approved and accepted by the Town Council.
2. Street Name Signs. Street name signs are signs within a subdivision which identify street names. Street name signs shall be placed, by the subdivider, at all intersections within or abutting the subdivision, the type and location of which to be approved by the Town Council shall be submitted as part of the preliminary plat and shall conform to the Town's street naming and addressing system.

5.26.3.6 Street Lights. Installation of street lights is not required unless, the Town Council determines that the public's safety justifies the installation of street lights. If street lights are required, they shall be installed by the subdivider and constructed according to the standards of the Town Council.

5.26.3.7 Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to such street from property adjacent to the proposed subdivision.

5.26.3.8 Construction of Roads and Dead-End Streets.

1. Construction of Roads. The arrangement of streets shall provide for the continuation of arterial and/or collector streets between the proposed subdivision and adjacent properties when such continuation is necessary to convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan.

   If the property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street (a street planned for future continuation), the street right-of-way shall be extended to the property line of the proposed subdivision. All stub streets which are two hundred fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred fifty (250) feet shall have a temporary cul-de-sac turnabout.

There shall be a notation on the final plat that land used for a temporary T- or L-shaped cul-de-sac or turnabout which is outside the normal street right-of-way shall revert to abutting land owners whenever the street is continued. The subdivider of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street. The Town Council may limit the length of temporary stub streets in accordance with the design standards of these land development regulations.

2. Dead-End Streets. Dead-end streets are not permitted in any proposed subdivision under these land development regulations. For purposes of these land development regulations, stub streets (streets planned for future continuation) are not to be considered dead-end streets.

5.26.3.9 Cul-de-sac Streets. Cul-de-sacs shall be provided with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one-hundred (100) feet (see Appendix A). Cul-de-sacs shall have a maximum length of one thousand three hundred and twenty (1,320) feet including the turnaround.

5.26.3.10 Intersections.

1. Streets shall be laid out so as to intersect as nearly as possible at right angles (see Appendix A). A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one- hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one (1) point unless specifically approved by the Town Council.

2. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted (see Appendix A). Where proposed streets intersect major streets, their alignment shall be continuous.

3. Minimum curb radii at the intersection of two (2) local streets shall be at least twenty (20) feet, and a minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

5.26.3.11 Widening and Realignment of Existing Roads. Where a subdivision borders on an existing street or when the Comprehensive Plan or land development regulations, or other local, regional or State agency plan or program indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate at his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be dedicated by the subdivider at his or her own expense to the full width as required by these land development regulations.

SECTION 5.27 STORMWATER MANAGEMENT AND FLOOD PROTECTION REQUIREMENTS (Refer to Articles 7 and 8 of these land development regulations).

SECTION 5.28 SANITARY SEWER

5.28.1 Where a publicly-owned sanitary sewer system is available and reasonably accessible as determined by the Town Council, the subdivider shall provide sanitary sewer services to each lot within the subdivision. All sewer lines serving lots within the subdivision shall be designed to operate on a gravity flow basis wherever possible. If a wearing surface (see Section 5.26.2.11) and sanitary sewer lines are required, all sewer lines shall be installed by the subdivider prior to the paving of the street.

5.28.2 Where lots cannot be served by the extension of an existing publicly-owned sanitary sewer, an alternate method of sewage disposal for each lot may be used in compliance with all applicable standards of the County Health Department, the Florida Department of Health and Rehabilitative Services, the Florida Department of Environmental Regulation and any other regional, State or Federal agency, as applicable. Alternative methods of sewage disposal shall be so installed as to simplify later connections to a publicly-owned sanitary sewer system as service becomes available.

5.28.3 The subdivider must furnish written proof to the Town Council which shows that provisions for sanitary sewage disposal of the entire subdivision meets with the approval of the County Health Department. Preliminary plat and construction plan approval shall not be given until this condition has been met.

SECTION 5.29 WATER SUPPLY

5.29.1 Where a publicly-owned water supply is available and within a reasonable distance as determined by the Town Council the subdivider shall provide a system of water mains and shall connect the system to such supply. If a wearing surface (see Section 5.26.2.11) and water mains are required, all water lines shall be installed by the subdivider prior to the paving of the street.

5.29.2 Where no publicly-owned water supply is available within a reasonable distance, an alternate supply may be used when in compliance with all applicable standards of the County Health Department, the Florida Department of Health and Rehabilitative Services, the Water Management District and the Florida Department of Environmental Regulation.

5.29.3 The subdivider must furnish written proof to the Town Council which shows that provisions for water supply of the entire subdivision meet with the approval of the County Health Department. Preliminary plat and construction plan approval shall not be given until this condition has been met.

5.29.4 Fire protection improvements shall be provided when the subdivision is connected to a publicly-owned water system and shall include the installation of fire hydrants to water mains with a minimum pipe size of six (6) inches in diameter.

If fire protection improvements are required, then fire hydrants shall be located no more than one-thousand (1,000) feet apart and within five hundred (500) feet of each lot. Also, the distribution system shall be capable of delivering, in addition to domestic requirements of residual pressures of not less than twenty (20) pounds per square inch and fire flows of at least five hundred (500) gallons per minute.

SECTION 5.30 WATER AND SANITARY SEWER SYSTEMS

New central water and sanitary sewer systems where required by the Comprehensive Plan shall be designed by a Florida registered engineer in accordance with all applicable regulations of the County Health Department, the Florida Department of Environmental Regulation, the Water Management District, and the Florida Department of Health and Rehabilitative Services.

SECTION 5.31 UTILITIES

5.31.1 Location. Utility location within the road right-of-way shall be shown in Appendix A.

5.31.2 Easements. Normally, utility easements across lots or centered on rear or side lot lines will not be permitted. Where, due to topography or other circumstances beyond the control of the subdivider, such easements are deemed by the Town Council to be necessary to the reasonable development of the property, such easements shall be at least fifteen (15) feet wide and centered as near as practical between the lots.

SECTION 5.32 PRELIMINARY PLAT SPECIFICATIONS

The preliminary plat shall be drawn clearly and legibly at a scale of at least one (1) inch equals two hundred (200) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches, reserving a three (3) inch binding margin on the left side and one half (1/2) inch margin on the other three sides (see Appendix A). If more than one (1) sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

Twelve (12) sets of the preliminary plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.16 of these land development regulations.

SECTION 5.33 REQUIRED INFORMATION ON PRELIMINARY PLAT

The preliminary plat shall contain the following information.

1. Proposed name of subdivision, and existing name if re-subdivision is proposed.
2. Name, address, and telephone number of the subdivider and agent of the subdivider.
3. Name, address, telephone number, and registration number of surveyor and engineer.
4. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
5. Existing contours at five (5) foot intervals based on U.S. Coastal and Geodetic Datum for the tract to be subdivided and extending twenty-five (25) feet beyond the tract boundary.
6. Vicinity map showing location with respect to existing roads, landmarks, section lines and quarter section lines, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but not less than one (1) inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map.
7. Boundary line of the tract, by bearing and distance, drawn by a heavy line.
8. Legal description of the tract to be subdivided.
9. Names of owners of adjoining land with their approximate acreage or, if developed, names of abutting subdivisions.
10. Existing streets, utilities, and easements on and adjacent to the tract, including the name, purpose, location, and size of each and the invert elevation of sewers.
11. Other existing improvements including buildings on or adjacent to the tract.
12. Preliminary layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings.
13. Block letters and lot numbers, lot lines, and scaled dimensions.
14. Zoning district boundaries on and abutting the tract.

15. Proposed method of water supply, sewage disposal, drainage, and street lighting.

16. Minimum building front yard setback lines as required by these land development regulations.

17. Typical street cross-sections for each street type and the location of all road and street signs and street name signs as required within these land development regulations shall also be noted on a separate sheet.

18. Natural features, including lakes, marshes or swamps, water courses, wooded areas, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency, official flood maps.

19. Surface drainage and direction of flow and method of disposition and retention indicated.

20. Soil survey map.

21. Subsurface conditions of the tract showing: subsurface soil, rock and ground water conditions, location and results of soil percolation tests, and location and extent of muck pockets.

22. Existing and proposed covenants and restrictions.

23. Inscription stating "NOT FOR FINAL RECORDING".

24. Any other information that may be considered necessary by either the subdivider, the Planning and Zoning Board or the Town Council for full and proper consideration of the proposed subdivision.

SECTION 5.34 CONSTRUCTION PLAN SPECIFICATIONS

Plans for the required improvements shall be prepared for the approval of the Town Council prior to construction and either at the time of submission of the preliminary plat or after approval of the preliminary plat. The subdivider shall submit twelve (12) copies of the construction plan materials as specified in Section Five of these land development regulations to the Administrator. Construction plans shall show the proposed locations, sizes, grades, and general design features of each facility.

5.34.1 Required Materials for Submission. Twelve (12) sets of construction plans and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.17 of these land development regulations.

5.34.2 Plans Specifications. Construction plans shall be drawn to a scale of one (1) inch represents fifty (50) feet or larger and shall consist of the following:

1. A topographic map of the subdivision with a maximum contour interval of one (1) foot where overall slopes are zero (0) percent to two (2) percent, two (2) feet where slopes are over two (2) percent, based on U.S. Coast and Geodetic Datum. This topographic map shall be prepared by a land surveyor.

2. A contour drainage map of the basins within the proposed subdivision, with the size of each basin shown in acres. The outlines and sizes, in acres, of all existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each drainage area shall be clearly delineated. Flow paths shall be indicated throughout, including any final outfalls from the subdivision and basins. Existing and proposed structures affecting the drainage shall be shown.

3. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage structures, and other proposed subdivision improvements.

4. Plans and profiles for all proposed streets and curbs are required. Where proposed streets intersect existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of three hundred (300) feet from point of intersection.

5. Plans of any proposed water distribution system and sanitary sewer collection system showing pipe sizes and location of valves, pumping stations and fire hydrants, where the installation of such facilities are required by these land development regulations.

6. Plans for all road and street signs and street name signs showing the location of such signage and any other traffic safety control devices which is required or proposed. In addition, the specifications for such signage shall be provided as part of this plan, which shall detail in diagram form as necessary the size, material, color, and specifications for installation of such signage.

7. Other information on the construction plans as may be required by the Town Council.

SECTION 5.35 SUBDIVIDER'S AGREEMENT

The subdivider's agreement, required in Section 5.17.4, shall specify the following:

1. The work to be done, and the time specified therefore, by the subdivider.

2. The variances, if any, approved by the Town Council to standard requirements (see Article 12 of these land development regulations).

3. The participation in the development, if any, by the Town Council and the time for completion of such work.

4. The lien, if any, imposed upon the land of the subdivider for any work performed by the Town Council.

5. The conveyance by the subdivider to the Town of all required water, sanitary sewer, and storm sewer lines installed within dedicated public right-of-way.

6. The agreement of the subdivider to maintain and repair all improvements which these land development regulations require the subdivider to install in the subdivision for a period of one (1) year after completion of the same.

SECTION 5.36 FINAL PLAT SPECIFICATIONS

The final plat shall be drawn clearly and legibly in ink at a scale of at least one (1) inch equals two hundred (200) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches. Each sheet shall be drawn with a marginal line completely around the sheet and placed so as to leave a three (3) inch binding margin on the left side and a one-half (½) inch margin on the other three (3) sides (see Appendix A). If more than one (1) sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

Twelve (12) sets of the final plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.18 of these land development regulations.

SECTION 5.37 REQUIRED INFORMATION ON FINAL PLAT

1. Name of subdivision shall be shown in bold legible letters, as stated in Chapter 177, Florida Statutes, as amended. The name of the subdivision shall be shown on each sheet included and shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended," etc.

2. Name and address of subdivider.

3. North arrow, graphic scale, and date of plat drawing.

4. Vicinity map showing location with respect to existing streets, landmarks, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but not less than one (1) inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map.
5. Exact boundary line of the tract, determined by a field survey, giving distances to the nearest one/one hundredth (1/100) foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one (1) in five thousand (5,000).
6. Legal description of the tract.
7. Names of owners of adjoining lands with their approximate acreage or, if developed, names of abutting subdivisions.
8. Location of streams, lakes and swamps, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency, official flood maps.
9. Bearing and distance to permanent points on the nearest existing street lines of bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
10. Municipal and County lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
11. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
12. Location, dimensions, and purposes of any land reserved or dedicated for public use.
13. Exact locations, width, and names of all streets within and immediately adjoining the new subdivision.
14. Street right-of-way lines shall show deflection angles of intersection, radii, and lines of tangents.
15. Lot lines shall be shown with dimensions to the nearest one/one hundredth (1/100) foot and bearings.
16. Lots shall be numbered in numerical order and blocks lettered alphabetically.
17. Accurate location and description of monuments and markers.
18. Minimum building front yard setback lines as required by these land development regulations.
19. Reference to recorded subdivision plats of adjoining platted land shall be shown by recorded names, plat book, and page number.
20. Covenants and restrictions.

SECTION 5.38 SIGNED CERTIFICATES

The following certificates shall appear on the final plat. Certificates listed within this section shall be properly signed before the final plat is submitted to the Town Council and the Certificate of Approval by the Town Council shall be properly signed after the final plat is approved by the Town Council (see Appendix A).

1. Certificate of Surveyor.
2. Certificate of the Subdivider's Engineer.
3. Certificate of Approval by the Town Health Department.
4. Certificate of Approval by the Attorney for the Town.

5. Certificate of Approval by the Town Council

SECTION 5.39 BONDING IN LIEU OF COMPLETED IMPROVEMENTS

A final plat shall neither be approved by the Town Council nor accepted for filing until the improvements required by these land development regulations have been constructed in a satisfactory manner or, in lieu of such construction, the posting of a surety device. Such surety, in the form of a surety bond, performance bond, escrow agreement, or other collateral (the form of which to be approved the attorney for the Town) shall be filed with Town Council. Such surety shall:

5.39.1 Cover at least one hundred and ten (110) percent of the estimated cost of all required improvements such as streets, drainage, fill, and other public improvements with estimated costs provided by the subdivider's engineer. A certificate of the estimated cost shall appear on the final plat (see Appendix A). This certificate shall be properly signed before the final plat is submitted to the Town Council. This estimated cost shall represent the total estimated cost of installing all required improvements. Such estimate shall be prepared by a registered engineer. As an alternative to the above, bids of two (2) licensed contractors or a copy of all executed contracts for the installation of the above mentioned improvements may be submitted.

5.39.2 Be conditioned upon the faithful performance by the subdivider of all work required to complete all improvements and installations for the subdivision or unit division thereof, in compliance with these land development regulations and within a specified time as determined between the subdivider and the Town Council.

5.39.3 Be payable to, and for the indemnification of the Town Council.

SECTION 5.40 OTHER DOCUMENTS REQUIRED ON THE FINAL PLAT

5.40.1 Dedication. A dedication to the public by the owners of the land involved of all streets, drainage easements, and other rights-of-way however designated and shown on the plat for perpetual use for public purposes, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of public right-of-way.

5.40.2 Certificate of Payment of Taxes. Certification that all payable taxes have been paid and all tax sales against the land redeemed.

5.40.3 Certificate of Title and Encumbrances. Title certification as required by Chapter 177, Florida Statutes.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SIX

PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELLFIELD REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SIX. PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELLFIELD REGULATIONS

SECTION 6.1 PRIME NATURAL GROUNDWATER AQUIFER RECHARGE PROTECTION

6.1.1 Prime Natural Groundwater Aquifer Recharge Areas. For the purposes of these land development regulations, such recharge areas shall be as identified by the Water Management District and as shown in the Comprehensive Plan of the Town and on the Official Zoning Atlas of these land development regulations, upon such identification by the Water Management District.

6.1.2 Prime Natural Groundwater Aquifer Recharge Area Requirements. Within the areas designated as Prime Natural Groundwater Aquifer Recharge Areas, proposed development shall comply with the following:

1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter 17-28, Florida Administrative Code, as amended. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in Article 7 herein;

2. Well construction, modification, or closure shall be regulated in accordance with the criteria established by the Water Management District and the Florida Department of Health and Rehabilitative Services. Construction or modification of a permitted well with a capacity of one-hundred thousand (100,000) gallons per day or more may be allowed in the surficial, intermediate or Florida Aquifer System after a determination by the Planning and Zoning Board that the construction and use will not directly or indirectly degrade water quality in the Floridian Aquifer System;

3. Abandoned wells shall be closed in accordance with the criteria established by Chapter 17-28, Florida Administrative Code, as amended;

4. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations (or as listed in Chapter 442, Florida Statutes, as amended), to the soils, groundwater, or surfacewater of any Prime Natural Groundwater Aquifer Recharge Area;

5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system, within any prime natural groundwater recharge area, except as necessary for maintenance or testing of those components; and

6. Landfill and storage facilities for hazardous/toxic wastes shall also require approval as a special exception by the Board of Adjustment as required in Article 12 of these land development regulations.

6.1.3 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Prime Natural Groundwater Aquifer Recharge Area, shall at the time of any transfer of interest in such property, create in any deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for prime natural groundwater aquifer recharge area protection of these land development regulations.

SECTION 6.2 POTABLE WATER WELLFIELD PROTECTION

6.2.1 Wellfield Management Zone. A wellfield protection area shall be established as a minimum of three-hundred (300) feet around community water facility wellheads as identified in the Comprehensive Plan. The following standards shall apply for the issuance of development orders for structures or uses within the Wellfield Management Zone:

6.2.1.1 New Uses. No new uses of land shall be permitted which require or involve storage, use or manufacture of regulated materials as defined in Section 2.1 herein.

6.2.1.2 Limitation on New Wells. No new wells shall be permitted or contracted in a surficial intermediate, or Floridan Aquifer System. Exemptions as approved by the Town Council after a recommendation has been provided to the Town Council by the Planning and Zoning Board, may be granted on a case by case basis and shall be limited to:

1. Wells constructed by the Town, a Community Water Association or their contractor as part of a monitoring system surrounding the wellfield. New construction or repair of the wellfield production wells or other well construction or modification required in the operations of the Town or Community Water Association water treatment plant.

2. Wells constructed as part of a Town Department of Environmental Regulation-approved contaminant assessment/remediation plan where ground water contamination has been identified or is suspected.

3. Wells constructed for private water supply in locations where the cost of connection to a public water utility would exceed the cost of the proposed private supply well and pumping system by a factor of two and one-half (2 1/2) times.

4. Geotechnical borings constructed in the surficial aquifer system.

6.2.1.3 Discharge Prohibited. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations, or within Chapter 442, Florida Statutes, as amended, to the soils, groundwater, or surface water of any Wellfield Management Zone.

6.2.1.4 Landfills Prohibited. New sanitary landfills, as defined by Chapter 17-7, Florida Administrative Code, as amended, shall be prohibited within Wellfield Management Zones.

6.2.1.5 Limitation of Septic Tanks. New septic tank waste water treatment systems shall be prohibited within Wellfield Management Zones, except where the cost of connection of a public waste water utility would exceed the cost of the proposed septic tank and installation by a factor of two and one-half (2 1/2) times or where no public sanitary sewer system is available.

6.2.1.6 Sanitary Sewer Plants Prohibited. New domestic and/or industrial waste water treatment facilities shall be prohibited within Wellfield Management Zones.

6.2.1.7 Transportation of Regulated Materials. Transportation of regulated materials is prohibited within the Wellfield Management Zone, except local traffic serving facilities within the Wellfield Management Zone.

6.2.1.8 Material Exemptions. The Town Council, after the request has been heard and a recommendation provided to the Town Council by the Planning and Zoning Board, may exempt any material from the requirements of these land development regulations if, in the opinion of the Town Council, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of ground-water in case of a discharge.

6.2.1.9 Temporary Storage Permit. A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding fifty (50) gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the Wellfield Management Zone. The temporary permit procedure shall consist of application to the Planning and Zoning Board for the proposed activity requiring temporary hazardous material storage. The application shall be made on Town forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored and a plan for monitoring and remedial action, where necessary, as determined by the Town Council. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the Town Council shall approve, approve with conditions or deny the application. If the applicant chooses to appeal a decision by the Town Council, procedures set forth in Article 12 shall be followed.

6.2.2 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Wellfield Management Zone, shall at the time of any transfer of interest in such property, create in any deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for potable water wellfield protection of these land development regulations.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SEVEN

STORMWATER MANAGEMENT REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SEVEN. STORMWATER MANAGEMENT REGULATIONS

SECTION 7.1 RELATIONSHIP TO OTHER STORMWATER MANAGEMENT REQUIREMENTS

7.1.1 General. In addition to meeting the requirements of these land development regulations, the design and performance of stormwater management systems shall comply with applicable state and water management district regulations (Chapters 17-25, Rules of the Florida Department of Environmental Regulation and 40B-4 Rules of the Water Management District, Florida Administrative Code, as amended).

SECTION 7.2 EXEMPTIONS

7.2.1 General Exemptions. The following development activities are exempt from these land development regulations, except that steps to control erosion and sedimentation must be taken for all development. Development exempt from Chapter 17-25 or 40B-4 as cited above, which is adjacent to or drains into a surface water, canal, or stream, or which empties into a sinkhole, shall first allow the runoff to enter a grassed swale or other conveyance designed to percolate eighty percent (80%) of the runoff from a three (3) year, one (1) hour design storm within seventy-two (72) hours after a storm event. In addition, any development exempt from Chapter 17-25 or 40B-4, as cited above, which is directly discharged into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first one and one-half (1.5) inches of rainfall from the design storm consistent with Chapter 17-25.025(9), Florida Administrative Code, in effect upon adoption of the Comprehensive Plan, in order to meet the receiving water quality standards of Chapter 17-302, Florida Administrative Code. Stormwater discharge facilities shall be designed so as not to lower the receiving water quality below the minimum condition necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, Florida Administrative Code, in effect upon adoption of the Comprehensive Plan.

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture provided no obstruction or impoundment of surface water will take place. Also, the construction, maintenance, and operation of self-contained agricultural drainage systems provided adjacent properties will not be impacted and sound engineering practices are followed.

2. The construction, alteration, or maintenance of a private residence or agricultural building provided the total impervious area is less than 10,000 square feet (i.e., house, barn, driveways) and provided further that the residence or agricultural building is not adjacent to an Outstanding Florida Water or adjacent to or drains into a surface water, canal, or stream, or which empties into a sinkhole.

3. The connection of a system to an existing permitted system provided the existing system has been designed to accommodate the proposed system.

4. The placement of culverts whose sole purpose is to convey sheet flow when an existing facility is being repaired or maintained provided the culvert is not placed in a stream or wetland.

5. Existing systems that are operated and maintained properly and pose no threat to public health and safety.

6. Connections to existing surfacewater management systems that are owned, operated, and maintained by a public entity provided, under ordinance, the proposed connections comply with a surfacewater management plan compatible with the Water Management District's requirements.

7. Any development within a subdivision if each of the following conditions have been met:
    a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
    b. The development is conducted in accordance with the stormwater management provisions submitted with the construction plan.
8. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the Town Council and Water Management District as soon as practicable.

SECTION 7.3 STORMWATER MANAGEMENT REQUIREMENTS

7.3.1 Natural Drainage System Utilized to Extent Feasible. To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.

7.3.2 Lot Boundaries. To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

7.3.3 Developments to Drain Properly. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of stormwater on the development site. Stormwater shall not be regarded as unduly retained if:

1. The retention results from a technique, practice or device deliberately installed as part of a sedimentation or stormwater runoff control plan approved by the Water Management District; or
2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

7.3.4 Stormwater Management General. All developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one-half (1/2) inch of stormwater runoff shall be treated in an off line retention system or according to other best management practices as described in the Water Management District's Surfacewater Management Permitting Manual, as amended. More specifically:

1. No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and
2. No development may be constructed or maintained so that stormwaters from such development are collected and channeled onto lower adjacent properties.

7.3.5 Sedimentation and Erosion Control. Final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity subject to the jurisdiction of the Water Management District, unless the Water Management District has certified to the Town, either that:

1. The proposed construction plans are approved for permitting by the Water Management District; or

2. The Water Management District has examined the preliminary plat for the subdivision and it reasonably appears that permits for such subdivision improvements can be approved, upon submission of the subdivider of construction plans. However in this case, construction of the development may not begin until the Water Management District issues its permit.

For the purposes of this section, land disturbing activity means:

1. Use of the land in residential, industrial, educational, institutional, or commercial development; or

2. Street construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

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

Facilities which directly discharge into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first one and one-half (1.5) inches of rainfall from the design storm consistent with Chapter 17-25.025(9), Florida Administrative Code, in effect upon adoption of the Comprehensive Plan, in order to meet the receiving water quality standards of Chapter 17-302, Florida Administrative Code, in effect upon adoption of the Comprehensive Plan. Stormwater discharge facilities shall be designed so as not to lower the receiving water quality below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, Florida Administrative Code, in effect upon adoption of the Comprehensive Plan.

7.3.7 Design Standards. To comply with the foregoing standards the proposed stormwater management system shall conform with the following:

1. Detention and retention systems shall be designed in conformance with the Water Management District's Surfacewater Management Permitting Manual, as amended.

2. Natural systems shall be used to accommodate stormwater, to the maximum extent practicable.

3. The proposed stormwater management system shall be designed to accommodate the stormwater that both originates within the development and stormwater that flows onto or across the development from adjacent lands.

4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.

5. Design and construction of the proposed stormwater management system shall be certified as meeting the requirements of these land development regulations and the Water Management District's Surfacewater Permitting Manual, as amended, by a professional engineer, architect, or landscape architect, registered in the State of Florida.

6. No stormwater may be channeled or directed into a sanitary sewer.

7. The proposed stormwater management system shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads, where practicable.

8. Use of drainage swales rather than curb and gutter and storm sewers in subdivision is provided for in Article 5 of these land development regulations. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

9. Stormwater management systems shall be designed and constructed to provide retention of run-off volumes such that the peak discharge from the developed site shall not exceed the equivalent peak discharge from the natural or undeveloped site.

10. The Town Council may require any water retention areas to be fenced and screened by trees or shrubbery.

11. In areas where high ground water and other conditions exist and it is deemed necessary by the Town Council subsurface drainage facilities shall be installed. If a wearing surface (see Article 5 of these land development regulations) and subsurface drainage facilities are required, all subsurface drainage facilities shall be installed by the subdivider prior to the paving of the street.

12. All required improvements shall be installed so as to maintain natural watercourses.

13. Construction specifications for drainage swales, curbs and gutters are contained in Article 5 and Appendix A of these land development regulations.

14. The banks of detention and retention areas shall be sloped to accommodate, and shall be planted with vegetation which will maintain the integrity of the bank.

15. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized.

16. Natural surface water shall not be used as sediment traps during or after development.

17. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be curving rather than STRAIGHT.

18. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development, if any.

19. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or man-made surface waters.

20. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by these land development regulations.

21. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

SECTION 7.4 DEDICATION OR MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS

7.4.1 Dedication. If a stormwater management system approved under these land development regulations will function as an integral part of the Town's system, as determined by the Town Council, the facilities shall be dedicated to the Town.

7.4.2 Maintenance by an Acceptable Entity. All stormwater management systems not dedicated to the Town shall be operated and maintained by one (1) of the following entities:

1. A local governmental unit including a school board, special district or other governmental unit.
2. A regional water management agency or an active water control district created pursuant to Chapter 298, Florida Statutes, as amended, or drainage district created by special act, or special assessment district created pursuant to Chapter 170, Florida Statutes, as amended.
3. A state or federal agency.
4. An officially franchised, licensed, or approved communication, water, sewer, electrical or other public utility.
5. The property owner or developer if:
   a. Written proof as submitted in the appropriate form by either letter or resolution, that a governmental entity as set forth in paragraphs 1-3 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
   b. A surety bond or other assurance of continued financial capacity to operate and maintain the system is submitted to the Town Council. The developer shall maintain and repair all improvements which these stormwater management regulations require the developer to construct. The developer shall post a maintenance bond to cover at least ten (10) percent of the estimated costs of all required stormwater improvements (See Appendix A).
6. For-profit or non-profit corporations', including homeowners associations, property owners associations, condominium owners associations or master associations if:
   a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the Town, whereby the entity affirmatively takes responsibility for the operation and maintenance of the stormwater management facility.
   b. The association has sufficient powers reflected in its organizational or operational documents to:
      (1) Operate and maintain the stormwater management system as permitted by the Water Management District;
      (2) Establish rules and regulations;
      (3) Assess members;
      (4) Contract for services; and
      (5) Exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

7.4.3 Phased Projects. If a project is to be constructed in phases and subsequent phases will use the same stormwater management systems as the initial phase or phases, the operation / maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

7.4.4 Applicant as Acceptable Entity. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

ARTICLE EIGHT

FLOOD DAMAGE PREVENTION REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE EIGHT. FLOOD DAMAGE PREVENTION REGULATIONS

SECTION 8.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

8.1.1 Statutory Authorization. The Legislature of the State of Florida has authorized and delegated in Chapter 166, Florida Statutes, the responsibility to municipalities to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town does hereby adopt the following floodplain management regulations. The provisions contained in this Article, including definitions, general provisions, administration, provisions for flood hazard reduction and variance procedures, only apply to the floodplain management regulations of said Article and do not apply to any other article of these land development regulations.

8.1.2 Findings of Fact. The flood hazard areas of the Town are subject to periodic inundation, which results in loss of life and 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. 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.

8.1.3 Statement of Purpose. It is the purpose of this Article 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 life, health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
2. Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;
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 floodwaters or which may increase flood hazards to other lands.

8.1.4 Objectives. The objectives of this Article are to:

1. Protect human life, health and to eliminate or minimize property damage;
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, roadways, and bridges and culverts located in floodplains;

6. 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; and

7. Ensure that potential homebuyers are notified that property is in a flood hazard area.

SECTION 8.2 DEFINITIONS

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory Structure. (Appurtenant structure) A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this Article or a request for a variance.

Area of Shallow Flooding. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) 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. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" and the "regulatory flood"). Base flood is the term used throughout this Article.

Base Flood Elevation. The water-surface elevation associated with the base flood.

Basement. That portion of a building having its floor sub-grade (below ground level) on all sides.

Building. See Structure.

Datum. A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction. For the purposes of floodplain management, structures for which "the start of construction" commenced before November 15, 1989. This term may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 15, 1989.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters; or
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Boundary and Floodway Map (FBFM). The official map of the community on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and regulatory floodways.

Flood Hazard Boundary Map (FHBM). An official map of the community, issued by Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood Insurance Rate Map (FIRM). An official map of the community, issued by Federal Emergency Management Agency, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official hydraulic and hydrologic report provided by Federal Emergency Management Agency. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the Flood Insurance Rate Map, Flood Hazard Boundary Map (where applicable), and other related data and information.

Floodplain. Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Administrator. The individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain Management Regulations. This Article and other zoning regulations, land development regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. 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 a designated height.

Floodway Fringe. That area of the one-percent (1%) (base or 100-Year) floodplain on either side of the regulatory floodway.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally Dependent Use. A use that 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 or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship. A hardship as related to variances from this Article means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure. 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 or a district preliminarily determined by the Secretary to qualify as a registered historic district:
3. Individually listed on the Florida Inventory of Historic Places, which has been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By the approved Florida program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior.

Lowest Adjacent Grade. The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this Article.

Manufactured Home. 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 eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean Sea Level. 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 Article, the term is synonymous with National Geodetic Vertical Datum of 1929, or North American Vertical Datum of 1988.

National Geodetic Vertical Datum (NGVD). The National Geodetic Vertical Datum of 1929 means a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction. For floodplain management purposes, any structure for which the "start of construction" commenced on or after November 15, 1989 based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 15, 1989.

North American Vertical Datum (NAVD). The North American Vertical Datum of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Program Deficiency. A defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public Safety and Nuisance. Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle. A vehicle that 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.

Regulatory Floodway. 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 a designated height.

Remedy a Deficiency or Violation. To bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Article or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss. Flood related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Shallow Flooding means the same as area of shallow flooding.

Special Flood Hazard Area means the same area of special flood hazard.

Start of Construction. Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured 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 placement of a manufactured 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 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.

Storm Cellar. A place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

Structure. For floodplain management purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. This term also includes “repetitive loss” structures as defined herein.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alterations of a historic structure, provided that the alteration will not preclude the continued designation of the structure as a historic structure.

Substantially Improved Existing Manufactured Home Parks or Subdivisions. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance. A grant of relief from the requirements of this Article.

Violation. The failure of a structure or other development to be fully compliant with the requirements of this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

SECTION 8.3 GENERAL PROVISIONS

8.3.1 Lands to Which this Article Applies. This Article shall apply to all areas of special flood hazard within the jurisdiction of the Town.

8.3.2 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study for the County dated May 2, 2012 with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Article. The Flood Insurance Study and Flood Insurance Rate Map are on file at the office of the Town Clerk.

8.3.3 Designation of Floodplain Administrator. The Town hereby appoints the Town Clerk or his/her designee to administer and implement the provisions of this Article and is herein referred to as the Floodplain Administrator.

8.3.4 Establishment of Development Permit. A development permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities.

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

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

8.3.7 Interpretation. In the interpretation and application of this Article all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.

8.3.8 Warning and Disclaimer of Liability. The degree of flood protection required by this Article 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 Article 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 Article 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 Article or any administrative decision lawfully made thereunder.

8.3.9 Penalties for Violation. Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this Article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than five hundred dollars

($500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

SECTION 8.4 ADMINISTRATION

8.4.1 Permit Procedures. Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and 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) of all buildings;
   b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
   c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 8.4.1(2) and Section 8.5.2(2); and
   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Construction Stage:

   Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the National Geodetic Vertical Datum or North American Vertical Datum elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

8.4.2 Duties and Responsibilities of the Floodplain Administrator. Duties of the Administrator shall include, but are not to be limited to:

1. Review permits to assure sites are reasonably safe from flooding;
2. Review all development permits to assure that the permit requirements of this Article have been satisfied;

3. Require copies of additional Federal, State of Florida, or local permits that may be required, and if such additional permits are necessary, especially as it relates to Sections 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, Florida Statutes, require that copies of such permits be provided and maintained on file with the development permit;

4. Notify adjacent communities, the Florida Division of Emergency Management State Floodplain Management Office, the Suwannee River Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

5. Notify the Federal Emergency Management Agency within six (6) months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and flood plain management requirements will be based on current data.

6. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

7. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new and substantially improved buildings, in accordance with Section 8.5.2 (1) and (2) Section 8.5.5(2), respectively;

8. Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved buildings have been flood-proofed, in accordance with Section 8.5.2(2);

9. Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying 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 effects of buoyancy in compliance with, Section 8.5.2(2) of this Article;

10. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;

11. When base flood elevation data or floodway data have not been provided in accordance with Section 8.3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Section 8.5;

12. Coordinate all change requests to the Flood Insurance Study, Flood Insurance Rate Map and Flood Boundary and Floodway Map with the requester, State of Florida, and the Federal Emergency Management Agency; and

13. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Sections 8.5.2(1) and (2), respectively.

SECTION 8.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

8.5.1 General Standards. In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

1. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Manufactured homes shall be anchored to prevent flotation, collapse, and 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 of Florida requirements for resisting wind forces;

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, 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 that is in compliance with the provisions of this Article shall meet the requirements of "new construction" as contained in this Article;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;

11. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:

    a. Suwannee River Florida Water Management District: in accordance with Section 373.036(2)(a), Florida Statutes– Flood Protection and Floodplain Management;

    b. Florida State Land Planning Agency: in accordance with Section 380.05 Florida Statutes, Areas of Critical State Concern, and Section 553, Part IV Florida Statutes, Florida Building Code; and

    c. Florida Department of Health: in accordance with Section 381.0065 Florida Statutes, Onsite Sewage Treatment and Disposal Systems.

12. Standards for Subdivision Proposals and other Proposed Development (including manufactured homes):

    a. All subdivision proposals shall be consistent with the need to minimize flood damage;

    b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and

    c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood evaluations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

8.5.2 Specific Standards. In all A-Zones where base flood elevation data have been provided (Zones AE, A1–30, and AH), as set forth in Section 8.3.2, the following provisions shall apply:

1. Residential Construction. All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Section 8.5.2(3).

2. Non-Residential Construction. All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot 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 effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the Federal Emergency Management Agency Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

3. Enclosures Below the Lowest Floor. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and 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 openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

      (2) The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and

      (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

   b. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and

   c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

4. Standards for Manufactured Homes and Recreational Vehicles

   a. All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites:

      (1) Outside of an existing manufactured home park or subdivision,

      (2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph 4(a) of this section, must be elevated so that either:

(1) The lowest floor of the manufactured home is elevated to no lower than one (1) foot above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than forty-eight (48) inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

c. All recreational vehicles placed on sites within Zones A1-30. AH, and AE must either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days, or

(2) Be fully licensed and ready for highway use (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 additions), or

(3) Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Section 8.5.2(4) (a) and (b).

5. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures within Zones A1-30, AH, and AE.

6. Standards for streams with established Base Flood Elevations, but without Regulatory Floodways. Located within the areas of special flood hazard established in Section 8.3.2, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE and A1–30), the following additional provisions shall also apply.

a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated 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.

b. Development activities which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the developer or applicant first applies with the community's endorsement for a conditional Federal Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

7. Standards for Waterways with Established Base Flood Elevations and Floodways. Located within areas of special flood hazard established in Section 8.3.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

b. Development activities including new construction and substantial improvements within the regulatory floodway that increase the base flood elevation may be allowed, provided that the developer or applicant first applies – with the community's endorsement – for a conditional Federal Insurance Rate Map revision, and receives the approval of Federal Emergency Management Agency.

c. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Section 8.5.2(7)(a).

8.5.3 Specific Standards for A-Zones Without Base Flood Elevations and Regulatory Floodways. Located within the areas of special flood hazard established in Section 8.3.2, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

1. Require standards of Section 8.5.1.

2. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this Article. When such data is utilized, provisions of Section 8.5.2 shall apply. The Floodplain Administrator shall:

a. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures;

b. Obtain, if the structure has been floodproofed in accordance with the requirements of Section 8.5.2(2), the elevation in relation to the mean sea level to which the structure has been floodproofed; and

c. Maintain a record of all such information.

3. Notify, in riverine situations, adjacent communities, the Florida Division of Emergency Management State Floodplain Management Office, and the Suwannee River Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to Federal Emergency Management Agency.

4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

5. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.

6. When the data is not available from any source as in paragraph (2) of this Section, the lowest floor of the structure shall be elevated to no lower than three (3) feet above the highest adjacent grade.

7. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

8.5.4. Standards for AO-Zones. Located within the areas of special flood hazard established in Section 8.3.2, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map plus one (1) foot freeboard. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three (3) feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map plus one (1) foot freeboard. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade, or

b. Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Section 8.5.2(2).

3. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

4. Fully enclosed areas below the lowest floor that are subject to flooding shall meet the non-elevation design requirements of Section 8.5.2.

SECTION 8.6 VARIANCE PROCEDURES

8.6.1 Designation of Variance and Appeals Board. The Board of Adjustment as established by these land development regulations shall hear and decide appeals and requests for variances from the requirements of this Article.

8.6.2 Duties of Variance and Appeals Board. The Board of Adjustment shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this Article. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court.

8.6.3 Variance Procedures. In acting upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

8.6.4 Conditions for Variances

1. Variances shall only be issued when there is:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Article.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this Article.

3. Variances shall not be granted after-the-fact.

4. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances upon request to the Federal Emergency Management Agency and the Florida Division of Emergency Management State Floodplain Management Office.

8.6.5 Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

8.6.6 Historic Structures. Variances may be issued for the repair or rehabilitation of “historic” structures – meeting the definition in this Article – upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a “historic” structure.

8.6.7 Structures in Regulatory Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

ARTICLE NINE

MINIMUM HOUSING REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE NINE. MINIMUM HOUSING REGULATIONS

SECTION 9.1 ARTICLE REMEDIAL

This Article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structure strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use, and occupancy of residential buildings.

SECTION 9.2 SCOPE

The provisions of this Article shall apply to all vacant buildings or portions thereof used, or designed or intended to be used, for human habitation, regardless of when such building may have been constructed.

This Article establishes minimum standards for occupancy of a vacant structure, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Article.

SECTION 9.3 EXISTING BUILDINGS

9.3.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this Article provided that the alteration, repair or rehabilitation work conforms to the requirements of this Town Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this Article for new construction.

9.3.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations.

9.3.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this Article for the new occupancy classification as established by the Land Development Regulation Administrator.

9.3.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the Town Building Code for new buildings.

SECTION 9.4 SPECIAL HISTORIC BUILDINGS AND DISTRICTS

The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures designated by these land development regulations as historic buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings. The applicant shall submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect registered in the State of Florida.

SECTION 9.5 MAINTENANCE

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Article in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises.

SECTION 9.6 APPLICATION OF LAND DEVELOPMENT REGULATIONS

Nothing in this Article shall be construed to cancel, modify, or set aside any other provision of these land development regulations.

SECTION 9.7 ENFORCEMENT OFFICER

The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.

SECTION 9.8 RESTRICTIONS ON EMPLOYEES

An officer or employee of the Town, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the Town.

SECTION 9.9 RECORDS

The Land Development Regulation Administrator shall keep, or cause to be kept, a record of such actions related to this Article.

SECTION 9.10 RIGHT OF ENTRY

The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

SECTION 9.11 UNSAFE RESIDENTIAL BUILDINGS

All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

9.11.1 Whenever the Land Development Regulation Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he or she shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall:

1. Be put in writing;
2. Include a statement of the reasons why it is being issued;

3. Allow one hundred twenty (120) day time for the performance of any act it requires;
4. Said notice shall further state that, if such repairs; reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Land Development Regulation Administrator shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Article; and
5. Said notice shall include a statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing and in the form specified by the Town and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified constitutes a waiver of all rights to an appeal.

9.11.2 Service of notice shall be as follows:

1. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or
2. By posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.

9.11.3 When a residential building is to be demolished, it shall be done so in accordance with the provisions of Article 10 of these land development regulations.

SECTION 9.12 REQUIREMENTS NOT COVERED BY THIS ARTICLE

Any requirement, not specifically covered by this Article, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the Land Development Regulation Administrator subject to appeal to the Board of Adjustment.

SECTION 9.13 LIABILITY

Any officer or employee charged with the enforcement of this Article, in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any officer or employee because of this Article shall be defended by the Town Attorney until the final termination of the proceedings.

SECTION 9.14 LETTER OF COMPLIANCE

A letter indicating compliance with the provisions of this Article may be issued by the Land Development Regulation Administrator.

SECTION 9.15 INSPECTIONS

The Land Development Regulation Administrator shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the Land Development Regulation Administrator, or their agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the Land Development Regulation Administrator free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

SECTION 9.16 HARDSHIPS (Refer to Section 12.3.4 of these land development regulations.)

SECTION 9.17 DECISIONS

All decisions of the Board of Adjustment to vary the application of any provision of this Article or to modify an order of the Land Development Regulation Administrator shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor. Every decision shall be promptly filed in the office of the Land Development Regulation Administrator.

SECTION 9.18 APPEALS (Refer to Section 12.1.4 of these land development regulations.)

SECTION 9.19 MINIMUM STANDARDS FOR BASE EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant or let or sublet to another for occupancy any vacant dwelling or vacant dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, without first obtaining a Certificate of Land Development Regulation Compliance from the Town's Land Development Administrator, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

9.19.1 Sanitary Facilities Required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sanitary sewer system. Every plumbing fixture and water and waste water pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

9.19.2 Location of Sanitary Facilities.

1. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet, with no dimension less than four (4) feet; and

2. Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas, not including kitchens or other food preparation areas.

9.19.3 Hot and Cold Water Supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water.

9.19.4 Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° Fahrenheit. Minimum storage capacity of the water heater shall be thirty (30) gallons. Such water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling or dwelling unit heating facilities required under the provisions of this Article are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the Southern Standard Plumbing Code to not less than 120° Fahrenheit.

9.19.5 Heating Facilities.

1. Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms, and bathrooms in every dwelling unit located therein to a temperature of at least 70° Fahrenheit at a distance three (3) feet above floor level, under ordinary minimum winter conditions;

2. Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected;

3. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than thirty (30) British Thermal Units per hour per cubic feet of room content; and

4. Unvented fuel burning heaters shall be prohibited in bedrooms.

9.19.6 Cooking and Heating Equipment. All cooking and heating equipment and facilities shall be installed in accordance with the building, mechanical, gas or electrical code and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.

9.19.7 Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

9.19.8 Fire Protection. A person shall not occupy as owner-occupant or shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the fire prevention code of the Town.

9.19.9 Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

SECTION 9.20 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

Every electrical outlet and fixture required by this Article shall be installed, maintained, and connected to a source of electric power in accordance with the provisions of the electrical code of the Town.

SECTION 9.21 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES

9.21.1 Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

9.21.2 Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

9.21.3 Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

9.21.4 Means of Egress. Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at ground level. Stairs shall have a minimum head room of six (6) feet eight (8) inches.

9.21.5 Stairs, Porches and Appurtenance. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

9.21.6 Protective Railings. Protective railings shall be required on any unenclosed structure over thirty (30) inches from the ground level or on any steps containing four (4) risers or more.

9.21.7 Windows and Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.

9.21.8 Windows to be Glazed. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

9.21.9 Window Sash. Window sash shall be properly fitted and weather tight within the window frame.

9.21.10 Windows to be Openable. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

9.21.11 Hardware. Every exterior door shall be provided with proper hardware and be maintained in good condition.

9.21.12 Door Frames. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.

9.21.13 Screens. Dwelling units which do not have a central air conditioning system shall have screens on all exterior openable windows and shall have a screen door with a self-closing device on all exterior doors except for the one (1) main entrance door.

9.21.14 Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and water tight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

9.21.15 Accessory Structures. Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.

9.21.16 Interior Floor, Walls, and Ceilings. Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

9.21.17 Structural Supports. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render them incapable of carrying loads which normal use may cause to be placed thereon.

9.21.18 Protective Railings for Interior Stairs. Interior stairs and stairwells more than four (4) risers high shall have handrails located in accordance with the requirements of the building code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

9.21.19 Firestopping and Draftstopping.

1. Firestopping shall be maintained to cut off all concealed draft openings both horizontal and vertical and to form a fire barrier between floors and between the upper floor and the roof space; and
2. Draftstopping shall be maintained to cut off all concealed draft openings in floor/ceiling assemblies and in attics.

SECTION 9.22 MINIMUM DWELLING SPACE REQUIREMENTS

9.22.1 Required Space in Dwelling Unit. Prior to the issuance of a Certificate of Land Development Regulation Compliance the dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

9.22.2 Required Space in Sleeping Rooms. Prior to the issuance of a Certificate of Land Development Regulation Compliance in every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

9.22.3 Minimum Ceiling Height. Prior to the issuance of a Certificate of Land Development Regulation Compliance all habitable rooms other than kitchen, storage rooms, and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.

9.22.4 Occupancy of Dwelling Unit Below Grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
2. The total of window area in each room is equal to at least the minimum window area size as required in this Article;
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
4. The total of openable window area in each room is equal to at least the minimum as required in this Article, except where there is supplied some other device affording adequate ventilation.

SECTION 9.23 SANITATION REQUIREMENTS

9.23.1 Sanitation. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

9.23.2 Cleanliness. Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies or which is provided for his or her particular use.

9.23.3 Garbage Disposal. Every tenant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.

9.23.4 Care of Premises. It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc.

9.23.5 Extermination. Every occupant of a one (1) family dwelling building and every owner of a building containing two (2) or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.

9.23.6 Use and Operation of Supplied Plumbing Fixtures. Every tenant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION 9.24 ROOMING HOUSES

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of these land development regulations.

9.24.1 Water Closet, Lavatory and Bath Facilities.

1. At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sanitary sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared; and
2. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

9.24.2 Water Heater Required. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

9.24.3 Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof.

9.24.4 Exit Requirement. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code of the County.

9.24.5 Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SECTION 9.25 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and posting of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

9.25.1 Dangerous Structures. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and posted by the Land Development Regulation Administrator. A dangerous structure is:

1. One (1) which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

2. One (1) which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

9.25.2 Form of Notice. Whenever the Land Development Regulation Administrator has declared a one (1) family dwelling or multi-family dwelling as unfit for human habitation and constituting a nuisance, he or she shall give notice to the owner of such declaration and posting of the one (1) family dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. State that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Land Development Regulation Administrator shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Article; and
4. Include a statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing and in the form specified by the Town and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified constitutes a waiver of all rights to an appeal.

9.25.3 Service of Notice. Service of notice to vacate shall be as follows:

1. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
2. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

9.25.4 Occupancy of Building. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the Land Development Regulation Administrator. The Land Development Regulation Administrator shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

9.25.5 Removal of Placard or Notice. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided herein.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE TEN

HAZARDOUS BUILDINGS REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE TEN. HAZARDOUS BUILDINGS REGULATIONS

SECTION 10.1 SCOPE

10.1.1 Article Remedial. This Article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

10.1.2 Scope. The provisions of this Article shall apply to unoccupied and unsafe buildings or structures as herein defined, and shall apply equally to new and existing conditions.

10.1.3 Alterations, Repairs or Rehabilitation Work.

1. Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Town Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the Town Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustment the extent, if any, to which the existing building shall be made to conform to the requirements of the Town Building Code for new construction;

2. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations;

3. If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Town Building Code for the new occupancy classification as established by the Land Development Regulation Administrator; and

4. Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such manner as will not extend or increase an existing non-conformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

10.1.4 Special Historic Buildings and Districts. The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the Town's Comprehensive Plan and these land development regulations as historic Buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts. The applicant shall be required to submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

SECTION 10.2 ORGANIZATION

10.2.1 Enforcement Officer. The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.

10.2.2 Restrictions on Employees. An officer or employee connected with the Town shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the Town.

10.2.3 Records. The Land Development Regulation Administrator shall keep, or cause to be kept, a record of the actions related to this Article.

SECTION 10.3 POWERS AND DUTIES OF THE LAND DEVELOPMENT REGULATION ADMINISTRATOR

10.3.1 Right of Entry. The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitation shall not apply.

10.3.2 Inspections. The Land Development Regulation Administrator, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Article.

10.3.3 Liability. Any officer or employee of the Town charged with the enforcement of this Article, acting for the Town in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this Article shall be defended by the Town Attorney until the final termination of the proceedings.

SECTION 10.4 APPEALS TO THE BOARD OF ADJUSTMENT
(Refer to Section 12.1.5 of these land development regulations.)

SECTION 10.5 INSPECTIONS

10.5.1 General. The Land Development Regulation Administrator shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe.

10.5.2 Action Required. After the Land Development Regulation Administrator has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair or demolition.

SECTION 10.6 NOTICE

10.6.1 Form.

1. The Land Development Regulation Administrator shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information;

   a. The street address and/or legal description of the building, structure, or premise.

b. A statement indicating the building or structure has been declared unsafe by the Land Development Regulation Administrator, and a report adequately documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this Article.

c. The action required to be taken as determined by the Land Development Regulation Administrator.

2. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within sixty (60) days and continued to completion within such time as the Land Development Regulation Administrator determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Town Building Code, in accordance with the provisions of this Article.

3. If the building or structure is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within ninety (90) days except as provided under "Extension of Time," found within this Article.

   a. A statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing in the form specified by the Town and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an appeal.

4. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the Land Development Regulation Administrator to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him or her.

5. The notice shall be served by certified mail, postage prepaid, return receipt requested to the property owner, as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified mail as herein described shall be effective on the date the notice was received as indicated on the return receipt, or returned refused or unclaimed.

6. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

SECTION 10.7 STANDARDS FOR COMPLIANCE

When ordering the repair or demolition of an unsafe building or structure, the Land Development Regulation Administrator shall order that such work be done in accordance with the Town Building Code or demolished at the option of the owner.

SECTION 10.8 COMPLIANCE

10.18.1 Failure to Respond. Any person, who, after the order of the Land Development Regulation Administrator or the decision of the Board of Adjustment becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by Article 15 of these land development regulations.

10.18.2 Failure to Commence Work. Whenever the required repair or demolition is not commenced within sixty (60) days after the effective date of any order, the building, structure or premise shall be posted as follows:

UNSAFE BUILDING

DO NOT OCCUPY

It shall be punishable by law to occupy this

building or remove or deface this notice.

Land Development Regulation Administrator

10.8.3 Action Subsequent to Posting. Subsequent to posting the building, the Land Development Regulation Administrator may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premise.

The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

10.8.4 Disposition of Monies Received. Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

SECTION 10.9 EXTENSION OF TIME

The Board of Adjustment may approve one (1) or more extensions of time as it may determine to be reasonable to initiate or complete the required repair or demolition. However, such extension or extensions shall not exceed a total of ninety (90) days. Such request for extensions shall be made in writing stating the reasons therefor.

SECTION 10.10 INTERFERENCE

No person shall obstruct or interfere with the implementation of any action required by the final notice of the Land Development Regulation Administrator. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by Article 15 of these land development regulations.

SECTION 10.11 PERFORMANCE OF WORK

The repair or demolition of an unsafe building as required in the notice by the Land Development Regulation Administrator or the final decision by the Board of Adjustment shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this Article and all other applicable provisions of these land development regulations and accepted engineering practice standards.

ARTICLE ELEVEN

HISTORIC SITES
AND
STRUCTURES PRESERVATION REGULATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE ELEVEN. HISTORIC SITES AND STRUCTURES PRESERVATION REGULATIONS

SECTION 11.1 PLANNING AND ZONING BOARD DESIGNATED AS THE HISTORIC PRESERVATION AGENCY

The Town Planning and Zoning Board shall serve as the Town Historic Preservation Agency (hereinafter referred to within this Article as the Agency) to meet the requirements and carry out the responsibilities of this Article.

SECTION 11.2 POWERS AND DUTIES OF THE AGENCY

In addition to the powers and duties stated within Article 3 of these land development regulations, the Agency shall take action necessary and appropriate to accomplish the purposes of this Article. These actions may include, but are not limited to:

1. Surveying and inventorying of historic buildings and areas and archeological sites and the plan for their preservation;
2. Recommending the designation of historic districts and individual landmarks and landmark sites;
3. Regulating alterations, demolitions, relocations and new construction to designated property;
4. Adopting guidelines for changes to designated property;
5. Working with and advising the federal, state and other appropriate governmental agencies and other agencies or boards of local government;
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation; and
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures.

SECTION 11.3 DESIGNATION OF LANDMARKS, LANDMARK SITES, AND HISTORIC DISTRICTS

A landmark, landmark site or historic district shall be presumed to have historical or archaeological significance if it meets one (1) of the following criteria:

1. It is listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File).
2. It is within a district listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File) and has been requested for such designation by the owner of the site or structure or their agent.
3. It has been requested to be designated by the property owner or their agent upon approval of an application, with information as required by this Article, and amendment of the Historical Resources Map within the Comprehensive Plan (whether or not it is to be submitted for inclusion on the Florida Master Site File or for consideration for the National Register of Historic Places).

SECTION 11.4 APPLICATION REQUIREMENTS

Consideration of the designation of a landmark and landmark site or a historic district shall be initiated by the filing of an application for designation by the property owner. The Town shall charge a fee for each application as provided for in Article 1 of these land development regulations. The applicant shall complete an application form provided by the Land Development Regulation Administrator which shall include:

1. A written description of the architectural, historical, or archeological significance of the proposed historic site or district and specifically addressing and documenting those related points contained the criteria for designation of property within this Article;
2. Date of construction of the structures on the property and the names of the former owners;
3. Photographs of the property; and
4. Legal description and map of the property to be designated as a landmark, landmark site, or historic district.

On applications for the description of historic districts, the applicant shall also submit:

1. Evidence of the approval of the district from two-thirds (2/3) of the property owners; and
2. A written description of the boundaries of the district.

The Land Development Regulation Administrator or their designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete. Applications for such designation shall be considered as applications for amendment of the Historical Resources Map of the Comprehensive Plan and amendment to the Official Zoning Atlas.

SECTION 11.5 PUBLIC HEARINGS FOR DESIGNATIONS

Following the submission of a completed application the Agency shall conduct a public hearing on the proposed designation. Notice of the public hearing and notice to the owner shall be given in accordance with Chapter 163, Part II, Florida Statutes, as amended, and Article 13 of these land development regulations.

SECTION 11.6 CRITERIA FOR DESIGNATION OF PROPERTY

The Agency shall recommend the designation of property as a landmark, landmark site, or historic district after the public hearing based upon one (1) or more of the following criteria:

1. Its value is a significant reminder of the cultural or archeological heritage of the Town, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the Town, state, or nation.
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the Town, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

SECTION 11.7 AGENCY RECOMMENDATION

After evaluating the testimony, survey information and other material presented at the public hearing, the Agency shall make its recommendation to the Town on the property or area under consideration. Applications for designation shall be recommended for approval or denial. If the Agency recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section.

SECTION 11.8 TOWN COUNCIL DECISION

The Town Council shall approve, modify or disapprove the proposed designation as an amendment to the Historic Resources Map of the Comprehensive Plan, as provided in Chapter 163, Part II, Florida Statutes, as amended, and the Official Zoning Atlas of the Town, as provided within these land development regulations.

SECTION 11.9 SUCCESSIVE APPLICATIONS

Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal unless the Agency waives said waiting period based upon consideration of the following factors:

1. There is presented with such new written petition new evidence bearing upon the subject matter of the written petition, which could not reasonably have been presented to the Agency at the time of the previous hearing on the written petition; or
2. Failure to waive said twelve (12) months waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matter of consideration.

SECTION 11.10 AMENDMENTS AND RESCISSIONS

The designation of any landmark, landmark site, or historic district may be amended or rescinded through the same procedure utilized for the original designation.

SECTION 11.11 APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES

11.11.1 Certificate of Appropriateness. No person may undertake the following actions affecting a designated landmark, or a designated landmark site without first obtaining a Certificate of Appropriateness from the Agency:

1. Alteration of an archeological site or the exterior part of a building or a structure;
2. New construction;
3. Demolition; or
4. Relocation.

11.11.2 Review of New Construction and Alterations. Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes visible to the public. The Land Development Regulation Administrator is authorized to issue a Stop Work Order whenever any alteration, new construction, demolition or relocation is undertaken on a designated landmark or a designated landmark site, without a Certificate of Appropriateness.

A Certificate of Appropriateness shall be in addition to any other building permits required by law. The issuance of a Certificate of Appropriateness from the Agency shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

Ordinary repairs and maintenance, that are otherwise permitted by law, may be undertaken without a Certificate of Appropriateness provided this work on a designated landmark or a designated landmark site does not alter the exterior appearance of the building, structure, or archeological site, or alter elements significant to its architectural or historic integrity.

No Certificate of Appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this Article shall be effective for a period of fifteen (15) days subsequent to the Agency's decision. If during that fifteen (15) day period an appeal is made to the Town Council, the decision of the Agency shall automatically be stayed pending Town Council review.

11.11.3 Application Procedures for Certificates of Appropriateness. Each application for a Certificate of Appropriateness shall be accompanied by the required fee. The Land Development Regulation Administrator shall forward to the Agency each application for a permit that would authorize an alteration, new construction, demolition or relocation affecting a designated landmark or a designated landmark site. The applicant shall complete an application form provided by the Land Development Regulation Administrator containing in part the following information:

1. Drawings of the proposed work;
2. Photographs of the existing building or structure and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator or his or her designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

11.11.4 Public Hearings for Certificates of Appropriateness. The Agency shall hold a public hearing on each Certificate of Appropriateness on a completed application in accordance with the public hearing procedures forth in Article 13 of these land development regulations. The Agency shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this section.

In approving or denying applications for Certificates of Appropriateness for alterations, new construction, demolition, or relocation, the Agency shall use the following general guidelines:

1. The effect of the proposed work on the landmark or the property upon which such work is to be done;
2. The relationship between such work and other structures on the landmark site or other property in the historic district;
3. The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

No Certificate of Appropriateness for demolitions shall be issued by the Agency until the applicant has demonstrated that no other feasible alternative to demolition can be found. The Agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition. On all demolition applications, the Agency shall study the question of economic hardship for the applicant and shall determine whether the landmark can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Agency shall also determine whether the applicant can obtain a reasonable return from his or her existing building. The Agency may ask applicants for additional information to be used in making these determinations including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, Agency shall deny the demolition application.

The Agency may grant a Certificate of Appropriateness for demolition even though the designated landmark or designated landmark site has reasonable beneficial use if:

1. The Agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The Agency determines that the demolition of the designated property is required by a community redevelopment plan or the Comprehensive Plan.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE TWELVE

APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE TWELVE. APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

SECTION 12.1 APPEALS

An appeal from any decision of an administrator or board may be taken as follows by any person aggrieved:

12.1.1 Zoning Regulation Appeals Provisions.

1. Board of Adjustment: Appeals: How Taken

   a. Appeals; Hearings; Notice. Appeals to the Board of Adjustment concerning interpretation or administration of Article 4 of these land development regulations, for special exception or variance under these land development regulations may be taken by any person aggrieved or by an officer, agency, or bureau of the Town affected by any decision of the Land Development Regulation Administrator. Such appeals shall be taken by filing, within a reasonable time, with the Land Development Regulation Administrator notice of appeal specifying the grounds thereof.

      Before rendering a decision upon an appeal, the Board of Adjustment shall hold a public hearing. The Board of Adjustment shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. In addition, in the case of an appeal for special exception or variance, the Land Development Regulation Administrator shall erect a sign advertising the appeal on a prominent position on the land in question and clearly visible to the public. At the hearing, any party may appear in person or by agent or attorney. Appellants may be required to assume such reasonable costs as the Town Council may determine through action in setting fees to be charged for appeals.

   b. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Land Development Regulation Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would, in the Land Development Regulation Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Land Development Regulation Administrator from whom the appeal is taken and on due cause shown.

   c. Decisions. The concurring vote of a majority of the members of the Board of Adjustment who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Land Development Regulation Administrator or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of Article 4 of these land development regulations or to effect any variance of Article 4 of these land development regulations.

2. Appeals From Decisions of Board of Adjustment. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board, commission, or bureau of the Town affected by any decision of the Board of Adjustment, may apply to the Circuit Court having jurisdiction in the Town for judicial relief within thirty (30) days after the rendition of the decision by the Board of Adjustment. The proceedings in the circuit court shall be governed by the Florida Appellate Rules.

3. Appeals From Decisions of Planning and Zoning Board. Wherever in Article 4 of these land development regulations the Planning and Zoning Board is required to make a final decision rather than an advisory recommendation, said decision shall be final provided that any person or persons, jointly or severally aggrieved by said decision of the Planning and Zoning Board, or any officer, department, board, commission, or bureau of the Town aggrieved by said decision may, within thirty (30) days after said decision is rendered, appeal said decision to the Town Council by filing a written notice of appeal specifying the grounds thereof with the Land Development Regulation Administrator.

4. Appeals From Decisions of Town Council. Any person or persons, jointly or severally, or any officer, department, board, commission, or bureau of the Town aggrieved by any decision of the Town Council, may apply to the Circuit Court having jurisdiction in the Town for judicial relief within thirty (30) days after the rendition of the decision by the Board of Adjustment. The proceedings in the circuit court shall be governed by the Florida Appellate Rules.

12.1.2 Subdivision Regulations Appeals Provisions. Any person or persons, jointly or severally, aggrieved by any decision of the Town Council, any officer, department, board, commission, or bureau of the Town, may apply to the Circuit Court having jurisdiction in the Town for judicial relief within thirty (30) days after the rendition of the decision by the Town Council regarding a preliminary or final plat or any variance.

12.1.3 Minimum Housing Regulation Appeals Provision. Any person receiving written notice from the Land Development Regulations Administrator of deficiencies in his or her property under Article 9 of these land development regulations may within thirty (30) days following the date of such notice enter an appeal to the Board of Adjustment, and file the same in writing to the Land Development Regulations Administrator.

Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must sate the modification requested, the reasons therefor, and the hardship or conditions upon which the appeal is made.

12.1.4 Hazardous Building Regulations Appeal Provisions.

1. Form of Appeal. Any person served notice in accordance with the provisions of Article 10 may appeal such action of the Land Development Regulation Administrator under this Article to the Board of Adjustment. Such appeal must be filed in writing with the Land Development Regulation Administrator within thirty (30) days from the date of service and must contain at least the following information:

   a. Identification of the building or structure concerned by street address or legal description.

   b. A statement identifying the legal interest of each appellant.

   c. A statement identifying the specific order or section being appealed.

   d. A statement detailing the issues on which the appellant desires to be heard.

   e. The legal signatures of all appellants and their official mailing addresses.

2. Upon the filing of an appeal, the Board of Adjustment shall as soon as practicable fix a date, time and location for the hearing of the appeal. Written notice of the time and location of the hearing shall be mailed to each appellant at the address on the appeal by certified mail, return receipt requested.

3. Failure to Appear. Failure of any person to appear at the hearing set forth in accordance with the provisions of this Article shall constitute a waiver of his or her right to an appeal on the notice.

4. Scope of Appeal. The appeal public hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his or her appeal.

   The appellant may appear at the hearing in person or through his or her attorney or other designated representative.

5. Staying of Notice Under Appeal. Enforcement of any notice issued by the Land Development Regulation Administrator under the provisions of this Article shall be held in abeyance during the course of an appeal to Article 10 herein.

12.1.5 Historic Preservation Regulation Appeal Provisions. Within fifteen (15) days of the Agency decision any person may appeal to the Town Council any decision of the Agency on an application for a Certificate of Appropriateness. If during that fifteen (15) day period an appeal is made to the Town Council, the decision of the Agency shall automatically be stayed pending the Town Council review. The Town Council shall approve, approve with modifications or disapprove the application.

12.1.6 Appeals General. For appeal procedures for all Articles of these land development regulations not specifically described above the following shall apply:

1. An appeal from any final order or decision of the Land Development Regulation Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Land Development Regulation Administrator a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the Land Development Regulation Administrator when delivered to the Office of the Land Development Regulation Administrator. The date and time of filing shall be entered on the notice by Town staff.

2. An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.

3. Whenever an appeal is filed, the Land Development Regulation Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.

4. An appeal stays all actions by the Land Development Regulation Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Land Development Regulation Administrator certifies to the Board of Adjustment that (because of the facts stated in the certificate) a stay would, in the Land Development Regulation Administrator's opinion, cause imminent peril to life or property.

   In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court of record on application, on notice to the Land Development Regulation Administrator from whom the appeal is taken and on due cause shown.

5. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

SECTION 12.2 SPECIAL EXCEPTIONS

12.2.1 Board of Adjustment: Powers and Duties: Special Exceptions. The Board of Adjustment shall have the power to hear and decide upon appeals in specific cases such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of Article 4 of these land development regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when not in harmony with the purpose and intent of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations.

If the Board of Adjustment shall deny a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in this Article, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any.

The procedure for taking an appeal for a special exception shall be as set forth in this Article, and in addition, a special exception shall not be granted by the Board of Adjustment unless and until:

1. Written Petition. A written petition for special exception is submitted by the applicant indicating the section of Article 4 of these land development regulations under which the special exception is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment must make under this Article below. The petition should include material necessary to demonstrate that the granting of the special exception would be in harmony with the general intent and purpose of these land development regulations, will not be injurious to the neighborhood or to adjoining properties, or be otherwise detrimental to the public welfare. Such material shall include, but is not limited to the following:
   a. Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and offstreet loading areas, and refuse and service areas; and required yards and other open spaces;
   b. Plans showing proposed locations for utility hook-up;
   c. Plans for screening and buffering with reference as to type, dimensions, and character;
   d. Proposed landscaping; and signs and lighting, including type, dimensions, and character.

   Where these land development regulations place additional regulations on specific special exceptions, the petition should demonstrate that such requirements are met.
2. Planning and Zoning Board Report. It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board and that the Planning and Zoning Board's report and recommendations in such matters be advisory only to the Board of Adjustment. Within a reasonable time after a proposed special exception is officially received by the Planning and Zoning Board, the Planning and Zoning Board shall submit its report and recommendations concerning the proposed special exception to the Board of

Adjustment. Before making a recommendation concerning the proposed special exception, the Planning and Zoning Board shall hold a public hearing to consider the proposed special exception. The Planning and Zoning Board shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, any party may appear in person or by agent.

Where the designated members of the Planning and Zoning Board perform the functions of the Board of Adjustment, the provisions of this Section shall not apply.

3. Findings. Before any special exception shall be granted, the Board of Adjustment shall make a specific finding that it is empowered under Article 4 of these land development regulations to grant the special exception described in the petition, and that the granting of the special exception would not adversely affect the public interest. Before a special exception shall be granted, the Board of Adjustment shall further make a determination that the specific rules governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

   a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

   b. Offstreet parking and loading areas, where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.

   c. Refuse and service areas, with particular reference to the items in (a) and (b) above.

   d. Utilities, with reference to locations, availability, and compatibility.

   e. Screening and buffering with reference to type, dimensions, and character.

   f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

   g. Required yards and other open space.

   h. Considerations relating to general compatibility with adjacent properties and other property in the district including but not limited to:

      (1) Whether the proposed use would be in conformance with the Comprehensive Plan and would have an adverse effect upon the Comprehensive Plan;

      (2) Whether the proposed use is compatible with the established land use pattern;

      (3) Whether the proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;

      (4) Whether the changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;

      (5) Whether the proposed use would adversely influence conditions in the neighborhood;

      (6) Whether the proposed use would create or excessively increase traffic congestion or other public safety matters;

(7) Whether the proposed use would create a drainage problem;

(8) Whether the proposed use would seriously reduce light and air to adjacent areas;

(9) Whether the proposed use will adversely affect property values in the adjacent area;

(10) Whether the proposed use will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations; and

(11) Whether the proposed use is out-of-scale of needs of the neighborhood or the community.

4. Limitations on Subsequent Written Petition for a Special Exception. No written petition by an owner of real property for a special exception for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the Board of Adjustment specially waives said waiting period based upon a consideration of the following factors:

   a. The new written petition constitutes a proposed special exception different from the one (1) proposed in the denied written petition.

   b. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

SECTION 12.3 VARIANCES, GENERAL

The specific provisions of this Section apply to the following portions of these land development regulations. Not all portions of these land development regulations provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances to such specific regulations as, but not limited to, the use of land, hazardous building requirements, and historic site designation.

12.3.1 Variances to Zoning Regulations. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the provisions of these land development regulations would result in unnecessary and undue hardship.

In granting any variance to the provisions of Article 4 of these land development regulations, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with such regulations, including but not limited to, reasonable time limits within which the action for which variance is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations.

Under no circumstance shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved, or any use expressly or by implication prohibited by the terms of these land development regulations in the zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance. The procedure for taking an appeal for a variance shall be as set forth in this Article, and in addition, a variance shall not be granted by the Board of Adjustment unless and until:

12.3.1.1 Written Petition. A written petition for a variance from the terms of these land development regulations is submitted by the applicant indicating the section of these land development regulations from which the variance is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment must make under Section 12.3.1.2 below.

12.3.1.2 Findings. The Board of Adjustment 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 these land development regulations to other lands, buildings, or structures in the same zoning district.

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance would be in harmony with the general intent and purpose of these land development regulations, and that such variance would not be injurious to the area involved or otherwise detrimental to the public welfare.

7. Limitations on subsequent written petition for a variance. No written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the Board of Adjustment specially waives said waiting period based upon a consideration of the following factors:

   a. The new written petition constitutes a proposed variance different from the one proposed in the denied written petition.

   b. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

12.3.2 Variances to the Subdivision Regulations. Where the Town Council finds that compliance with the design standards for lot and street layout of the provisions of Article 5 of these land development regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, it may grant a variance from the subdivision regulations found herein so that substantial justice may be done and the public interest secured; provided, that the public interest is protected and the development is in keeping with the general spirit and intent of these land development regulations. No such variance shall be granted if it would have the effect of nullifying the intent and purpose of these land development regulations. No such variance shall be granted if the special conditions or circumstances are the result of action of the applicant. Furthermore, no variance shall be granted from the required improvements as specified within Article 5 of these land development regulations.

12.3.2.1 Conditions. In granting variances and/or modifications, the Town Council may require such conditions as will, in the judgment of the Town Council secure substantially the objectives of the standards for requirements so varied or modified.

12.3.2.2 Procedures. Variances may be granted upon written request of the subdivider setting forth the reasons for each variance. A petition for any such variance shall be submitted in writing by the subdivider to the Land Development Regulation Administrator for the consideration of the Planning and Zoning Board, in conjunction with the submission of the preliminary plat.

The Planning and Zoning Board shall handle such matter in a public session as part of a previously prepared agenda. The Planning and Zoning Board shall submit its report and recommendations to the Town Council.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Town Council shall by majority vote either approve, approve with conditions, or deny the request. Such matters shall be handled in a public session as part of a previously prepared agenda.

12.3.2.3 Variances to the Minimum Housing Regulations. Where the literal application of the requirements of Article 9 of these land development regulations would appear to cause undue hardship on an owner or tenant, the owner of such building or structure, or their authorized agent, may request the Town Council to approve a variance in accordance with Article 13 of these land development regulations.

ARTICLE THIRTEEN

HEARING PROCEDURES FOR SPECIAL EXCEPTIONS, VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND APPLICATIONS FOR AMENDMENT

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE THIRTEEN. HEARING PROCEDURES FOR SPECIAL EXCEPTIONS, VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND APPLICATIONS FOR AMENDMENT

SECTION 13.1 GENERAL

Meetings of the Planning and Zoning Board, and Board of Adjustment are required to be open to the public. There is a difference, as noted in the Town's Citizen Participation Procedures in Conjunction with the Comprehensive Planning Program, between workshops, public hearings and public meetings, as well as a difference between meetings conducted by Town staff and those conducted by the Town advisory boards and Town Council. This Article incorporates the Town's Citizen Participation Procedures in Conjunction with the Comprehensive Planning Program by reference and provides more specific requirements for hearing procedures and public notification.

SECTION 13.2 HEARINGS BEFORE THE BOARD OF ADJUSTMENT

1. Before making a decision on an appeal or an application for a variance, or special exception, or a petition from the Land Development Regulation Administrator for a determination, the Board of Adjustment shall hold a public hearing on the appeal or application.
2. Subject to 13.2 (3), the public hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
3. The Board of Adjustment may place reasonable and equitable limitation on the presentation of evidence and arguments and the cross-examination of witnesses so that the mater at issue may be heard and decided without undue delay.
4. The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

SECTION 13.3 HEARINGS BEFORE THE PLANNING AND ZONING BOARD AND TOWN COUNCIL

1. Before making a recommendation or decision on an application for certain specified special use permits (see Article 14 of these land development regulations), amendment of the Zoning Atlas or an amendment to the text of these land development regulations, the Planning and Zoning Board or the Town Council, as the case may require, shall hold a public hearing on the application.
2. Subject to 13.3 (3), the public hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to be heard.
3. The Planning and Zoning Board or Town Council, as the case may be, may place reasonable and equitable limitation on the any discussion or presentation so that the mater at issue may be heard and decided without undue delay.

4. The Planning and Zoning Board or the Town Council, as the case requires, may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

SECTION 13.4 NOTICE OF HEARING

13.4.1 The Land Development Regulation Administrator shall give notice of any public hearing required by Section 13.2 and 13.3 as follows:

1. Any application requiring a public hearing before the Planning and Zoning Board or Board of Adjustment, shall be noticed once in a newspaper of general circulation in the area, ten (10) days prior to the hearing.
2. A special permit requiring a public hearing before the Board of County Commissioners, shall be noticed once in a newspaper of general circulation in the area, ten (10) days prior to the public hearing.
3. An amendment to these land development regulations, including the Official Zoning Atlas, requiring a public hearing before the Town Council shall be noticed in accordance with the requirements of Chapter 166.041, Florida Statutes.
4. In addition to the above stated notice requirements all rezoning, special exception and variance public hearings before the Planning and Zoning Board and Board of Adjustment, as applicable, shall also be noticed by prominently posting a sign on the property that is the subject of the proposed action. Such sign shall be posted not less than ten (10) days prior to such public hearing.

The notices required by this Section shall:

1. State the date, time and place of the public hearing;
2. Reasonably identify the property that is the subject of the application or appeal;
3. Give a brief description of the action requested or proposed;
4. State the place where a copy of the proposed action may be inspected by the public;
5. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action.

ARTICLE FOURTEEN

PERMITTING
AND
CONCURRENCY MANAGEMENT

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE FOURTEEN. PERMITTING AND CONCURRENCY MANAGEMENT

SECTION 14.1 GENERAL

The Land Development Regulation Administrator shall be appointed by the Town Council and may be, at the discretion of the Town Council, the County Land Development Administrator. Such person shall administer and enforce these land development regulations directly or through aides and assistants. In the performance of his or her duties, the Land Development Regulation Administrator may request the assistance of any officer or agency of the County.

The Land Development Regulation Administrator shall investigate promptly complaints of violations and report findings and actions to complainants, and shall use best endeavors to prevent violations or to detect and secure the correction of violations. If the Land Development Regulation Administrator finds that a provision of these land development regulations is being violated, the Land Development Regulation Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Land Development Regulation Administrator shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other lawful action authorized by these land development regulations necessary to ensure compliance with or to prevent violations of these land development regulations.

It is the intent of these land development regulations that questions of interpretation and enforcement shall first be presented to the Land Development Regulation Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Land Development Regulation Administrator.

The Land Development Regulation Administrator shall maintain written records of official actions regarding:

1. Land development regulation administration;
2. Complaints and actions taken with regard to the land development regulations; and
3. Violations discovered by whatever means, with remedial action taken and disposition of all cases, all of which shall be public record.

SECTION 14.2 LAND DEVELOPMENT REGULATION ACTION ON BUILDING PERMITS

The Land Development Regulation Administrator shall determine whether applications for building permits required by the Building Code of the Town/County are in accord with the requirements of these land development regulations, and no building permit shall be issued without written certification that plans submitted conform to applicable land development regulations. No building permit shall be issued by the Land Development Regulation Administrator except in conformity with the provisions of these land development regulations, unless the Land Development Regulation Administrator shall receive a written order in the form of an administrative review, interpretation, special exception, or variance as provided by these land development regulations, or unless he or she shall receive a written order from the Town Council or a court of competent jurisdiction.

SECTION 14.3 APPLICATION FOR BUILDING PERMIT

14.3.1 Information Necessary for Application. Applications for building permits required by the Building Code of the Town/County shall be accompanied by:

a. Two (2) copies of the plot and construction plans drawn to scale showing the actual shape and dimensions of the lot to 0be built upon;

b. The exact sizes and locations on the lot of existing structures, if any;

c. The exact size and location on the lot of the buildings or structures to be erected or altered;

d. The existing use of buildings or structures on the lot, if any;

e. The intended use of each building or structure or parts thereof;

f. The number of families the building is designed to accommodate;

g. The location and number of required offstreet parking and offstreet loading spaces; and

h. Such other information with regard to the lot and existing and proposed structures as may be necessary to determine and provide for the enforcement of these land development regulations.

The application shall be accompanied by a survey of the lot, prepared by a land surveyor or engineer registered in Florida. All property stakes shall be in place at the time of application.

14.3.2 Public Record. One (1) copy of the plot and construction plans shall be returned to the applicant by the Land Development Regulation Administrator, after marking such copy either as approved or disapproved, and attested by the Land Development Regulation Administrator's signature on the plans. The second copy of the plot and construction plans, similarly marked, shall be retained by the Land Development Regulation Administrator as part of the public record.

14.3.3 Display of Permit. Building permits shall be issued in duplicate and one (1) copy shall be kept on the premises affected prominently displayed and protected from the weather when construction work is being performed thereon. No owner, contractor, workman or any other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by these land development regulations, nor shall they perform building operations of any kind after notification of the revocation of the building permit.

14.3.4 Expiration of Building Permit. Every permit issued shall become invalid unless the work authorized by such permit is commenced in the form of actual construction within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the Land Development Regulation Administrator.

14.3.5 Construction and Use to be as Provided in Applications; Status of Permit Issued in Error. Building permits issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, and construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable as set out in these land development regulations in Article 15.

Statements made by the applicant on the building permit application shall be deemed official statements. Approval of application by the Land Development Regulation Administrator shall in no way exempt the applicant from strict observance of applicable provisions of these land development regulations and all other applicable regulations, ordinances, codes, and laws.

A building permit issued in error shall not confer any rights or privileges to the applicant to proceed to construction, and the Town Council shall have the power to revoke such permit if actual construction has not commenced.

SECTION 14.4 CERTIFICATE OF LAND DEVELOPMENT REGULATION COMPLIANCE

14.4.1 General. It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises, or part of any building or premises created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Land Development Regulation Compliance shall have been issued by the Land Development Regulation Administrator stating that the proposed use of the structure or land conforms to the requirements of these land development regulations.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Land Development Regulation Compliance, and the certificate shall be issued in conformity with the provisions of these land development regulations upon completion of the work.

14.4.2 Temporary Certificate of Land development Regulation Compliance. A temporary Certificate of Land Development Regulation Compliance may be issued by the Land Development Regulation Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as are necessary in the circumstances to protect the safety of occupants and the general public.

14.4.3 Records, Violations. The Land Development Regulation Administrator shall maintain a record of all Certificates of Land Development Regulation Compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Land Development Regulation Compliance as set out in these land development regulations shall be a violation of these land development regulations and punishable as provided by Article 15 of these land development regulations.

Certificates of Land Development Regulation Compliance issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable as set out in Article 15 of these land development regulations.

SECTION 14.5 ASSURANCE OF COMPLETION OF PUBLIC IMPROVEMENTS

Where, by the terms of these land development regulations or other applicable regulations or ordinances of the Town Council, provision is made for ensuring to the Town Council that the public improvements required will be constructed as required, the following procedures and regulations shall govern.

Before any building permit is issued in such situation, the Town Council shall require the applicant to present satisfactory evidence that full provisions has been made for public improvements, including, but not limited to:

1. Utility lines;
2. Sanitary sewers;
3. Storm sewers;

4. Construction or reconstruction of streets or alleys;
5. Streets signs; and
6. Traffic devices or signals.

Where such public improvements are to be constructed by the applicant in accordance with the applicant's permit, the Town Council shall require security satisfactory to the Town Council in the form of:

1. A deposit in cash or cashier's check or
2. A performance and payment bond in the amount of one hundred ten (110%) percent of the estimated cost of such improvements.

The purpose of this requirement is to ensure to the Town Council that the public improvements required will be properly and timely completed and paid for. The form of any such bond or sureties thereon shall be subject to the approval of the Town Attorney for the Town Council as to legal form and correctness prior to the issuance of any building permit.

SECTION 14.6 SPECIAL PERMITS FOR BULKHEADS, DOCKS, AND SIMILAR STRUCTURES

No bulkhead, dock, pier, wharf, or similar structure shall be erected or expanded without first obtaining a special permit from the Town Council. Proposals to erect or expand such structures shall be submitted in writing to the Land Development Regulation Administrator together with the payment of reasonable fees as the Town Council may determine through action in setting fees as set out in Article 1 of these land development regulations. The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, no public notice and hearing is required. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the Town Council.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Town Council shall take final action by either approving, approving with conditions, or denying the request. No public notice and hearing is required, but such matters shall be handled in a public session, as part of a previously prepared agenda. Such matters shall be a public record, and approval, approval with conditions, or denial shall require formal action by the Town Council. Appeal from decisions of the Town Council shall be heard as set out in Article 12 of these Land Development Regulations.

If State or Federal permission is required for the erection of any such bulkhead, dock, pier, wharf, or similar structure, such permission shall be presented in writing to the Land Development Regulation Administrator prior to the issuance of any building permit for the bulkhead, dock, pier, wharf, or similar structure.

SECTION 14.7 SPECIAL PERMITS FOR LAND AND WATER FILLS, DREDGING, EXCAVATION, AND MINING

No mining, borrow pit operations, activities which involve the dredging or filling of land or water areas of one-half (1/2) acre in size or larger, or activities which involve excavation or removal of earth in area of one-half (1/2) acre in size or larger shall be conducted without first obtaining a special permit for such activities from the Town Council. Requests for such special permits shall be submitted in writing to the Land Development Regulation Administrator together with the payment of such reasonable fees as the Town Council may determine through action in setting fees as set out in Article 1 of these land development regulations. The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the permit request on a prominent position on said land. The Planning and Zoning Board shall hold a public hearing in accordance with Article 13 of these land development regulations. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the Town Council.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Town Council shall hold a public hearing in accordance with Article 13 of these land development regulations. At the hearing, any person may appear in person or by agent. The Town Council shall take final action on the permit request by either approving, approving with conditions, or denying the permit request. Appeal from decisions of the Town Council shall be heard as set out in Article 12 of these Land Development Regulations.

In addition to obtaining this permit, the applicant shall meet any additional requirements of the Town, regional agencies, the State of Florida, and the United States of America.

SECTION 14.8 SPECIAL MOVE-ON PERMITS FOR MOBILE HOMES

It shall be deemed a violation of these land development regulations for any person, firm, corporation, or other entity to place or erect any mobile home on any lot or parcel of land within any area subject to these land development regulations for private use without first having secured a mobile home move-on permit from the Land Development Regulation Administrator. Such permit shall be deemed to authorize placement, erection, and use of the mobile home only at the location specified in the permit. The responsibility of securing a mobile home move-on permit shall be that of the person causing the mobile home to be moved. The move-on permit shall be posted prominently on the mobile home before such mobile home is moved onto the site.

SECTION 14.9 SPECIAL FAMILY LOT PERMITS

A special family lot permit may be issued by the Land Development Regulations Administrator on land zoned agricultural and environmentally sensitive within the Future Land Use Plan Map of the Comprehensive Plan for the use of ascendant or descendants who are related by blood, adoption, or marriage to the property owner or owner's spouse. The lot conveyed shall be at least one (1) acre in size and the remaining lot shall be at least (1) acre in size. This provision is intended to promote the perpetuation of the family homestead in rural areas by making it possible for family members to reside on lots which exceed maximum density for such areas provided that the lot complies with the following conditions for permitting:

1. The minimum lot width shall be seventy-five (75) feet;
2. The division of lots shall be by recorded separate deed and meet all other applicable land development regulations;
3. The family lot permit shall only apply to lots or tracts of record created prior to the effective date of the Comprehensive Plan; and
4. The family lot permit shall only be issued twice for each relative of the parent tract owner. However, for purposes of this provision, if a lot is permitted under this provision to a daughter, for example, and was to be returned to the ownership of the owner of the parent tract, then the original use of this provision to provide the lot to the daughter shall not be counted as one of the two permitted per relative.

SECTION 14.10 SPECIAL PERMITS FOR TEMPORARY USES

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in these land development regulations, the following regulations shall govern temporary uses.

14.10.1 Temporary Use Permits Issued by Town Council. The Town Council may issue a temporary use permit for the following uses:

1. In agricultural, commercial, and industrial districts:

a. Commercial circuses;

b. Carnivals;

c. Outdoor concerts; and

d. Similar uses.

Requests for such a permit shall be submitted in writing to the Land Development Regulation Administrator together with such reasonable fees as the Town Council may determine through action in setting fees as set out in Article 1 of these land development regulations.

The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the request on a prominent position on said land. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, no public notice and hearing is required. All matters relating to Planning and Zoning Board consideration of temporary use permits shall be a public record. At the public session, any person may appear in person or by agent or attorney. The Planning and Zoning Board shall submit its report and recommendation to the Town Council. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the Town Council.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Town Council shall hold a public hearing to consider the request. The Town Council 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 Town Council shall take final action on the request by either approving, approving with conditions, or denying the request. Appeals from decision of the Town Council shall be heard as set out in Article 12 of these land development regulations.

Prior to granting a temporary use permit, the Town Council shall insure that:

1. Any nuisance or hazardous feature involved is suitably separate from adjacent uses;

2. Excessive vehicular traffic will not be generated on minor residential streets; and

3. A vehicular parking problem will not be created.

The temporary use permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of these land development regulations and shall be punished as set out in Article 15 of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations.

14.10.2 Temporary Use Permits Issued by the Land Development Regulation Administrator. Certain uses are of short duration and do not create excessive incompatibility during the course of the use. Therefore, the Land Development Regulation Administrator is authorized to issue temporary use permits for the following activities, after showing that any nuisance or hazardous feature involved is suitably separated from adjacent uses; excessive vehicular traffic will not be generated on minor residential street; and a vehicular parking problem will not be created.

1. In any zoning district: special events operated by nonprofit, eleemosynary organizations.

2. In any zoning district: Christmas tree sales lots operated by nonprofit, eleemosynary organizations.

3. In any zoning district: other uses which are similar to (1) and (2) above and which are of a temporary nature where the period of use will not extend beyond thirty (30) days.

4. In any zoning district: mobile homes or travel trailers used for temporary purposes by any agency of municipal, County, State, or Federal government; provided such uses shall not be or include a residential use.

5. In any zoning district: mobile homes or travel trailers used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or development of the premises upon which the mobile home or travel trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than twelve (12) months without the approval of the Town Council and the Town Council shall give such approval only upon finding that actual construction has begun and is continuing.

6. In agricultural, commercial, and industrial districts: temporary religious or revival activities in tents.

7. In agricultural districts: In addition to the principal residential dwelling, one (1) additional mobile home used as an accessory residence, provided that such mobile home is occupied by persons related by blood, adoption, or marriage to the family occupying the principal residential use. Such mobile home is exempt from lot area requirements, and shall not be located within required yard areas. Such mobile home shall not be located within twenty (20) feet of any building. A temporary use permit for such mobile home may be granted for a time period up to five (5) years. When the temporary use permit expires, the applicant may reapply for a new temporary use permit.

   Requests for such a permit shall be submitted in writing to the Land Development Regulations Administrator together with such reasonable costs as the Town Council may determine through action in setting fees as set out in Article 1 of these land development regulations.

   Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in Article 15 of these land development regulations.

8. In shopping centers within Commercial Intensive districts only: mobile recycling collection units. These units shall operate only between the hours of 7:30 a.m. and 8:30 p.m. and shall be subject to the review of the Land Development Regulation Administrator. Application for permits shall include written confirmation of the permission of the shopping center owner and a site plan which includes distances between mobile recycling collection units and buildings, roads, and property lines. No permit shall be valid for more than thirty (30) days within a twelve (12) month period, and the mobile unit must not remain on site more than seven (7) consecutive days. Once the unit is moved off-site, it must be off-site for six (6) consecutive days.

SECTION 14.11 SPECIAL PERMITS FOR ESSENTIAL SERVICES

Certain uses are essential to providing service to a community and therefore require special permitting.

Essential services requiring a special permit to be approved by the Town Council: electrical transmission lines and substations, natural gas transmission lines and radio, telecommunication and television antennae and towers, owned or operated by publicly regulated entities.

All other essential services which do not require a special permit from the Town Council are hereby defined to include and be limited to poles, wires (including electrical transmission and distribution lines, telephone lines and substations and cable television lines), mains (including water distribution lines and mains and natural gas distribution lines and mains), hydrants, drains, pipes, conduits, telephone booths, school bus shelters, bicycle racks, bus stop benches, newspaper delivery boxes, mail boxes, police or fire call boxes, traffic signals, and other similar structures.

In addition, where permanent structures are involved in providing essential services, such structures shall conform with the character of the district in which the property is located and to architectural and landscaping characteristics of the adjoining properties.

The criteria for the granting of special permits for essential services shall be limited to a showing of the need for such services in the requested location that it is in the public interest that such special permits be granted, and in compliance with the other provisions heretofore set out in this Section.

Further, all essential services requiring a special permit to be approved by the Town Council shall conform the following criteria for approval:

1. No essential service shall be sited within one hundred and fifty (150) feet of any single or multiple family residence, group living facility, school or hospital, said distance to be measured from the centerline of the electrical or natural gas transmission lines, as constructed, or the fenced area of electrical stations; and
2. All radio and telecommunication towers shall also maintain the rated self-collapsing distance from any use listed above.

SECTION 14.12 SITE AND DEVELOPMENT PLAN APPROVAL

Where these land development regulations require site and development plan approval, the Planning and Zoning Board shall approve all site and development plans as a condition precedent to the issuance of building permits by the Land Development Regulation Administrator.

14.12.1 Contents. The site and development plan required to be submitted by the requirements of these land development regulations shall include the following elements, where applicable:

1. Vicinity Map - indicating general location of the site, abutting streets, existing utilities, complete legal description of property in question, and adjacent land use.
2. Site Plan - including but not limited to the following:
    a. Name, location, owner, and designer of the proposed development.
    b. Present zoning for subject site.
    c. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
    d. Date, north arrow, and graphic scale not less than one (1) inch equal to fifty (50) feet.

e. Area and dimensions of site.

f. Location of all property lines, existing right-of-way approaches, sidewalks, curbs, and gutters.

g. Access to utilities and points of utility hook-up.

h. Location and dimensions of all existing and proposed parking areas and loading areas.

i. Location, size, and design of proposed landscaped areas (including existing trees and required landscaped buffer areas).

j. Location and size of any lakes, ponds, canals, or other waters and waterways.

k. Structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.

1. Location of trash receptacles.

m. For multiple family, hotel, motel, and mobile home park site plans:

(1) Tabulation of gross acreage.

(2) Tabulation of density.

(3) Number of dwelling units proposed.

(4) Location and percent of total open space and recreation areas.

(5) Percent of lot covered by buildings.

(6 Floor area of dwelling units.

(7) Number of proposed parking spaces.

(8) Street layout.

(9) Layout of mobile home stands (for mobile home parks only).

3. Stormwater Management Plan - including the following:

a. Existing contours at one (1) foot intervals based on United States Coastal and Geodetic Datum.

b. Proposed finished elevation of each building site and first floor level.

c. Existing and proposed stormwater management facilities with size and grades.

d. Proposed orderly disposal of surface water runoff.

e. Centerline elevations along adjacent streets.

f. Water Management District surfacewater management permit.

14.12.2 Procedure. Where, by the terms of these land development regulations, approval by the Planning and Zoning Board of a site and development plan is required prior to the issuance of a building permit, twelve (12) sets of such site and development plan shall be submitted to the Land Development Regulation Administrator to be circulated for comment to any other official or department of the Town which may have responsibility for some aspect of the site and development plan.

Twelve (12) sets of data required for site and development plan approval shall be submitted to the Land Development Regulation Administrator not less than fifteen (15) days prior to the public meeting of the Planning and Zoning Board at which the application for site and development plan approval is to be considered together with the payment of such reasonable fees as the Town Council may determine through action in setting fees as set out in Article 1 of these land development regulations.

14.12.3 Action on site and development plan. The Land Development Regulation Administrator shall forward the application for site and development plan approval along with any comments or criticisms to the Planning and Zoning Board for consideration. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, no public notice and hearing is required. All matters relating to Planning and Zoning Board consideration of site and development plans shall be a public record and approval, approval with conditions, or denial shall require formal action of the Planning and Zoning Board. A petition for a zoning amendment and an application for site and development plan approval shall not be handled concurrently. Rather, an application for site and development plan approval shall be heard only after the applicant has secured the appropriate zoning on the subject parcel. Appeals from decisions of the Planning and Zoning Board shall be heard as set out in Article 12 of these land development regulations.

In reaching a decision as to whether or not the site and development plan as submitted should be approved with a directive to the Land Development Regulation Administrator to issue building permits, the Planning and Zoning Board shall be guided in its decision and the exercise of its discretion to approve, approve with conditions, or to deny by the following standards. The Planning and Zoning Board shall show in its record that each was considered where applicable and it shall make findings in regard to those of the following standards which it finds to be applicable:

1. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the Town Council.

2. Density and/or the intended use of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect on those properties and relationship to the Comprehensive Plan.

3. Ingress and egress to the development and proposed structures on the development, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.

4. Location and relationship of offstreet parking and offstreet loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscape.

5. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

6. Manner of stormwater management on the property, with particular reference to the effect of provisions for stormwater management on adjacent and nearby properties and the consequences of such stormwater management on overall public stormwater management capacities.

7. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities.

8. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

9. Recreation facilities and open spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities.

10. General amenities and convenience, with particular reference to assuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be in conflict with other development in the area as to cause substantial depreciation of property values.

11. Such other standards as may be imposed by these land development regulations on the particular use or activity involved.

14.12.4 Issuance of Building Permits. Upon the approval of the site and development plan application by the Planning and Zoning Board or its approval with conditions, building permits for the proposed development shall be issued by the Land Development Regulation Administrator. The development shall be built substantially in accordance with the approved site and development plan. If after such approval, should the owner/applicant or his or her successors desire to make any changes in the site and development plan, such changes shall be submitted to the Land Development Regulation Administrator. If the Land Development Regulation Administrator deems there to be a substantial change or deviation from that which is shown on the approved site and development plan, the owner/applicant or his or her successors shall be required to submit the amended site and development plan for approval as set forth in Section 14.12 of these land development regulations. Failure to submit such amended site and development plan for determination by the Land Development Regulation Administrator that a substantial change or deviation is occurring or has occurred, prior to such changes, shall constitute a violation of these land development regulations and shall be punishable as provided in Article 15 of these land development regulations.

SECTION 14.13 CONSISTENCY WITH THE COMPREHENSIVE PLAN

These land development regulations are required by law to be in conformance with the Comprehensive Plan. All development in conformance with these land development regulations shall, therefore, be in conformance with the Comprehensive Plan.

14.13.1 Generally. No development may be approved unless the development is found to be in conformance with the Comprehensive Plan and that the provision of certain public facilities will be available at prescribed levels of service concurrent with the impacts of the development on those facilities.

14.13.2 Determining Conformance with the Comprehensive Plan. If a development proposal is found to meet all the requirements of these land development regulations, it shall be presumed to be in conformance with the Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected party

may, however, question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards, or the Town Council depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and support that determination with written findings.

14.13.3 Maintaining Level of Service Standards. The Town shall require a concurrency review to be made with applications for development approvals and a Certificate of Concurrency issued prior to development. The review will analyze the development's impact on traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation and open space for available service in order for the development to be concurrent. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the Land Development Regulation Administrator. If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with any future application for a development permit. A separate concurrency review shall not be required for each development permit for the same project. Concurrency review addresses only the availability of public facilities and capacity of services and a Certificate of Concurrency does not represent overall development approval.

If the application for development is not concurrent, the applicant shall be notified that a certificate cannot be issued for the development. The burden of showing compliance with the adopted levels of service and meeting the concurrency test shall be upon the applicant.

The Town Council shall review applications for development and a development approval shall be issued only if the proposed development does not lower the existing levels of service of public facilities and services below the adopted level of service in the Comprehensive Plan.

14.13.3.1 Generally.

1. The Adopted Level of Service Must be Maintained.

   a. No development activity may be approved unless it meets the following requirements designed to ensure that certain public services are available at prescribed levels of service concurrent with the impacts of development.

   b. However, the prescribed levels of service may be degraded during construction of new facilities if upon completion of the new facilities the prescribed levels of service will be met.

2. Determination of Available Capacity. For purposes of these land development regulations, the available capacity of a facility shall be determined by adding together:

   a. The total excess capacity of the existing facilities with the total capacity of new facilities. The capacity of new facilities may be counted only if one (1) or more of the following is shown:

      (1) Construction of the new facilities are under way at the time of application.

      (2) The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued.

(3) The new facilities have been included in the Town annual capital budget.

(4) The new facilities are guaranteed in an enforceable development agreement which may include, but is not limited to, development agreements pursuant to Chapter 163.3220 - 163.3243, Florida Statutes, as amended, or an agreement or development order pursuant to Chapter 380, Florida Statutes, as amended. Such facilities must be consistent with the Capital Improvements Element of this Comprehensive Plan and approved by the Town Council.

(5) The developer has contributed funds to the Town necessary to provide new facilities consistent with the Capital Improvements Element of the Comprehensive Plan. Commitment that the facilities will be built shall be evidenced by an appropriate budget amendment and appropriation by the Town or other governmental entity.

b. Subtracting from that number the sum of:

(1) The demand for the service created by existing development or previously approved development orders; and

(2) The new demand for the service that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.

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

14.13.4 Procedures for Concurrency Determination. A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the Comprehensive Plan, which are:

1. Traffic Circulation;
2. Sanitary Sewer;
3. Solid Waste;
4. Drainage;
5. Potable Water; and
6. Recreation and Open Space.

TRAFFIC CIRCULATION

For traffic circulation the following determination procedures shall apply:

1. The Town shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the Comprehensive Plan. If this level of service information indicates a level of service failure, the applicant may either:

a. Accept the level of service information as set forth in the most recent Data and Analysis Report supporting the Comprehensive Plan, or

b. Prepare a more detailed Highway Capacity Analysis Manual, Special Report 209 (1985) or a speed and delay study following the procedure outlined by the Florida Department of Transportation, Traffic Engineering Office in its Manual for Uniform Traffic Studies.

2. If the applicant chooses to do a more detailed analysis the:

a. Applicant shall submit the completed alternative analysis to the Land Development Regulation Administrator for review; and

b. Land Development Regulation Administrator shall review the alternative analysis for accuracy and appropriate application of the methodology;

3. If the alternative methodology, after review and acceptance by the Land Development Regulation Administrator, indicates an acceptable level of service, the alternative methodology shall be used in place of the most recent Data and Analysis to support the Comprehensive Plan.

4. Any proposed development generating more than seven hundred fifty (750) trips a day shall be required to provide a trip distribution model, in addition to the requirements outlined above.

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND RECREATION AND OPEN SPACE

For sanitary sewer, solid waste, drainage, potable water, and recreation and open space the following determination procedures shall apply:

1. The Town shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the Comprehensive Plan.

2. If such level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would indicate that adequate facility capacity at acceptable levels of service was available.

3. If such level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry.

14.13.5 Determination of Project Impact. The impact of proposed development activity on available capacity shall be determined as follows:

14.13.5.1 Building Permits. The issuance of a building permit has more of an immediate impact on the level of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place. The determination of the existence of the necessary facilities and services being in place shall be made by the Land Development Regulation Administrator as part of the Certificate of Concurrency Compliance Procedure. For traffic circulation, this determination shall apply to the adopted level of service standards for roads within the jurisdiction of the Town. All public facility impacts shall be determined based on the level of service of the facility throughout the facility geographic service area.

14.13.5.2 Other Types of Development Orders. Other types of development orders include, but are not limited to approval of subdivisions, rezoning, special permits and site and development plan approval. These other types of development orders have less immediate impacts on public facilities and services than the issuance of a building permit. However, public facilities and services must be available concurrent with the impacts of development permitted by these other types of development orders. Therefore, subject to the Land Development Regulation Administrator determining that the necessary facilities or services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of such development orders.

1. Provisions shall be included within the development order which shall require the construction of additional public facility capacity, where public facilities, due to the impacts of the development proposal do not meet the adopted level of service; and

2. Such provisions shall require the necessary public facilities be constructed by the developer and at the developer's expense, or by the public or private entity having jurisdictional authority over the facility to the adopted level of service so that the necessary facilities and services will be in place when the impacts of the development occur and within conformance with the 5-year Schedule of Improvements found within the Capital Improvements Element of the Comprehensive Plan.

14.13.6 Development Orders and Permits. For development orders and permits the following determination shall apply:

1. If an applicant desires to determine whether there is sufficient capacity to accommodate their proposed project, the Land Development Regulation Administrator shall make an informal nonbinding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed project.

   If there appears to be insufficient capacity, the Land Development Regulation Administrator shall then make a determination of what public facilities or services would be deficient if the proposed project were approved.

2. There are certain development approvals that are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. These development approvals are land use amendments to the Comprehensive Plan and rezoning requests. Those development approvals shall receive a nonbinding concurrency determination.

3. Any concurrency determination, whether requested as part of an application for development approval or without an application for development approval, is a nonbinding determination of what public facilities and services are available at the date of inquiry. The issuance of a Certificate of Concurrency Compliance shall be the only binding action which reserves capacity for public facilities and services.

14.13.7 Certificate of Concurrency Compliance. A Certificate of Concurrency Compliance shall only be issued upon final development approval. The Certificate of Concurrency Compliance shall remain in effect for the same period of time as the development order or permit granting final development approval. If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for twelve (12) months from the date of issuance.

14.13.8 Application Priority. In such cases where there are competing applications for public facility capacity, the following order of priority shall apply:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;
2. Issuance of a building permit based upon previously approved development orders permitting new development;
3. Issuance of new development orders permitting redevelopment;
4. Issuance of new development orders permitting new development.

14.13.9 Concurrency Management System. The following conditions apply to the Town concurrency management system:

1. Amendments to the Comprehensive Plan can be made twice each year and as otherwise permitted as small scale developments. In addition, changes can be made to the Capital Improvements Element of the Comprehensive Plan by ordinance if the changes are limited to the technical matters listed in Chapter 163 Part II, Florida Statutes, as amended.
2. No development or development permit order shall be issued which would require the Town Council to delay or suspend construction of any of the capital improvements on the 5-Year Schedule of the Capital Improvements Element of the Comprehensive Plan.
3. If by issuance of a development order or development permit a substitution of a comparable project on the 5-Year Schedule is proposed, the applicant may request the Town Council to consider an amendment to the 5-Year Schedule in one (1) of the twice annual amendment reviews.
4. The result of any development failing to meet the required level of service standards for public facilities shall require a halting of the affected development or the reduction of the standard for level of service, which will require an amendment to the Comprehensive Plan.

SECTION 14.14 LEVEL OF SERVICE STANDARDS

The Town Council shall use the following level of service standards for making concurrency determinations.

14.14.1 Traffic Circulation. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for traffic circulation as established in the Traffic Circulation Element of the Comprehensive Plan.

Establish the Service Standards as noted below at peak hour for the following roadway segments within the Town as defined within the Florida Department of Transportation "Florida Level of Service Standards and Guidelines Manual for Planning, 1989".

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
1	S.R. 18 (from Town's west limits to S.R. 235)	2 U	Collector	Rural	C
2	C.R. 18 (from S.R. 235 to Town's east limits)	2 U	Collector	Rural	C
3	S. R. 225 (from Town's north limits to Town's south limits)	2 U	Collector	Rural	C

U - Undivided roadway

14.14.2 Sanitary Sewer. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer systems as established in the Sanitary Sewer Element of the Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 10D-6, Florida Administrative Code, and as administered and regulated by the Florida Department of Health and Rehabilitative Services, in effect upon adoption of this Comprehensive Plan.
Community Sanitary Sewer System	Not applicable

14.14.3 Potable Water. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water systems as established in the Potable Water Element of the Comprehensive Plan.

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private Individual Water Wells	Standards as specified in Chapter 17-22, Florida Administrative Code, and as administered and regulated by the Water Department District, in effect upon adoption of this Comprehensive Plan
Town of Brooker Community Potable Water Wells	93 gallons per capita per day

14.14.4 Drainage. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for drainage systems as established in the Drainage Element of the Comprehensive Plan.

LEVEL OF SERVICE STANDARD

For all projects not exempted from Chapter 40B-4 and 17-25, Florida Administrative Code and as administered and regulated by the appropriate State agency, in effect upon adoption of this Comprehensive Plan, within the Town, stormwater management system will be installed such that the peak rate of post-development runoff will not exceed the peak-rate of pre-development runoff.

14.14.5 Solid Waste. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for solid waste facilities as established in the Public Facilities Element of the Comprehensive Plan.

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	0.69 tons per capita per year

14.14.6 Recreation. No development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreation facilities as established in the Recreation and Open Space Element of the Town Comprehensive Plan:

ACTIVITY	LEVEL OF SERVICE STANDARD
Fishing (boat)	1 boat ramp when the population of the Town exceeds 10,000 and for every 10,000 population thereafter.
Camping (Recreation Vehicle and Tent)	1 acre of campground within a 25 mile radius of the Town when the population of the Town exceeds 25,000 and for every 25,000 population thereafter.
Hiking	1 mile of available hiking trail within a 25 mile radius of the Town when the population of the Town exceeds 10,000 and for every 10,000 population thereafter.
Nature Study	7 acres of wildlife management area within a 25 mile radius of the Town when the pollution of the Town exceeds 10,000 and for every 10,000 population thereafter.
Bicycling	1 mile of local roadway when the population of the Town exceeds 1,000 and for every 1,000 population thereafter.
Golf	1, 18-hole golf course when the population of the Town exceeds 65,200 and for every 65,200 population thereafter.
Football/Soccer	1 multi-purpose playing field when the population of the Town exceeds 15,000 and for every 15,000 population thereafter.
Baseball/Softball	1 baseball/softball field when the population of the Town exceeds 6,000 and for every 6,000 population thereafter.
Tennis	1 tennis court when the population of the Town exceeds 10,000 and for every 10,000 population thereafter.

SECTION 14.15 PROPORTIONATE FAIR-SHARE TRANSPORTATION PROGRAM

14.15.1 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.

14.15.2 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 the Land Development Regulations. The Proportionate Fair-Share Transportation Program does not apply to developments of regional impact using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in the Comprehensive Plan and this Article of the Land Development Regulations, and/or Section 163.3180, Florida Statutes, regarding exceptions and de minimis impacts.

14.15.3 General Requirements

1. 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:
   a. The proposed development is consistent with the Comprehensive Plan and applicable land development regulations, and
   b. The Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term Concurrency Management System includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the Concurrency Management System. The provisions of paragraph (2) of this General Requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the Capital Improvements Element of the Comprehensive Plan or an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System.
2. 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:
   a. 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, 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.

b. 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.

3. 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.

14.15.4 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.

14.15.5 Application Process

1. 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.

2. 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.

3. 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:

a. Name, address and telephone number of owner(s), developer and agent;

b. Property location, including parcel identification numbers;

c. Legal description and survey of property;

d. Project description, including type, intensity and amount of development;

e. Phasing schedule, if applicable; and

f. Description of requested proportionate fair-share mitigation method(s).

4. 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.

5. Pursuant to Section 163.3180(16)(e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.

6. 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.

7. 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.

14.15.6 Determining Proportionate Fair-Share Obligation

1. 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.

2. 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.

3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes, as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

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.

4. 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.

   a. 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:

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

      WHERE:

      Cost_n = The cost of the improvements in year n;

      Cost_0 = 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:

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

      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.

b. 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.

5. 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.

6. 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.

14.15.7 Proportionate Fair-Share Agreements

1. Upon execution of a Proportionate Fair-Share Agreement the applicant shall receive the concurrency approval of the Town. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

14.15.8 Appropriation of Fair-Share Revenues

1. 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.

2. In the event a scheduled facility improvement is removed from the Capital Improvements Element of the Comprehensive Plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of this section.

   Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, and then the 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.

ARTICLE FIFTEEN

ENFORCEMENT AND REVIEW

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE FIFTEEN. ENFORCEMENT AND REVIEW

SECTION 15.1 COMPLAINTS REGARDING VIOLATIONS

Whenever the Land Development Regulation Administrator receives a written, signed complaint alleging a violation of these land development regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

SECTION 15.2 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these land development regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 15.3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

1. If the Land Development Regulation Administrator finds that any provision of these land development regulations is being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Land Development Administrator's discretion.
2. The final written notice (the initial written notice may be the final notice) shall state what action the Land Development Administrator intends to take if the violation is not corrected and shall advise that the Land Development Regulation Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section Article 12.
3. Notwithstanding the foregoing, in cases when delay would pose a danger to the public health, safety, or welfare, the Land Development Regulation Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Article.

SECTION 15.4 PENALTIES AND REMEDIES FOR VIOLATIONS

1. Violations of the provisions of these land development regulations or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional-use permits, shall constitute a misdemeanor of the second degree, as provided in Chapter 775, Florida Statutes, as amended. Any person, firm or corporation who violates these land development regulations, or fails to comply with any of its requirements, shall upon conviction of a misdemeanor of the second degree be fined or imprisoned, or both, as provided for in Chapter 125.69, Florida Statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be a separate offense.
2. Any act constituting a violation of the provisions of these land development regulations or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to the penalties provided above. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this Article and did not take an appeal to the Board of Adjustment within the prescribed time.

3. Each day that any violation continues after notification by the Land Development Regulation Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Article.

4. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce these land development regulations.

SECTION 15.5 JUDICIAL REVIEW

1. Every decision of the Town Council and every final decision of the Board of Adjustment shall be subject to review by the Circuit Court of the Town by proceedings which shall be governed by the Florida Appellate Rules.

2. The petition must be filed with the County Clerk of the Circuit Court within thirty (30) days after a decision has been made.

ARTICLE SIXTEEN

AMENDMENTS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SIXTEEN. AMENDMENTS

These land development regulations, and Official Zoning Atlas, and other material as set out may from time to time be amended, supplemented, changed, or repealed. Procedures shall be as follows:

SECTION 16.1 INITIATION OF AMENDMENTS

A land development regulation amendment may be proposed by:

1. Town Council;
2. Planning and Zoning Board;
3. Board of Adjustment;
4. Any department or Board of the Town;
5. Any person other than those listed in 1, 2, 3, or 4 above; provided, however, that no such person shall propose an amendment for the rezoning of property which he does not own except as agent or attorney for an owner.

All proposals for land development regulation amendments shall be submitted in writing to the office of the Land Development Regulation Administrator accompanied by all pertinent information which may be required by the Planning and Zoning Board for proper consideration of the matter, along with, for persons under 5 above, the payment of such fees and charges as have been established by the Town Council (see Article 1). In the case of a petition for the rezoning of land, the Land Development Regulation Administrator shall post a sign advertising the petition for rezoning on a prominent position on said land in conformance with Article 13 herein.

SECTION 16.2 PLANNING AND ZONING BOARD REPORT

16.2.1 Procedure. It is the intent of these land development regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Board. Within a reasonable time after a proposed amendment is filed, the Planning and Zoning Board shall submit its report and recommendation concerning the proposed amendment to the Town Council.

Before making a recommendation concerning the proposed amendment, the Planning and Zoning Board shall hold a public hearing to consider the proposed zoning amendment in conformance with Article 13 of these land development regulations.

16.2.2 Nature and requirements of Planning and Zoning Board report. When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Board to the Town Council required by Section 16.2.1 above shall show that the Planning and Zoning Board has considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change would be in conformance with the Comprehensive Plan of the Town and would have an adverse effect upon the Comprehensive Plan of the Town.
2. The existing land use pattern.
3. Possible creation of an isolated district unrelated to adjacent and nearby districts.
4. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

6. Whether changes or changing conditions make the passage of the proposed amendment necessary.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
8. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
9. Whether the proposed change will create a drainage problem.
10. Whether the proposed change will seriously reduce light and air to adjacent areas.
11. Whether the proposed change will adversely affect property values in the adjacent area.
12. Whether the proposed change will be deterrent to the improvement or development of adjacent property in accord with existing regulations.
13. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
14. Whether they are substantial reasons why the property cannot be used in accord with existing zoning.
15. Whether the change suggested is out of scale with the needs of the neighborhood or the Town.
16. Whether it is possible to find other adequate sites in the Town for the proposed use in districts already permitting such use.

When pertaining to other proposed amendments of these land development regulations. The Planning and Zoning Board shall consider:

1. The need and justification for the change.
2. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these land development regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan.

16.2.3 Status of Planning and Zoning Board Report and Recommendations. The report and recommendations of the Planning and Zoning Board required by Section 16.2.1 above shall be advisory only and shall not be binding upon the Town Council.

SECTION 16.3 TOWN COUNCIL: ACTION ON PLANNING AND ZONING BOARD REPORT

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation on a proposed zoning amendment, the Town Council shall hold a public hearing to consider the proposed zoning amendment in conformance with Article 13 herein. The Town Council shall take final action on the proposed land development regulation amendment by either approving or denying the proposed amendment.

SECTION 16.4 APPEALS FROM DECISIONS OF THE TOWN COUNCIL

Any person or persons, jointly or severally, aggrieved by any decision of the Town Council or any officer, department, board, commission, or bureau of the Town affected by any decision of Town Council may apply to the circuit court having jurisdiction in the Town for judicial relief with thirty (30) days after the rendition of the decision by the Town Council. The proceedings in the circuit court shall be governed by the Florida Appellate Rules.

SECTION 16.5 RELATIONSHIP OF AMENDMENTS TO THE COMPREHENSIVE PLAN

If the amendment requires the prior amendment of the Comprehensive Plan of the Town adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163.3161 through 163.3215, Florida Statutes) action on an amendment to the Comprehensive Plan of the Town shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

SECTION 16.6 LIMITATION ON SUBSEQUENT APPLICATION

No application by an owner of real property for an amendment to the Official Zoning Atlas for a particular parcel of property, or part thereof, shall be received by the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of an application for an amendment to the Official Zoning Atlas for such property, or part thereof, unless the Town Council specifically waives said waiting period based upon a consideration of the following factors:

1. The new application constitutes a proposed zoning classification different from the one proposed in the denied application.
2. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SEVENTEEN

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE SEVENTEEN. WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

SECTION 17.1 PURPOSE

The purpose of Article 17 is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of Article 17 are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Consider the public health and safety of communication towers; and
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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

SECTION 17.2 DEFINITIONS

As used in this Article, the following terms shall have the meanings set forth below:

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or other structure and used to radiate or capture electromagnetic waves, digital signals, and analog signals including radio frequency signals used for wireless telecommunications or other communications.

Applicant means any person or entity with an application before the Town for a wireless service facility.

Blackhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Carrier means a company licensed by the Federal Communications Commission that provides wireless services. A tower builder or owner is not a carrier unless also licensed by the Federal Communications Commission to provide personal wireless services.

Co-Applicant means any person and/or entity joining with an applicant including the owner(s) of the facility, owner(s) of the subject property and any proposed tenant(s) for the facility.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennas and lightning rods.

Pre-existing Towers and Pre-existing Antennas means any tower or antenna for which a building permit or special use permit has been properly issued prior to March 8, 2005, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

SECTION 17.3 APPLICABILITY

17.3.1 New Towers and Antennas. All new towers or antennas in the Town shall be subject to these regulations, except as provided in Sections 17.3.2 through 17.3.4, inclusive.

17.3.2 Amateur Radio Station Operators/Receive Only Antennas. Article 17 shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

17.3.3 Pre-existing Towers or Antennas. Pre-existing towers and antennas shall not be required to meet the requirements of Article 17, other than the requirements of Sections 17.4.6 and 17.4.7.

17.3.4 AM Array. For purposes of implementing Article 17, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

SECTION 17.4 GENERAL REQUIREMENTS

17.4.1 Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

17.4.2 Ownership information. An applicant shall submit the following information:

1. Name, address and telephone number of applicant and all co-applicants as well as any agents for the applicant or co-applicants.
2. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the facility.
3. A licensed carrier should either be an applicant or a co-applicant.
4. Written statement that the lease between the applicant and co-applicant landowner of the subject property contains the following provisions:
    a. Landowner can enter into leases with other carriers for co-location.
    b. Landowner is responsible for the removal of the facility in the event the licensed carrier fails to remove it upon abandonment.
    c. Written statement from the applicant stating that co-location will or will not be permitted at this site.

17.4.3 Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

17.4.4 Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Land Development Regulations Tower Committee an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town or within one mile of the border thereof: including specific information about the location, height, and design of each tower. The Land Development Regulations Tower Committee may share such information with other applicants applying for administrative approvals or special use permits under this Article or other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Land Development Regulations Tower Committee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

17.4.5 Aesthetics. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Agency, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

17.4.6 Lighting. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

17.4.7 State or Federal Requirements. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by Article 17 shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

17.4.8 Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower design shall be based on a 100-mile per hour wind loading. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

17.4.9 Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town irrespective of municipal and county jurisdictional boundaries.

17.4.10 Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to Article 17 and shall not be regulated or permitted as essential services, public utilities, or private utilities.

17.4.11 Franchises. Owners and/or operators of towers and antennas shall certify that all franchises required by law fur the construction and/or operation of a wireless communication system in the Town have been obtained and shall file a copy of all required franchises with the Land Development Regulations Tower Committee.

17.4.12 Public Notice. For purposes of this Article, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 17.7.4.2a, Table 1, in addition to any notice otherwise required by the Zoning Ordinance.

17.4.13 Signs. No signs shall be allowed on an antenna or tower except as required by Federal or State statute.

17.4.14 Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 17.8.

17.4.15 Multiple Antenna/Tower Plan. The Town encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antennas sites. Applications for approval of multiple sites shall be given priority in the review process.

17.4.16 Radiation Reporting. The Town reserves the right to obtain upon request and review the engineering data used to prove compliance with Federal Communications Commission non-ionizing radiation limits. Additionally, since the Federal Communications Commission requires compliance with those standards at all times, a tower owner and/or carrier and/or co-applicant is required to submit a statement of compliance after any changes in the Federal Communications Commission requirements within thirty (30) days of a compliance determination and in no case later than ninety (90) days after the Federal Communications Commission effective date of the change. Since each carrier is responsible for radiation for the entire facility, only one (1) notification is required per tower or other radiating antenna facility.

SECTION 17.5 PERMITTED USES

17.5.1 General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

17.5.2 Permitted Uses. The following uses are specifically permitted:

1. Antennas or towers located on property owned, leased or otherwise controlled by the Town provided a license or lease authorizing such antenna or tower has been approved by Town.

SECTION 17.6 ADMINISTRATIVELY APPROVED USES

17.6.1 General. The following provisions shall govern the issuance of administrative approvals for towers and antennas:

1. The Land Development Regulations Tower Committee may administratively approve the uses listed in this Section.

2. Each applicant for administrative approval shall apply to the Land Development Regulations Tower Committee providing the information set forth in Sections 17.7.2.1 and 17.7.2.3 of this Article and a nonrefundable fee as established by resolution of the Town Council to reimburse the Town for the costs of reviewing the application.

3. The Land Development Regulations Tower Committee shall review the application for administrative approval and determine if the proposed use complies with Section 17.4 of this Article.

4. The Land Development Regulations Tower Committee shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application.

5. In connection with any such administrative approval, the Land Development Regulations Tower Committee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

6. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 17.7 prior to filing any appeal that may be available under the Zoning Ordinance.

17.6.2 List of Administratively Approved Uses. The following uses may be approved by the Land Development Regulations Tower Committee after conducting an administrative review:

1. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below:

   a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Land Development Regulations Tower Committee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

      (1) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

      (2) The antenna complies with all applicable Federal Communications Commission and Federal Aviation Agency regulations; and

      (3) The antenna complies with all applicable building codes.

   b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Land Development Regulations Tower Committee and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

      (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Land Development Regulations Tower Committee allows reconstruction as a monopole.

      (2) Height:

         (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.

(b) The height change referred to in Subsection (2.a) may only occur one (1) time per communication tower.

(c) The additional height referred to in Subsection (2.a) shall not require an additional distance separation as set forth in Section 17.7. The tower's pre-modification height shall be used to calculate such distance separations. When applying for a permit to co-locate on an existing tower, applicant shall provide signed and sealed engineering calculations showing that the existing tower will accept the additional loading.

(3) Onsite location:

(a) After the tower is rebuilt to accommodate co-location, only one (1) tower may remain on the site.

(b) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 17.7.4.2a.

2. New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Land Development Regulations Tower Committee concludes the tower is in conformity with the goals set forth in Section 17.4; the tower meets the setback requirements in Section 17.7.3 and separation distances in Section 17.7.4.2a. and the tower meets the following height and usage criteria:

a. For a single user, up to seventy (70) feet in height;

b. For two (2) users, up to eighty-five (85) feet in height; and

c. For three (3) or more users, up to one hundred (100) feet in height, plus ten (10) over existing height. Maximum tower heights will be one hundred and ten (110) feet.

3. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

SECTION 17.7 SPECIAL USE PERMITS

17.7.1 General.

1. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning and Zoning Board:

a. If the tower or antenna is not a permitted under Section 17.5 of this Article or permitted to be approved administratively pursuant to Section 17.6 of this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

b. Applications for special use permits under this Section shall be subject to the procedures and requirements of Section 14.11 of the Land Development Regulations of the Town, except as modified in this Section.

c. In granting a special use permit, the Planning and Zoning Board may impose conditions to the extent the Planning and Zoning Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Town to reimburse the Town for the costs of reviewing the application.

2. The following factors shall be considerations in determining whether to issue a special use permit. However, if it is concluded the goals of this Article are better served thereby, one or more of these criteria may be waived or reduced.

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 17.7.2.1j. of this Article.

17.7.2 Towers.

1. In addition to information required in Section 17.4, applicants for a special use permit for a tower shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 17.7.4.2a, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Land Development Regulations Tower Committee to be necessary to assess compliance with this Article.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 17.4.4 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s) if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with Sections 17.4.3, 17.4.4, 17.4.5, 17.4.6, 17.4.7, 17.4.9, 17.4.10, and 17.4.13, and 17.7.2.4, 17.7.2.5 and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the Town of based upon existing physical, engineering, teleological or geographical limitations in the event the proposed tower is erected.

17.7.3 Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required. The standard setback requirements may be reduced if the goals of this Article would be better served.

1. Towers must be set back a distance equal to the height of the tower from any adjoining lot line.

2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

17.7.4 Separation. Provided, however, the standard separation requirements may be reduced if the goals of this Article would be better served.

1. Separation from off-site uses/designated areas:

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table l, except as otherwise provided in Table 1.

b. Separation requirements for towers shall comply with the minimum standards established in Table 1 below.

2. Separation distances between towers:

a. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

TABLE 1

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

[1] Includes modular homes and mobile homes used for living purposes.

[2] Separation measured from base of tower to closest building setback line.

[3] Includes any un-platted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

17.7.5 Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning and Zoning Board may waive such requirements, as it deems appropriate.

17.7.6 Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning and Zoning Board may waive such requirements if the goals of this Article would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 17.8 BUILDINGS OR OTHER EQUIPMENT STORAGE

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

1. The cabinet or structure shall not contain more than twenty (20) square feet of gross floor area or be more than five (5) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over twenty (20) square feet of gross floor area or five (5) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five (5%) percent of the roof area.

3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

17.8.2 Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

   a. In a front or side yard provided the cabinet or structure is no greater than three (3) feet in height or thirty (30) square feet of gross floor area and the cabinet/structure is located a minimum of thirty (30) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two (42) to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.

   b. In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty (60) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height or two hundred and fifty (250) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties that abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

17.8.3 Antennas Located on Towers. The related unmanned equipment structure shall not contain more than two hundred and fifty (250) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

17.8.4 Modification of Building Size Requirements. The requirements of Sections 17.8.1 through 17.8.3 may be modified by the Land Development Regulations Town Clerk in the case of administratively approved uses or by the Planning and Zoning Board in the case of uses permitted by special use to encourage co-location.

SECTION 17.9 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

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

SECTION 17.10 NON-CONFORMING USES

17.10.1 Not Expansion of Non-conforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a non-conforming use or structure.

17.10.2 Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Article.

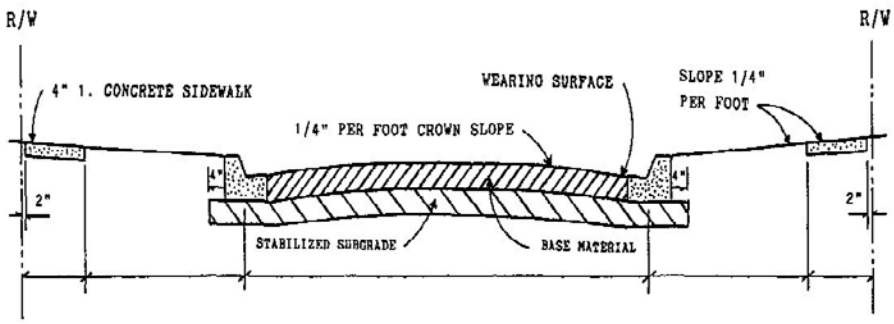
17.10.3 Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 17.9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Section 17.7.4.2a. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred and eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 17.9.

THIS PAGE LEFT BLANK INTENTIONALLY

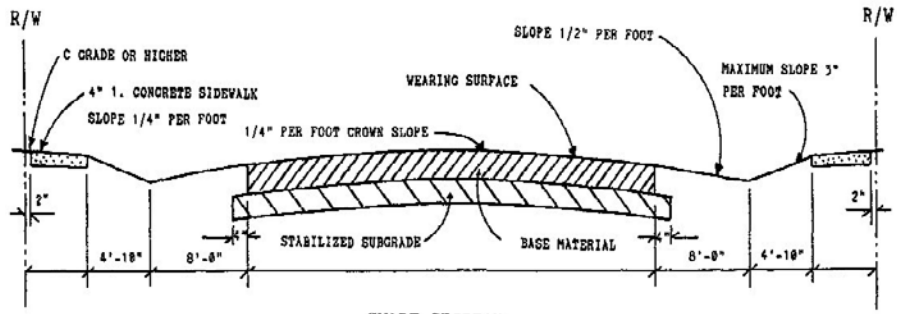
APPENDIX A

Street Cross Section and Curb Standards..... A-2
Cul-de-Sac Detail A-3
Intersection Design Standards..... A-4
Utility Location A-5
Certificate of Surveyor A-6
Certificate of Subdivider's Engineer A-6
Certificate of Approval by County Health Department A-7
Certificate of Approval by the Town Attorney A-7
Certificate of Approval of the Town Council A-8
Certificate of Estimated Cost A-8
Preliminary and Final Plat Size Specifications A-9

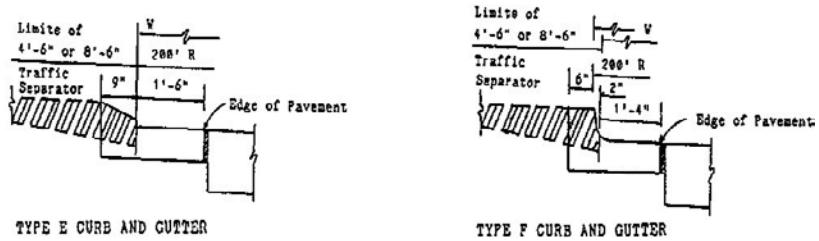
STREET CROSS SECTION AND CURB STANDARDS



CURB SECTION



SWALE SECTION



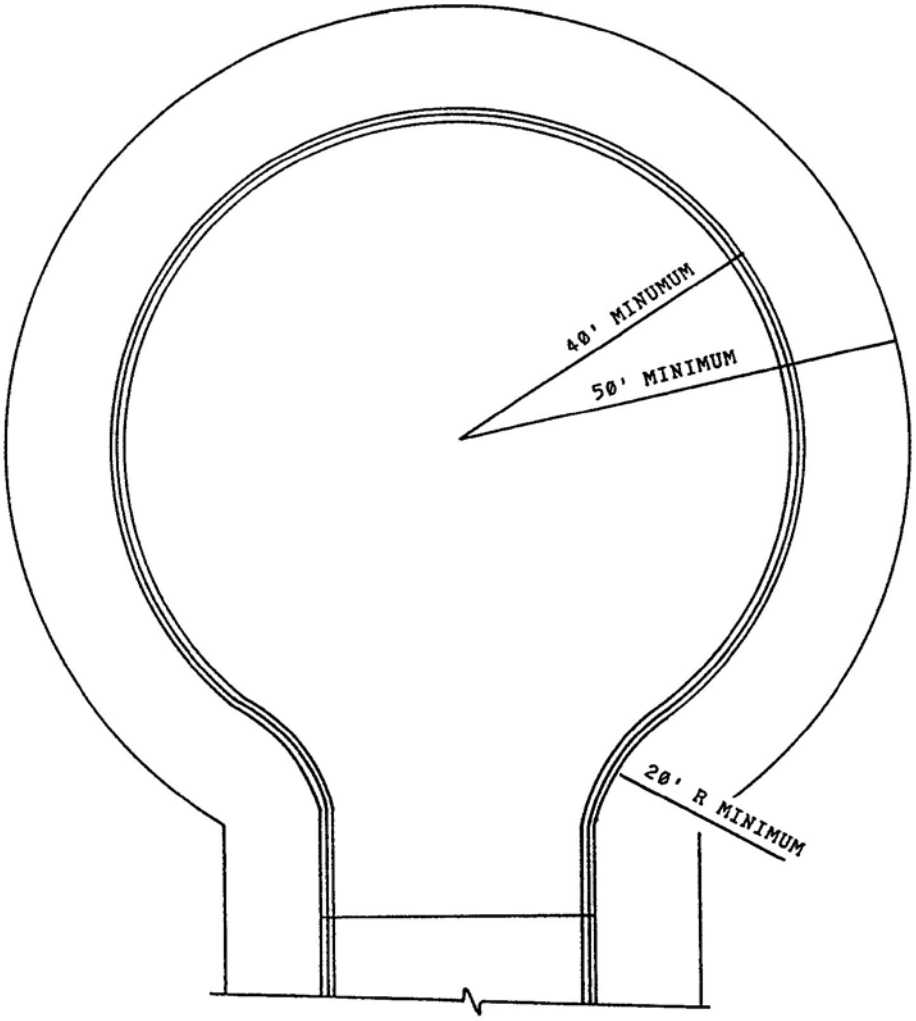
TYPE E CURB AND GUTTER

TYPE F CURB AND GUTTER

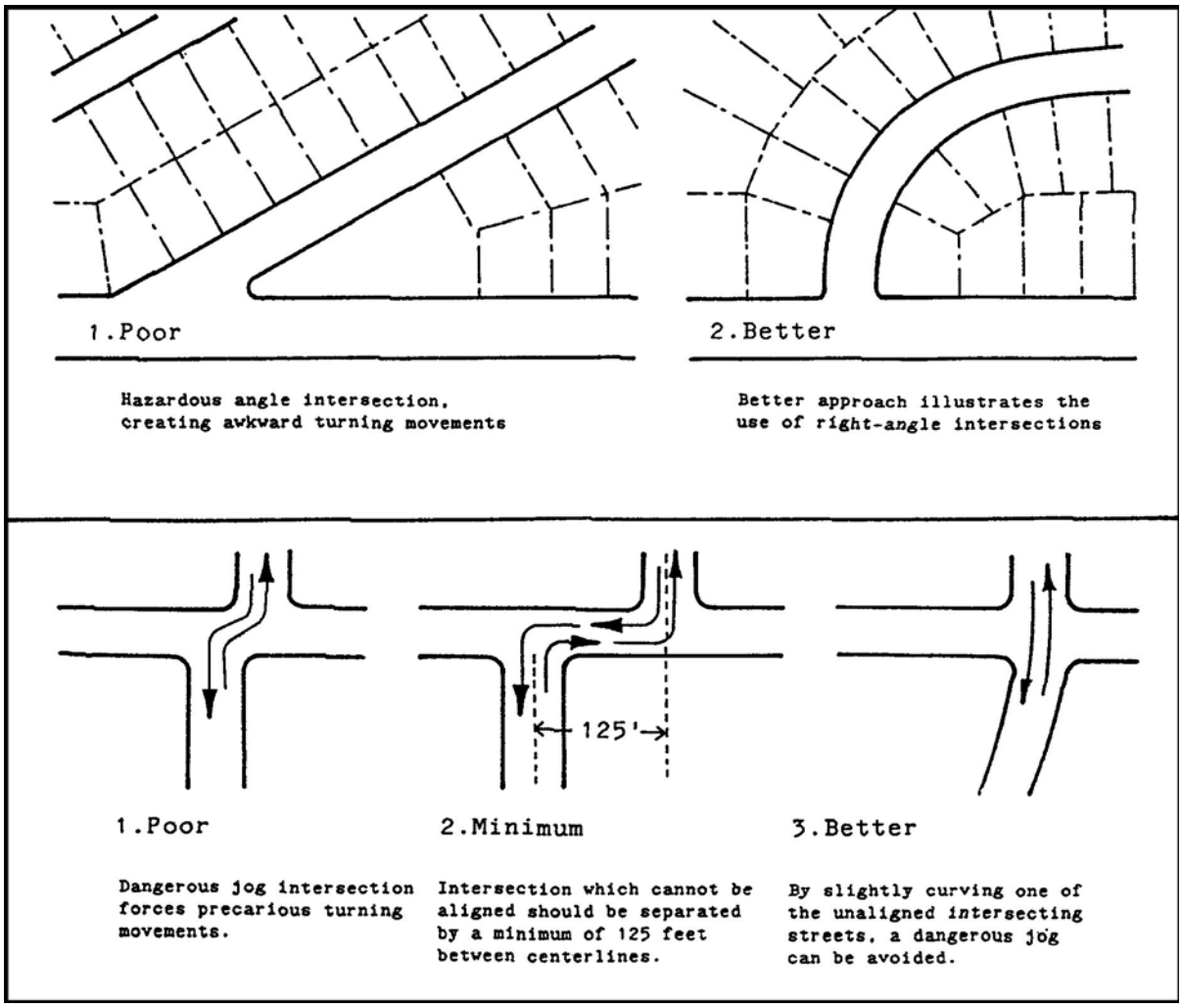
ALTERNATE CURB SECTIONS

NOTE: CURB AND SIDEWALKS SHALL BE CAST OF 2,500 P.S.I. CONCRETE

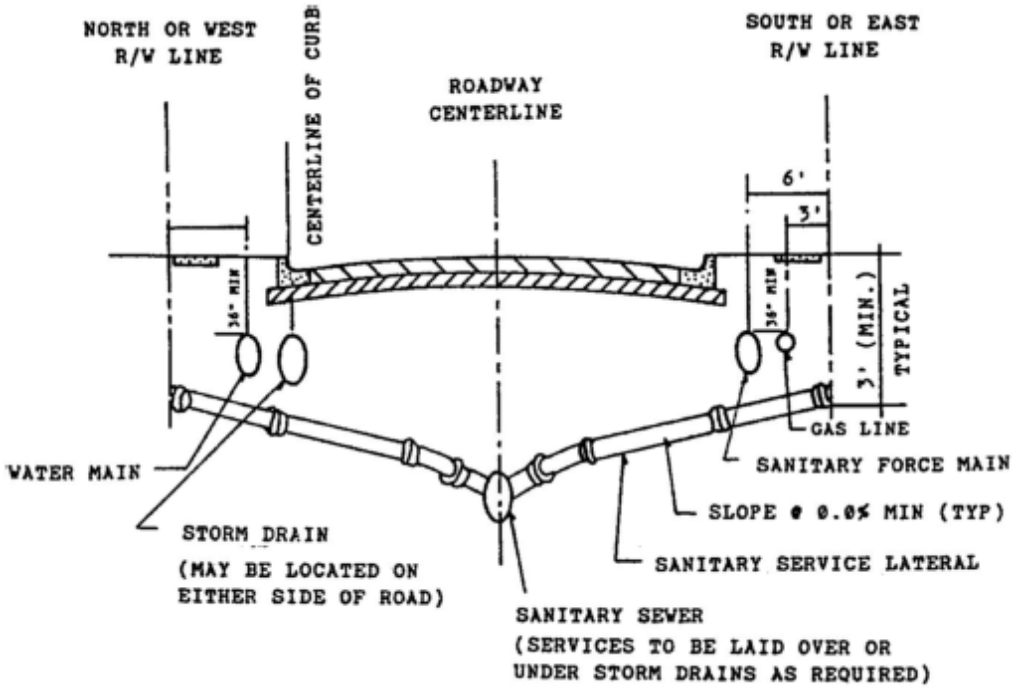
CUL-DE-SAC DETAIL



INTERSECTION DESIGN STANDARDS



UTILITY LOCATION



TYPICAL SECTION

LOCAL AND COLLECTOR STREETS

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, as provided under Chapter 472, Florida Statutes and is in good standing with the Board of Land Surveyors, does hereby certify that on he completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a correct representation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes, as amended; and that said land is located in Section _____, Township _____, and Range _____, Bradford County, Florida.

NAME _____

DATE _____ Registration Number _____

CERTIFICATE OF THE SUBDIVIDER'S ENGINEER

THIS IS TO CERTIFY, that on _____, _____Registered Florida Engineer, as specified within Chapter 471, Florida Statutes, License No. _____, does hereby certify that all required improvements have been installed in compliance with the approved construction plans and as applicable, any submitted "as built" blue prints in accordance with the requirements of the Town Council of Brooker, Florida.

(SEAL)

Registered Florida Engineer

CERTIFICATE OF APPROVAL
BY COUNTY HEALTH DEPARTMENT

Examined on _____

AND

Approved by _____
County Health Department

CERTIFICATE OF APPROVAL
BY THE ATTORNEY FOR THE TOWN OF BROOKER, FLORIDA

Examined on _____

AND

Approved as to Legal Form and Sufficiency by:

_____
Town Attorney

CERTIFICATE OF APPROVAL BY THE TOWN COUNCIL OF THE
TOWN OF BROOKER, FLORIDA

THIS IS TO CERTIFY that on the foregoing plat was approved by the Town Council.

_____
Mayor

Attest:

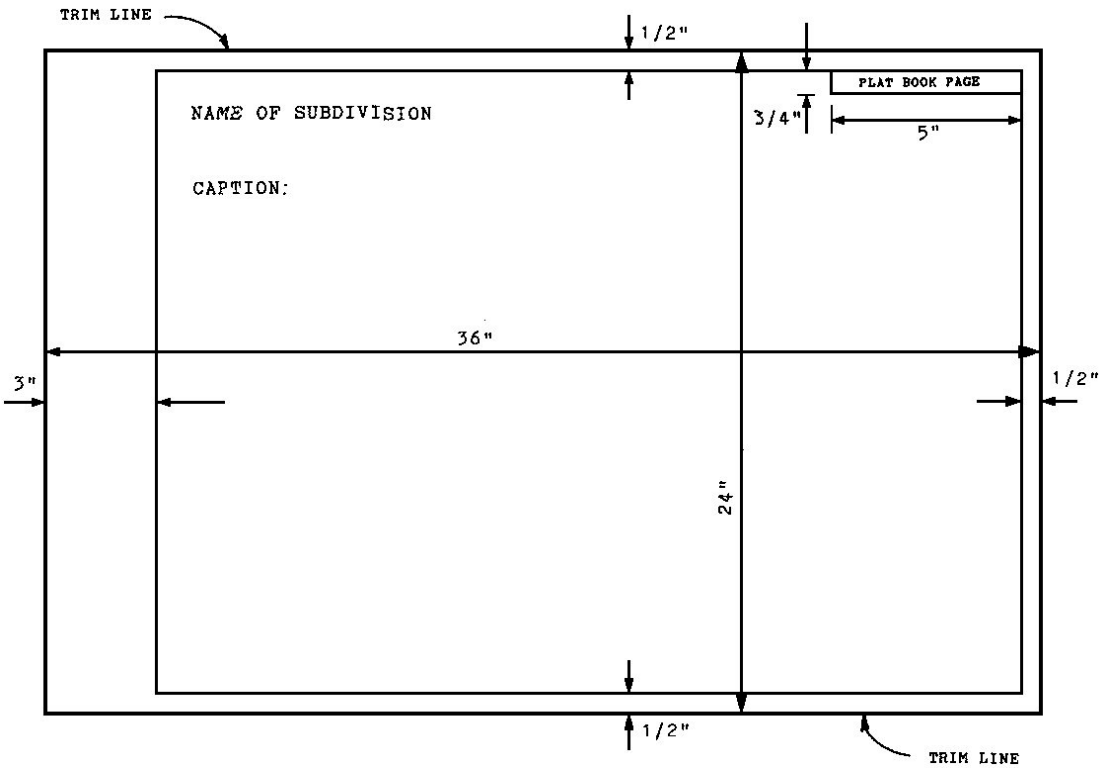
_____ Filed for record on: _____
Town Clerk

CERTIFICATE OF ESTIMATED COST

I, _____, Registered Florida Engineer, as specified within Chapter 471, Florida Statutes, License No._____, do hereby estimate that the total estimated cost of installing all required improvements for the proposed subdivision to be titled _____is $_____.

(SEAL)
Registered Florida Engineer

PRELIMINARY AND FINAL PLAT SIZE SPECIFICATIONS



SIZE OF SHEET FOR RECORD PLAT

THIS PAGE LEFT BLANK INTENTIONALLY

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

REGIONAL AND LOCAL GOVERNMENT PROGRAMS

STAFF

Scott R. Koons, AICP, Executive Director

Steven Dopp, Senior Planner

Sandra Joseph, Senior Planner

Carmelita Franco, Administrative Planning Assistant