CITY OF MADISON

LAND DEVELOPMENT REGULATIONS

Adopted
June 2, 1992 by Ordinance No. 92-5

Amended

March 21, 1995, by Ordinance No. 1995-01
August 13, 1996 by Ordinance No. 1996-12
January 14, 1997 by Ordinance No. 1996-28
January 25, 2000 by Ordinance No. 2000-01
January 25, 2000 by Ordinance No. 2000-02
January 25, 2000 by Ordinance No. 2000-03
February 12, 2002 by Ordinance No. 2002-02
March 15, 2006 by Ordinance No. 2006-04
September 12, 2006 by Ordinance No. 2006-12
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February 10, 2009 by Ordinance No. 2009-01
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December 8, 2019 by Ordinance No. 2020-06
June 8, 2021 by Ordinance No. 2021-01
December 14, 2021 by Ordinance No. 2021-04
May 17, 2022 by Ordinance No. 2022-02
July 11, 2023 by Ordinance Nos. 2023-0 & 2023-03
July 9, 2024 by Ordinance No. 2024-02

CITY OF MADISON

LAND DEVELOPMENT REGULATIONS

Prepared for
City Commission

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

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ARTICLE ONE

GENERAL PROVISIONS

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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 City of Madison, Florida."

SECTION 1.2 AUTHORITY

These land development regulations are adopted pursuant to the authority contained in Chapter 163, Part II, Florida Statutes, as amended. Where a 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refers to or cites a section of Florida Statutes or Florida Administrative Code and that section is later amended or superseded, these land development regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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 City.

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 City, 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 City's 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 "Community Planning 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 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 City Commission filed in the office of the City Manager.

1.7.2 Fees established in accordance with section 1.7.1 shall be paid upon submission of a signed application or notice of appeal.

SECTION 1.8 SEVERABILITY

In the event a court of competent jurisdiction holds a section or provision of these land development regulations 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 COMPUTATION OF TIME

1.9.1 Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded.

1.9.2 Unless otherwise specified, when a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

SECTION 1.10 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

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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* does not include directly across from.

The words *City Commission* means the City Commission of the City of Madison, Florida.

The word *City* means the City of Madison, Florida.

The term *Comprehensive Plan* means the comprehensive plan of the City of Madison, Florida, which was adopted by Ordinance 91-6 and became effective on September 3, 1991.

Abandoned Motor Vehicle. An abandoned motor vehicle is one that is in a state of disrepair and incapable of being moved under its own power and which does not have a current vehicle registration certificate.

Abutting or Adjacent Property. Abutting or adjacent property is property that is immediately contiguous to the property being considered under these land development regulations. Adjacent property may be contiguous, across a right-of-way, or close enough to be directly impacted by a use or proposed use on the property being considered under these land development regulations meaning the distance for adjacency varies with the degree of impact.

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

Accessory Use or Structure. An accessory use or structure is a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, is located on the same premises. "On the same premises" with respect to accessory uses and structures is construed to mean on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it is considered a part thereof and not an accessory building.

Addition. An addition is an extension or increase in floor area or height of a building or structure.

Administrator. The Administrator is the Land Development Regulation Administrator designated by the City Commission for the administration and enforcement of 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 is work done other than that necessary to maintain the system's original design and function.

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

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

Ancillary Facilities. Ancillary facilities means the buildings, cabinets, vaults, closures and equipment required for operation of telecommunications facilities including, but not limited to, repeaters, equipment housing, and ventilation and other mechanical equipment. Ancillary facilities shall not include the maintenance, modification, or replacement of existing ancillary facilities.

Antenna. Antenna means any exterior apparatus designed for sending and/or receiving electromagnetic waves, radio frequencies (excluding radar signals), digital signals, analog signals, wireless telecommunications signals or other communication signals for telephone, radio, television, personal communication service, enhances specialized mobile radio, specialized mobile radio, paging, commercial land mobile radio, personal wireless services or other similar emerging technologies. For the purposes of these Land development Regulations, the term "antenna" does not include any tower or antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, any device designed for over-the-air reception of amplitude modulation or frequency modulation radio broadcast signals, television broadcast signals, residential receiving antennae, multichannel distribution service or direct broadcast satellite service, or any cable television headend or hub towers and antennae used solely for cable television services.

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

Arterial Streets. Arterial streets are streets (roads) which conduct large volumes of traffic over long distances and are functionally classified as such on the Florida Department of Transportation Current Highway Functional Classification and Systems map for the City, as amended, and in the City's Comprehensive Plan.

Automobile Wrecking or Automobile Wrecking Yard. The term automobile wrecking or automobile wrecking yard refers to the dismantling or disassembling of used motor vehicles or trailers, or to the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Automotive Service Station. An automotive service station is an establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles; grease, tires batteries 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 (but not commercial car wash facilities) 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 similar characteristics to an extent greater than normally found in such stations means that the station is construed to be a repair garage, a body shop, truck stop, a car wash or a combination thereof.

For purposes of these land development regulations, where motor fuel pumps are erected for dispensing motor fuel at retail primarily for automobiles, such motor fuel pumps are considered to constitute an automotive service station, even where additional services which are customarily associated with an automotive service station are not provided. Where such motor fuel pumps are erected in conjunction with a use which is not an automotive service station, each use is considered as a separate principal use and, as such, each needs to meet the applicable requirements of these land development regulations (see Article 4 for special design standards for automotive service stations).

Bar, Cocktail Lounge, or Tavern. A bar, cocktail lounge, or tavern is any establishment 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. The term block includes tier or group and means a 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. The term Board of Adjustment means the Board of Adjustment of the City as provided for within these land development regulations.

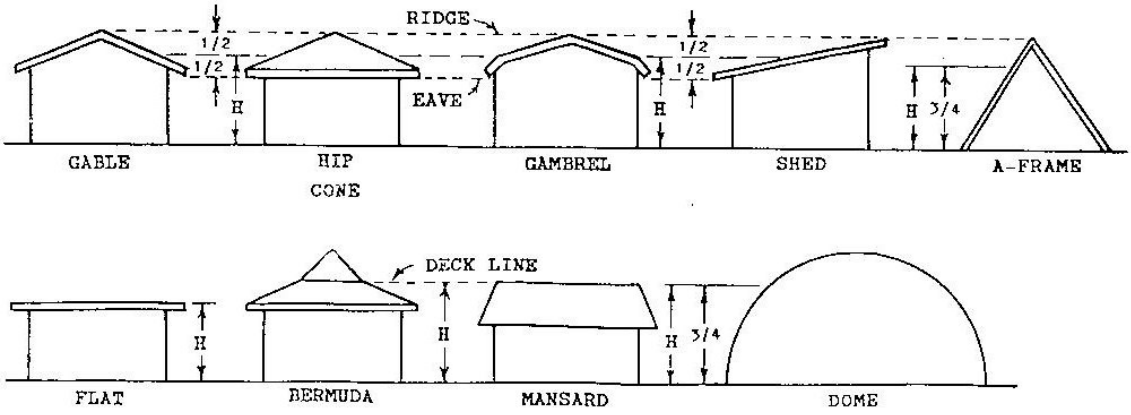
Bottle Club. Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to bona fide restaurants licensed by the Florida Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Florida Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation.

Buildable Area. The 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 to be left within the buildable area.

Building. A building is a 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 includes 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. (See Article 14) The building front yard setback line is the rear edge of a required front yard as specified within these land development regulations.

Building, Height of. Height of building is the vertical distance measured from the established grade at the center 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 three quarters (3/4) of the highest point of a dome or A-frame roof and to the mean height level between eaves and ridge of gable, hip, cone, shed and gambrel roofs. (See Article 4, Exclusions from Height Limitations).



Building Line. A building line is the inward edge of a required front yard or other required yard setback line. Except as specifically provided by these land development regulations, buildings or structures are not erected or extended to occupy a portion of a lot beyond the building line and into a required yard area.

Capital Budget. Capital budget means the portion of the City's annual budget 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 purposes of these land development regulations, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements are considered capital improvements.

Child Care Center. A child care center includes any child care facility or child care arrangement where more than five (5) children, other than members of the family occupying the same premises, are cared for during the day, whether or not it is operated for profit. The term includes *day nurseries, kindergartens, day care services, nursery school,* or *play school*.

Child Care Center, Overnight. An overnight child care center is an establishment where more than five (5) 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. A medical or dental clinic is an establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the healing arts including medical doctors, chiropractors, osteopaths, dentists, massage therapists, chiropodists, naturopaths, optometrists, or a similar profession, the practice of which is regulated by the State of Florida.

Club, Private. Private clubs, for the purposes of these land development regulations, pertains to and includes those associations and organizations of a civic, fraternal, recreational, or social character not operated or maintained for profit. The term "private club" does not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Collector Streets. Collector streets are streets (roads) which serve as the connecting link for local streets and arterials and which provide for intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and volumes. Collectors generally penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better served by arterials. Collectors are identified in the Comprehensive Plan of the City.

Collocation. Collocation means a telecommunications facility comprised of a single telecommunications tower or building supporting one (1) or more antennae, dishes or similar devices owned or used by more than one (1) public or private entity. The definition of collocation does not include or contemplate the location of multiple towers on one (1) telecommunications facility.

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

Completely Enclosed Building. A completely enclosed building is 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.

Cone of Influence. Cone of influence means an area around one or more major waterwells, the boundary of which is determined by the City Commission based on groundwater travel or drawdown depth.

Construction, Actual. Actual construction includes only work begun under a valid building permit and 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 occurred preparatory to new construction, such demolition, excavation, or removal is deemed to be actual construction, provided that work is continuously carried on until the completion of the new construction involved.

County Health Department. The term County Health Department means the Health Department of Madison County.

Cul-de-sac. A cul-de-sac is a local street of relatively short length with one end open and the other end terminating in a vehicular turnaround.

Curb Break. A curb break is a driveway or other opening for vehicles entering a public street.

Day Care Center or Nursery. See *Child Care Center*.

Density, Gross Residential. The term residential density refers to the number of residential dwelling units permitted per gross acre of land, 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 in these land development regulations. In determining the number of residential units permitted on a specific parcel of land, a fractional unit is rounded down to the nearest whole unit.

Developer. Developer means a person, including a governmental agency, undertaking development as defined in Chapter 163, Part II and Chapter 380.04, 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 an order granting, denying, or granting with conditions an application for a development permit and includes any building permit, subdivision approval, rezoning, certification or designation, special exception, variance, special or temporary permit, or other official action of the appropriate City approval body or Land Development Regulation Administrator having the effect of permitting the development of land.

Dormitory. A dormitory is 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.

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 its gradual release. The stormwater may receive prior purpose treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

Drainage Facilities. Drainage facilities means a system of man-made 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 Restaurant or Refreshment Stand. A drive-in restaurant or refreshment stand is 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 is deemed a drive-in restaurant for purposes of these land development regulations. A barbecue stand or pit having the characteristics noted in this definition is deemed a drive-in restaurant.

Dwelling Unit (D.U.). A dwelling unit is 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 other rooms or dwelling units which may be in the same structure and containing sleeping facilities and one (1) kitchen.

Dwelling, Conventional Single Family. A conventional single family dwelling is a building containing only one (1) dwelling unit and structurally connected to no other 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, Loft. An upper story of a building with the principal use being for business purposes typically consisting of open, unpartitioned floor area converted or adapted as quarters for living.

Dwelling, Mobile Home or Mobile Home. A mobile home dwelling or mobile home is 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. Licensed as a manufactured housing unit by the State of Florida. A travel trailer is not a mobile home.

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

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

Dwelling, Multiple or Multi-Family. A multiple family dwelling is 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, is 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 applies:

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

Easement. An easement is a strip of land created for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which remains in the name of the property owner subject to the right of use designated in the reservation of the servitude.

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

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

Essential Services. See Article 14.

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. A facility is 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. A family is 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 contains 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 family or families, and no more than two (2) roomers or boarders may occupy the dwelling unit (for three (3) or more roomers or boarders (see *Group Living Facility*). The term "family" does not 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.

Flood Hazard Boundary Map (FHBM). The Flood Hazard Boundary Map (FHBM), issued by the Federal Emergency Management Agency and defining as Zone A the boundaries of areas of special flood hazard, is the official such map of the City.

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, 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.

Food Truck. Food truck means a motorized vehicle or trailer that a natural person or business entity uses to sell immediately consumable *food* products and nonalcoholic beverage items from a fixed location.

Frontage of a Lot. See *Lot Frontage*.

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 forms the top of the aquifer system. The base of the aquifer system coincides with the appearance of a regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

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

Garage, Private. A private garage is 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 considered part of the main building. An unattached private garage is considered an accessory building.

Garage, Repair. A repair garage is 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. A storage garage is 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 grade 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 relatively stationary or flowing through channels.

Relatively Stationary or Group Living Facility. A group living facility is 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.

The term *group living facility* includes dormitories, fraternities, sororities, rooming or boarding houses, convents or monasteries, orphanages, and housing for other institutional groups. For purposes of these land development regulations, community residential homes and one (1), two (2), or multiple family dwellings which constitute separate housekeeping establishments for individual families are not considered group living facilities.

Guest House or Guest Cottage. A guest house or guest cottage is 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 non-paying guest, provided, however, that such quarters have no cooking facilities, are not rented, and have no separate utility meters.

Guyed Tower. Guyed tower means a tower, which is supported or braced with cables (guy wires) that are permanently anchored

Habitable Room. A habitable room is 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 and having only non-loadbearing 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, a home occupation is an occupation conducted entirely within a dwelling unit in accordance with home occupation criteria in Article 4.

Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court. The words hotel, motel, motor hotel, motor lodge, and tourist court are considered synonymous terms and mean a building or group of buildings in which sleeping accommodations are offered primarily for rental to transients with a 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. The term improvements includes, but is not limited to, 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 the subdivision regulations.

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

Junk Yard. A junk yard is a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., is 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 does not include automobile wrecking or automobile wrecking yards nor does it include 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 are usable, nor does it include 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 improvements or structures customarily regarded as land.

Land Development Regulations. The term land development regulations means 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, existing housing quality, on-site traffic flow and parking and any other regulation so deemed appropriate by the City Commission.

Land Development Regulation Administrator. The Land Development Regulation Administrator is the official designated by the City Commission for the administration and enforcement of land development regulations.

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

Landmark Site. Landmark site is 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.

Lattice Tower. Lattice tower means a type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

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 a public facility.
Lien. A lien is a claim on the property of another as security against the payment of a just debt.

Loading Space, Offstreet. Offstreet loading space is 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. The term Local Planning Agency means the agency designated by the City Commission under the provisions of Chapter 163, Part II, Florida Statutes, as amended.

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

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 purposes of these land development regulations, a lot is of at least sufficient size to

1. Meet minimum zoning requirements for use, coverage, and area, and
2. Provide the yards and open spaces as are herein required, provided, however, that certain non-conforming lots of record may be exempted from certain provisions of these land development regulations (see Section 2.3).

The term "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;
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall a residual lot or parcel be created which does not meet the requirements of these land development regulations.

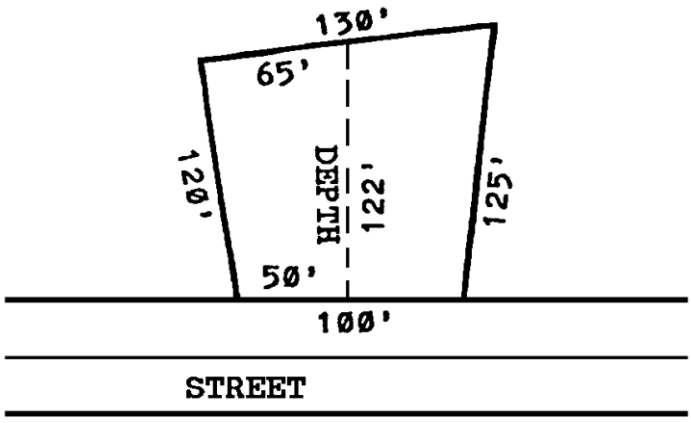
Lot Area. The lot area is the total horizontal area included within lot lines.

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

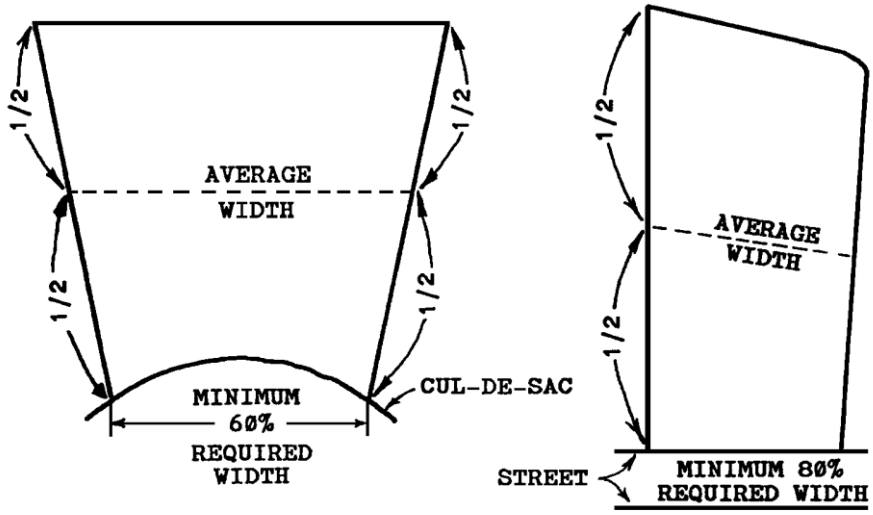
Lot Frontage. The lot frontage of an interior lot is construed to be the portion nearest the street. For the purpose of determining yard requirements on corner and through lots, sides of a lot facing streets are considered frontage with front yards to be provided in accordance with these land development regulations.

Lot Line. Lot lines are the ownership lines bounding a lot.

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



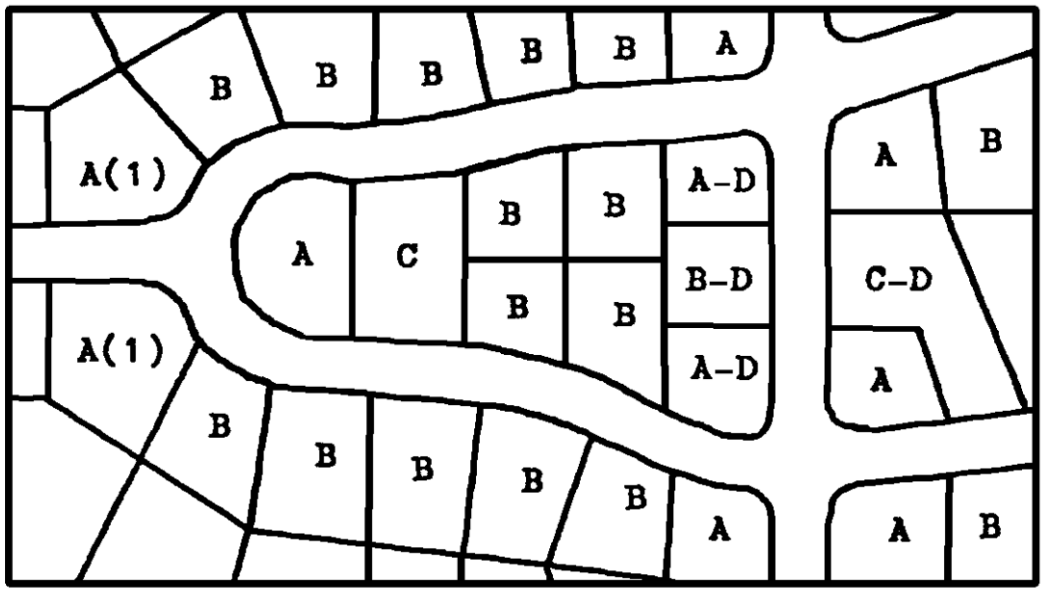
Lot Measurement, Width. Width measurement of a lot is considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) 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 are not less than eighty (80) percent of the required lot width except for lots on the turning circle of a cul-de-sac where the width is not less than sixty (60) percent of the required lot width.



Lot of Record. A lot of record is

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 effective date of the Comprehensive Plan.

Lot Types. Lot types and associated terminology is illustrated in the diagram below for corner lots, interior lots, through lots and reversed frontage lots.



In the diagram:

A = Corner Lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets is 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 are also 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. A marginal access street is a street, parallel and adjacent to an existing street, providing access to abutting lots.

Major Recreational Equipment. Major recreational equipment includes 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 (see also Article 4).

Microbrewery. Microbrewery means a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site and may include a taproom for sale of beer for on premise consumption or in sealed containers for take-away.

Microdistillery. Microdistillery means a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site and may include a tasting room in which guests/customers may sample the product. Sale of spirituous beverages in sealed containers for take-away is permitted in accordance with Florida law.

Microwinery. Microwinery means a facility that produces no more than one hundred thousand (100,000) gallons per year of vinous beverages on site and may include a tasting room for sale of wine for on premise consumption or in sealed containers for take-away.

Mini-Self-Storage Building. A mini-self-storage building or series of buildings is a business use operated as one enterprise of not fewer than thirty (30) enclosed individual spaces, the largest which has no more than two hundred (200) square feet of floor area and which are separated by permanent partitions. Individual spaces are accessible by separate exterior doors, and are offered for rent to the general public for storage of goods, personal property, or merchandise. These premises are not inhabitable, do not contain sanitary facilities nor office partitions, but are used solely for the storage of goods, personal property, or merchandise none of which shall be explosive, flammable, or illegal. An area not in excess of three hundred (300) square feet may be included, also, to provide office space and required sanitary facilities for use by the owner(s) of the enterprise or their employee(s) only and only for the purpose of operating the mini-self-storage building.

Mini-Storage Facility. A mini-storage facility is a building or series of buildings operated as one enterprise under constant supervision during posted hours of operation and providing individual storage compartments of no more than nine (9) square feet of floor area which are accessible only by way of restricted exterior entrances to individual buildings and offered to the public for rent for storage of personal goods only. An area not in excess of three hundred (300) feet may be included, also, to provide office space and required sanitary facilities for use by the owner(s) of the facility or their employee(s) only and only for the purpose of operating the mini-storage facility.

Mobile Food Cart. Mobile food cart means a non-motorized portable push cart that a natural person or business entity uses to sell immediately consumable *food* products and nonalcoholic beverage items from a fixed location.

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 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 the definition of a mobile home.)

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

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

Mobile Recycling Collection Center. A Mobile Recycling Collection Center is a unit designed for transportation, after fabrication, on streets or highways on its own wheels and which is completely enclosed by a rigid opaque covering. Its purpose is the collection of reusable material including, but not limited to, glass, paper, aluminum, steel cans, and plastic for reuse, remanufacture, or reconstitution in an altered form. This excludes the collection of refuse, household appliances, auto parts, or hazardous materials, the wrecking or dismantling of auto salvage material or the burning, melting, or any form of alteration of such products within the collection center.

Monopole Tower. Monopole tower means a tower that is self-supporting with a single shaft of steel and a platform (or racks) for panel antennas arrayed at the top. A monopole tower consists of a single pole constructed and standing without guy wires or ground anchors. All electrical wires and cables, all antenna wires and cables, and any other wires or cables connected to or associated with a monopole tower shall be housed inside the structure of the tower.

Motel, Motor Hotel, or Motor Lodge. See *Hotel*.

Natural Drainage Features. Natural drainage features means the naturally occurring features of an area which accommodate~~s~~ 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 after the effective date of these regulations.

Newspaper of General Circulation. A 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.

Non-Conforming Lot, Structure, Use of Land, Use of Land and Structure, etc. See Section 2.3.

Nuisance. The following are defined as nuisances:

1. A public nuisance known at common law or in equity jurisprudence.
2. An 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 abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; or 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 County health officer.

4. Overcrowding a room with occupants.

5. Insufficient ventilation or illumination.

6. Inadequate or unsanitary sewage 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 County health officer.

Nursery School. See *Child Care Center*.

Nursing Home. A nursing home is a home, institution, building, residence, or other place, whether or not operated for profit, including those places operated by a unit of government, which undertakes through 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 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 also includes 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 for providing such service 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 to or delivered from the premises to a customer.

Office, Professional. A professional office is for the use of a person or persons generally classified as professional service 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. The 100-year flood area means those areas within the scope of these land development regulations that have a land elevation less than the Official 100-Year Flood Elevations.

Official 10-Year Flood Elevation. The official 10-Year Flood Elevation 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.

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

Openable Area. Openable Area 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 means undeveloped lands suitable for passive recreation or conservation uses.

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

Outpatient Treatment Center. Outpatient treatment center (also referred to as an outpatient rehabilitation facility) means a healthcare facility that provides therapy for substance abuse.

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

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

2. Has 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; or their duly authorized agents. A person representing the actual owner is considered to be bound to comply with the provisions of these land development regulations to the same extent as if he were the owner. It is his or her responsibility to notify the actual owner of reported infractions of these regulations pertaining to the property and 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. A parcel of land means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established and 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. A handicapped parking space is an offstreet parking space reserved for persons who are physically disabled or handicapped.

Parking Space, Offstreet. An offstreet parking space for purposes of these land development regulations consists of an area 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. For purposes of rough computation, an offstreet parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but offstreet parking requirements are considered met only where the actual spaces fulfill required specification and are improved and maintained in the manner required by these land development regulations and other ordinances and regulations of the City. (See also 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 is either 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. PCP's bear the registration number of the surveyor filing the plat of record.

Permanent Reference Monument (PRM). A permanent reference monument (PRM) is a metal rod a minimum of 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 is encased in a solid block of concrete 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 concrete 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, bears the registration number of the surveyor certifying the plat of record with the letters "PRM" placed in the top of the monument.

Planning and Zoning Board. The term Planning and Zoning Board refers to the Planning and Zoning Board of the City 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 they may be designated, and other information required by these land development regulations. The word plat includes the terms replat or revised plat.

Plat, Final. A final plat is a finished drawing of a subdivision showing completely and accurately the 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 or storm drainage facilities and their venting systems and the public or private water-supply systems within or adjacent to any building, structure, or conveyance;
2. The practice and materials used in the installation, maintenance, extension, or alteration of storm-water, liquid-waste, or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

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 form the containment system. To be considered product tight, the containment system needs to be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

Public Areas. Public areas means an unoccupied open space adjoining a building and on the same property that is permanently maintained accessible to the Fire Department and free of encumbrances that might interfere with its use by the Fire Department.

Public Buildings and Facilities. Public buildings and facilities, for purposes of these land development regulations, means the use of land or structures by a municipal, county, state, or federal governmental entity for a public service purpose. More specifically, a public facility means major capital improvements including, but not limited to, purposes of transportation, sanitary sewer, solid waste, drainage, potable water, education parks and recreation, and health systems and facilities. For purposes of these land development regulations, an essential service is not considered to be a public building or facility.

Recreational Facility. Recreation 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 mean activities within areas where recreation occurs.

Regulated Materials. Regulated materials include the following:

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, as amended (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in Chapter 38F-41, Florida Administrative Code, as amended.

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, as amended. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification, as amended.
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, as amended. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification, as amended.
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, as amended.
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, terrarium, tin and zinc.
7. Mixtures containing the above materials if they contain one (1) percent or more by volume or if they are wastes.
8. A 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 or County Health Official 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 provision of law or ordinance. The term repair or repairs does 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 dormitories used for residential occupancy. Such buildings include, among others, dwellings, multiple dwellings and rooming houses (see also dwelling unit Section 2.1).

Residential Home for the Aged. A residential home for the aged is a health care facility containing characteristics of multiple family housing by providing a maximum of independent living conditions for individuals or couples with a minimum of custodial services such as daily observation of the individual residents by designated staff personnel. Residential homes for the aged may include as accessory uses dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

Residential Treatment Facility. Residential treatment facility (also referred to as a residential rehabilitation facility) means a live-in healthcare facility that provides therapy for substance abuse.

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. The term restaurant includes cafes, coffee shops, donut shops, fast-food establishments, delicatessens, cafeterias, and other businesses 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 is land dedicated, deeded, used, or to be used as a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public use including situations wherein the previous owner gave 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 is also a land measurement term meaning the distance between lot property lines and containing such improvements as street pavement, sidewalk, grass area, and underground or aboveground utilities.

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

Roadway Functional Classification. The roadway functional classification means the assignment of streets 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 streets, and collector streets which may be sub grouped into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. Most other streets are termed local streets.

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

Rooming Unit. Rooming unit means a 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 non-combustible waste materials, except garbage. The term includes 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 means 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 suspended or filtered-out material from the act of sedimentation.

Sedimentation. Sedimentation is mineral or organic particulate matter transported in water or air from the site of its origin.

Servants' Quarters. Servants' quarters are accommodations without cooking facilities or separate utility meters for domestic servants employed on the premises. Such units for housing of servants may be in either a principal or an accessory building and are not rented, leased, or otherwise made available for compensation of any kind.

Service Station. See *Automotive Service Station*.

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

Sign. A sign is a 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, Animated. An animated sign is 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. An attached sign is a sign painted on or attached to 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 on or attached to a canopy, awning, marquee, or building.

Sign, Flashing. A flashing sign is 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. A freestanding sign is a sign which is not attached to a building. Freestanding signs include ground signs, pole signs, and portable signs.

Sign, Identification. An identification sign is 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 and which does not contain promotional or sales material.

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

Sign, Off-Site. An off-site sign is a sign other than an on-site sign.

Sign, On-Site. An on-site sign is relating in its subject matter to the premises on which it is located, or to products, services, accommodations, 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, Surface Area. The surface area of a sign is computed as including the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all the display area of the sign and including all the elements of the matter displayed, but not including blank masking, frames, or structural elements of the sign and bearing no advertising matter. Each sign face of double face signs is measured as surface area, and each contributes to the maximum permitted sign surface area for the building or use.

Site. See *Lot*.

Slaughterhouse. Slaughterhouse means a site or facility on or in which:

1. If located in the City owned industrial park, more than thirty (30) head of livestock are intentionally killed per week, or
2. If not located in the City owned industrial park, any livestock or other similar type large animals (such as for example deer) are intentionally killed, or
3. Houses or corals any livestock over night for the purpose of intentionally killing them.

This definition shall exclude licensed veterinary clinics.

Soil Survey. The term soil survey refers to the United States Department of Agriculture, Soil Conservation Service's Soil Survey of Madison County, Florida, or data therein.

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 means 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. A special exception is a use that is not appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, promotes the public health, safety, welfare, morals, 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 Article 12.)

Stairway. Stairway means one (1) or more flights of stairs of two (2) or more risers and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one (1) story of a building or structure to another level.

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

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.

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 "habitable story" in Section 2.1.)

Street. A street is a public or private roadway which affords the principal means of access to abutting property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used. A street may also be a primary thoroughfare with no abutting access such as limited access facilities and portions of arterials and collectors.

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

Structure. See *General*, Section 2.1.

Subdivider. The term subdivider refers to any person, firm, corporation, partnership, association, estate, or trust or 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 is the division of a parcel of land, whether improved or unimproved, into two (2) 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 does not mean:

1. The division of land into parcels of more than ten (10) acres not involving a change in street lines; (2) the transfer of property by sale or gift or testate succession by the property owner to his or her spouse or lineal descendants; or

2. The transfer of property between tenants in common for the purpose of dissolving 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. A major subdivision is a subdivision not classified as a minor subdivision including, but not limited to, subdivisions of four (4) or more lots or a subdivision of any size requiring a new street or extension of local governmental facilities or the creation of public improvements except where otherwise specifically exempted from the requirements of these land development regulations.

Subdivision, Minor. A minor subdivision is a subdivision containing no more than three (3) lots fronting on an existing street and not involving a new street or the extension of local governmental facilities or the creation of public improvements. In addition, to be termed "minor", a subdivision does not adversely affect the remainder of the parcel or adjacent property, nor is it in conflict with a provision of the Comprehensive Plan or these land development regulations.

Substantial Improvement. Substantial improvement means, for a structure built prior to the enactment of these land development regulations, a repair, reconstruction, or improvement of a structure for which the cost equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration on a 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. A 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. An alteration of a structure listed on the National Register of Historic Places.

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

Surety Device. A surety device is an agreement by a subdivider with the City Commission for the approximate amount of the estimated construction cost (or more, if specified) for guaranteeing completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

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

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

2. A 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 a 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 or locally confined conditions which prevail to 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.

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

Telecommunications Facility. Telecommunications facility means towers, either individually or together, including all guy wires, apparatus, structures, or equipment connected to towers, and all ancillary facilities.

To Plat. The phrase "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. A travel trailer is a vehicular, portable structure built on a chassis and designed to be a temporary dwelling for travel, recreational, and vacation purposes, which:

1. Is identified on the unit by the manufacturer as a travel trailer;
2. Is not more than eight (8) feet in body width; and
3. Is of any weight provided its body length does not exceed thirty-five (35) feet.

Truck Stop. A truck stop is an establishment where the principal use is 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.

Tower. Tower means a structure, equal to or greater than seventy (70) feet high, such as a lattice tower (self-supporting), guyed wire tower (anchored with guy wires or cables) or monopole tower (free standing), constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located on one (1) or more antennae.

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

1. The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the working stresses allowed in the City Building Code for new buildings.
2. Damage to a building, structure or portion thereof by fire, flood, earthquake, wind or other cause is to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than minimum requirement established by the City Building Code for new buildings.
3. When, for any reason, a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.
4. When a building, structure or portion thereof is, as a result of decay, deterioration or dilapidation, likely to partially or fully collapse.
5. When a building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of City regulations.

6. When a building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or when it constitutes a fire hazard or is otherwise dangerous to human life, or when, in relation to its existing use, it 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 includes use of land, water surface, and land under water to the extent covered by these land development regulations and over which the City Commission has jurisdiction.

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

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

Variance. A variance is a relaxation of the terms of these land development regulations where such variance is not 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 on the land.

Establishment or expansion of a use otherwise prohibited or not permitted is not termed a variance, nor does the presence of non-conformities in the same zoning or district or adjoining zoning or districts create a justification for relaxing the terms of the land development regulations to such a degree that an actual "zone change" may be termed a "variance". (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 means 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, water supply or similar.

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

Water Wells. Water wells means 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 where the intended use of such excavation is to:

1. Conduct ground water from an aquifer or aquifer system to the surface by pumping or natural flow,
2. Conduct waters or other liquids from the surface into an area beneath the surface of land or water by pumping or natural flow, or
3. Monitor the characteristics of ground water within an aquifer system(s).

For purposes of these land development regulations, geotechnical borings greater than twenty (20) feet in depth are included in the definition of "well".

Wellfield Protection Area. Wellfield protection area, unless otherwise modified in definition, is an area of three-hundred (300) feet around wellheads with a permitted capacity of one-hundred thousand (100,000) gallons per day or more (see Article 6).

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

Yard. A yard is 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. Various types of yards and lots are defined in diagrams and illustrations which follow.

Yard, Front. A front yard extends between side lot lines across the front of a lot adjoining a public street. Through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, have front yards on all frontages (subject to waiver by the Land Development Regulation Administrator substituting a special yard requirement which does not exceed the average of front yards on adjoining lots). Corner lots and reverse frontage lots have two front yards of the required depth.

Yard, Front; Depth Required. The required front yard depth is 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, is assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Side. A side yard extends from the rear line of the required front yard to the rear lot line or, in the absence of a clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with a public street. Side yards of through lots extend from the required rear lines of front yards. Corner lot yards remaining after front yards have been established on both frontages are considered side yards.

Yard, Side; Depth Required. The required side yard depth is 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.

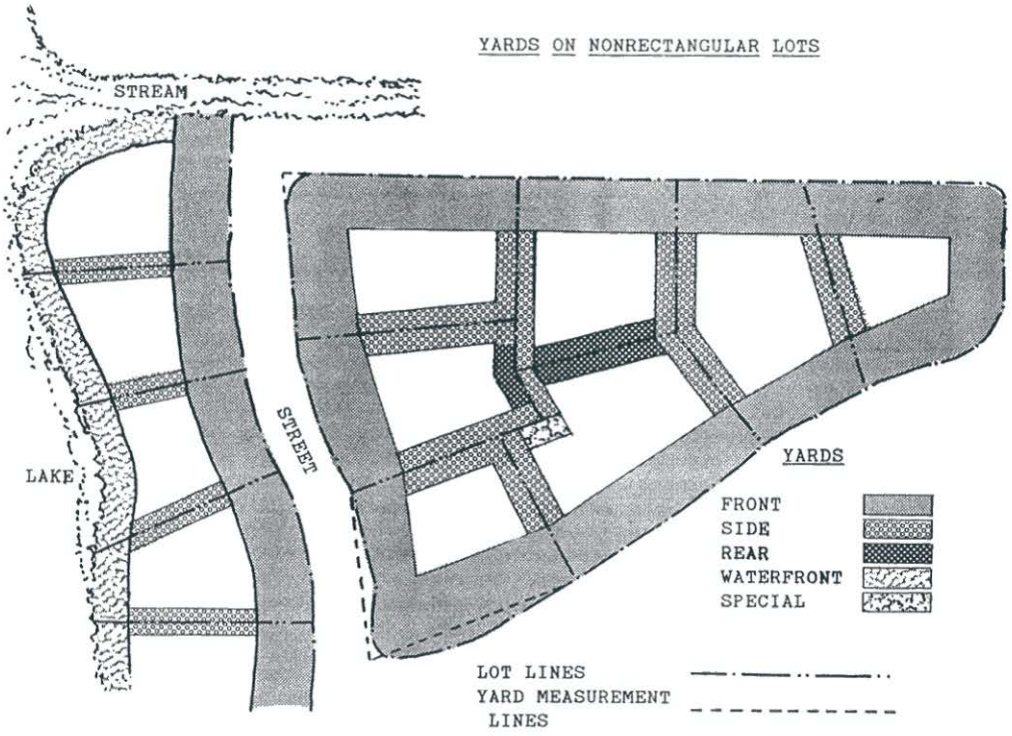
Yard, Rear. A rear yard extends across the rear of the lot between inner side yard lines. Through and corner lots have no rear yards but only front and side yards.

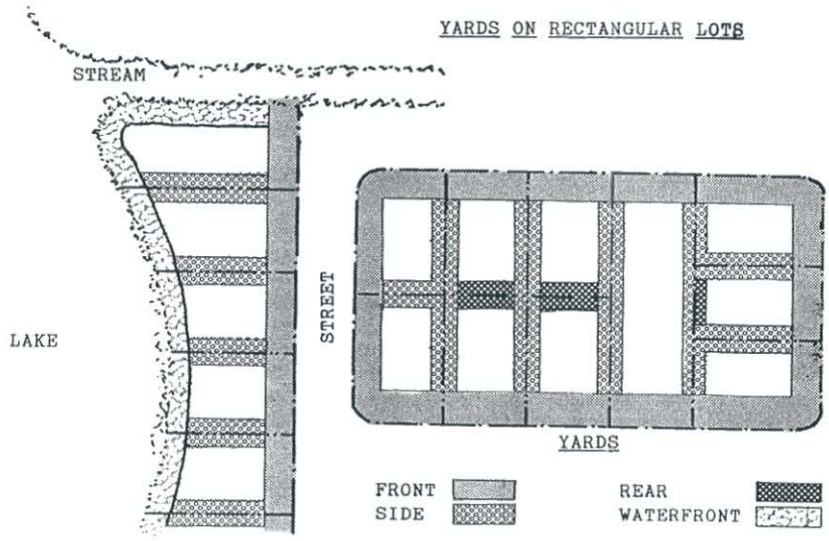
Yard, Rear; Depth Required. The required real yard depth is measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special. A special yard occurs behind another required yard adjacent to a street which is required to perform the same functions as a side or rear yard but which is adjacent to a lot line and so placed or oriented that neither the term "side yard" nor "rear yard" clearly applies. The Land Development Regulation Administrator determines special yard dimensions based generally upon:

1. Side or rear yard requirements in the district,
2. The yard's relation to adjoining lots, and
3. The orientation and location of on-site structures and buildable area.

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





SECTION 2.2 LOTS DIVIDED BY DISTRICT LINES

Where a lot, existing on the effective date of these Land Development Regulation, is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off-street parking and loading, or other regulations apply, the following applies:

1. Use Regulations.
    a. If more than fifty (50) percent of the lot area of the lot is located in one (1) of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
    b. If the lot is divided so that fifty (50) percent of lot area lies within each of two (2) or more districts, the applicable use regulations of the most restrictive district shall apply for the entire lot.
2. Dimensional Requirements Regulations.
    a. If more than fifty (50) percent of the lot area is located in one (1) of two (2) or more districts, the dimensional requirement regulations applicable to the district containing the majority lot area shall apply to the entire lot.
    b. In cases where the lot is divided so that fifty (50) percent of the lot area lies within two (2) or more districts, the lot area, yard setback, height lot coverage and off-street parking and loading regulations and requirements for the district with the more restrictive regulations shall apply to the entire lot.

SECTION 2.3 NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING CHARACTERISTICS OF USE, NON-CONFORMING 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 these land development regulations were adopted or amended 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 non-conformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival.

Non-conforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts 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 effective date of the City's adopted Comprehensive Plan 2011 and upon which actual 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 Non-conforming lots of record. In a district in which one (1) family dwellings are permitted, a one (1) family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record at the effective date of the city's adopted Comprehensive Plan, whether located within a subdivision or without, but only to the extent of one (1) single family residence per lot. However, such lots shall not be contiguous on the same frontage as of the effective date of the City's adopted Comprehensive Plan to any other lot(s) owned by or under contract for deed to the persons(s) applying for the single family residence building permit.

2.3.2 Non-Conforming Uses of Land. Where, on the effective date of the City's adopted Comprehensive Plan 2011, lawful use of land exists which would not be permitted by these land development regulations, such use may be continued so long as it remains otherwise lawful, subject to:

1. Movement. No non-conforming use shall be moved in whole or in part to a portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of these land development regulations.

2. Discontinuance. If a non-conforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than six (6) consecutive months, a subsequent use of such land shall conform with the regulations specified by these land development regulations for the district in which such land is located.

3. Structure additions. No structures shall be added or on such land, except for allowed uses in a manner conforming with the regulations for the district in which such land is located.

2.3.3 Non-Conforming Structures. Where a structure lawfully exists on the effective date of adoption or amendment of these land development regulations that could not have been built under these land development regulations by reason of restrictions to 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:

1. Enlargement or alteration. No such non-conforming structure may be enlarged or altered other than 50% in a way which increases its non-conformity, but a structure or portion thereof may be altered to decrease its non-conformity;

2. Destruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent greater than seventy-five percent (75%) of its replacement value at time of destruction, it shall not be reconstructed except in conformity with these land development regulations; and

3. Movement. A structure moved for any reason for any distance shall thereafter conform with the regulations for the district in which it is located after it is moved.

2.3.4 Non-Conforming Characteristics of Use. Characteristics of use such as residential density, signs, off-street parking or loading, or similar matters accompanying to the use of land, structures, and premises which are made non-conforming by these land development regulations as adopted or amended shall not thereafter be changed in a way which increases such non-conformity provided, however, that changes may be made which decrease or do not increase such non-conformity.

2.3.5 Non-Conforming Use of Structures and Premises. Where a lawful use of a structure, on of a structure and premises in combination, exists at the effective date of the City's adopted Comprehensive Plan that would not be allowed in the district under the terms of these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to:

1. Extension of use. A non-conforming use may be extended into a part of a building which was manifestly arranged or designed for such use on the effective date of adoption or amendment of these land development regulations. A non-conforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to a other part of the building. No non-conforming use shall be extended to occupy land outside the building or another building or structure on the same lot or parcel not used for such non-conforming use on the effective date of adoption or amendment of these land development regulations;
2. Change in tenancy or ownership. A change in tenancy, ownership, or management of a non-conforming use does not affect the status of the non-conformity provided there is no change in the nature or character of the non-conforming use;
3. Change in use. A non-conforming use of a structure, or of a structure and premises in combination, may be changed to another non-conforming use of the same character or to a more restricted but non-conforming use provided the Board of Adjustment finds, after due public notice and hearing, the proposed use is equally or more appropriate to the district than the existing non-conforming use and that the relation of the structure to surrounding properties is such that adverse effects upon occupants and neighboring properties will not be greater than if the existing non-conforming 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;
4. Change to conforming use requires future conformity with district regulations. A structure, or structure and premises in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform with the regulations of the district in which such structure is located, and the non-conforming use shall not thereafter be resumed nor shall any other non-conforming use be permitted;
5. Discontinuance. If a non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than six (6) consecutive months, a subsequent use shall conform with the regulations for the district in which the use is located; and
6. Destruction. Should a structure containing a non-conforming use be destroyed by any means to an extent greater than seventy-five percent (75%) of its replacement value at the time of destruction, its status as a non-conforming use is terminated, and it shall not be reconstructed except in conformity with these land development regulations.

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 non-conforming use or to create rights in the continuance of such use.

2.3.7 Uses, Under Special Exception Provisions not Non-Conforming Uses. A use permitted as a special exception in a district under the terms of these land development regulations shall not be deemed a non-conforming use in such district but shall, without further action, be deemed a conforming use in such district. However, an enlargement or expansion of such use shall be subject to procedure for securing a special exception (see Section 12.2).

SECTION 2.4 VESTED RIGHTS

Certain land development rights of property owners may be vested with respect to the City's Comprehensive Plan and these land development regulations adopted to implement the Comprehensive Plan. For instance, development specifically approved in a Development of Regional Impact development order is vested in accordance with Section 163.3167(8), Florida Statutes (1987), and is exempt from the provisions of this section. This section sets forth the procedure for determining those vested rights. A person claiming vested rights to develop property may make application for a Vested Rights Certificate pursuant to this section. Notwithstanding the preceding sections.

2.4.1 Determination of vested rights.

2.4.1.1 An application for a Vested Rights Certificate may be approved and a Vested Rights Certificate issued if an applicant demonstrates rights vested under the standards of this section, subject to limitations set forth in this section and subject to compliance with such laws and regulations against which the development is not vested. Possession of a Vested Rights Certificate enables a permittee to complete the development approved under such certificate up to and through issuance of appropriate certificates of occupancy.

2.4.1.2 An application for a Vested Rights Certificate may be filed for the subject property for the subject property within one (1) year of the adoption of these land development regulations. Except as provided in the section below, failure to file an application within the required period shall constitutes abandonment of a claim to vested rights. Judicial relief is not available until administrative remedies set forth in the section are exhausted.

2.4.1.3 If a property owner is absent from the State of Florida during the entire filing period and does not have an agent present in the State during such period, such property owner may, with documentation sufficient to indicate a probable lack of notice, be granted leave by the City Commission to file an application within one (1) year after the individual's return to the State of Florida.

2.4.1.4 Notwithstanding the provisions of this section, the City Commission may, in extraordinary circumstances, allow a property owner to submit an application after the one (1) year deadline where such extension avoids undue hardship to the property owner.

2.4.2 Standards for Vested Rights.

2.4.2.1 An application for vested rights determination shall be approved if the applicant demonstrates:

1. The applicant:

   a. Owned the property proposed for development on September 3, 1991, the effective date of the City's Comprehensive Plan;

   b. Entered into a contract or option to purchase the property on or before such date; or

   c. Presents supportable facts such that it would be inequitable, unjust or fundamentally unfair to deny an application for vested rights where the applicant acquired ownership after such date; and

2. There was a valid, unexpired act of an agency or authority of government upon which the applicant reasonably relied in good faith;

3. The applicant, in reliance upon the valid unexpired act of government, made a change in position or incurred extensive obligations or expenses; and

4. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant. In making this determination, the City may consider a number of factors including but not limited to:

   a. Whether construction or other development activity has commenced and is continuing in good faith; and

   b. Whether or not the expense or obligation incurred can be substantially used for a development permitted by the City's Comprehensive Plan and these land development regulations.

      The following are not considered development expenditures or obligations in and of themselves without more evidence of actions in reliance such as the applicant being unable to obtain further approvals because of extraordinary delays beyond the applicant's control:

      i. Costs for legal and other professional services not related to the design or construction of improvements.

      ii. Taxes.

      iii. Costs for acquisition of the land.

2.4.3 Presumptive Vesting. Notwithstanding the criteria set forth in this section, presumptive vesting for consistency and concurrency is applied to structure on which construction has been completed pursuant to a valid building permit and shall not require to be files requirement to file an application to preserve its vested rights status.

1. Presumptive vesting for density only - the following categories are presumptively vested for purpose of density only and shall not be required to file an application to preserve vested rights in this regard:

   a. Lots of record as of the adoption of the City's Comprehensive Plan, whether located within a subdivision, but only to the extent of one (1) single family residence per lot; however, such lots shall not be contiguous on their frontage the same frontage as of the adoption of the City's Comprehensive Plan to another lot(s) owned by or under contract for deed to the person(s) applying for the single family residence building permit; and

   b. Contiguous lots of record as of the adoption of the City's Comprehensive Plan, whether or not located within a subdivision, where such lots are treated as one (1) lot for one (1) single family residence.

2.4.4 Section 380.06 Vested Rights. Developments of regional impact authorized under Chapter 380.06, Florida Statutes (1987), pursuant to a valid, unexpired Binding Letter of Vested Rights issued by the state land planning agency, including approved modifications to such Binding Letter of Vested Rights (the "Binding Letter"), shall automatically qualify for a Vested Rights Certificate upon completion of the procedure set forth in this paragraph. For purposes of the Comprehensive Plan, these land development regulations adopted to implement the Comprehensive Plan, and Concurrency. This certificate shall recognize the vesting of the development as set forth in the Binding Letter. In lieu of Subsection 2.4.7, below, such vesting shall continue until development approved in the Binding Letter is complete or until the expiration or invalidation of the Binding Letter, whichever occurs first.

Notwithstanding Subsection 2.4.7, a proposed change to a development vested hereunder shall be reviewed pursuant to the substantial deviation or change criteria provided for in Chapter 380.06, Florida Statutes (1987). A substantial deviation after September 3,1991 shall cause those development rights that are the subject of such deviation to become subject to the Comprehensive Plan, these land development regulations, and to Concurrency requirements. The request for issuance of the Vested Rights Certificate shall include the Binding Letter and a plan of development or similar document previously approved by the City Commission and submitted to the Land Development Regulation Administrator for verification of authenticity. The Land Development Regulation Administrator may require additional documents or materials for the City to determine the extent of development vested and to estimate the capital improvements required by the development. Submission of the Binding Letter and accompanying documentation described above entitles the applicant to a Vested Rights Certificate which shall be issued by the Commission upon receipt of verification of by the Land Development Regulation Administrator. Development of Regional Impact development is vested under Section 380.06 and for which a Binding Letter has not been issued shall qualify for a Vested Rights Certificate in accordance with the procedures set forth in these land development regulations, upon establishment that prior to September 3, 1991, the City issued a building permit or other authorization to commence development and that, in reliance on such permit authorization, change of position as required under the provisions of Section 380.06(20) Vested Rights provided, however, in lieu of the limitations set forth in Subsection 2.4.7, such vesting shall continue until such development is complete or until the state land planning agency determines that such development is not entitled to be vested under Section 380.06, whichever occurs first.

2.4.5 Statutory Vesting. The right to develop or continue the development of property shall exist if:

1. A valid and unexpired final development order was issued by the City prior to adoption of this Comprehensive Plan;
2. Substantial development has occurred on a significant portion of the development authorized in the final development order or is completed or
3. Development is continuing in good faith as of the adoption of this Comprehensive Plan.

A "final development order" is a development order which approved the development of land for a particular use or uses at a specified density and which allowed development activity to commence on the land for which the development order was issued. "Substantial development" means all required permits necessary to commence and continue the development have been obtained, permitted clearing and grading has commenced on a significant portion of the development, and the actual construction of roads and the stormwater management system on that portion of the development is complete or is progressing in a manner that significantly moves the entire development towards completion.

2.4.6 Common Law Vesting. A right to develop or continue the development of property, notwithstanding the City's Comprehensive Plan, may be found to exist if the applicant proves by a preponderance of evidence that the owner or developer, acting in good faith and reasonable reliance upon some act or omission of the City, has made a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the property.

2.4.7 Limitation on Determination of Vested Rights:

2.4.7.1 Development subject to a Vested Rights Certificate shall be consistent with the terms of development approval(s) upon which the Certificate is based. Substantial deviation without prior approval, except as required by governmental action, shall cause the development to be subject to policies and implementing decisions and regulations of the City's Comprehensive Plan. The City Commission shall determine if a proposed or actual deviation change is a substantial deviation based upon:

1. A change by more than five (5) percent in use or intensity of use that would increase the development's impacts on those public facilities subject to Concurrency, and

2. A change in access to the project that would increase the development's transportation impacts by more than five (5) percent on any road subject to Concurrency unless the proposed access change results in an overall improvement to the transportation network.

2.4.7.2 A Vested Rights Certificate runs with the land and is transferrable from owner to owner of the land subject to the Permit.

2.4.7.3 Notwithstanding any item in this section to the contrary, a vested rights determination may be revoked upon a showing by the City of a peril to public health, safety or general welfare of the residents of the City unknown at the time of approval.

2.4.8 Vested Rights Applications. An application for a determination of vested rights shall be submitted to the Land Development Regulation Administrator on forms provided by the City. The City shall review the application for sufficiency. An insufficient application shall be returned to the applicant for additional information. Upon acceptance by the City, the application shall be assigned a hearing date. The City establishes the schedule of hearing dates and an application deadline for each hearing.

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ARTICLE THREE

ADMINISTRATIVE MECHANISMS

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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 City

3.1.1.2 Appointment. The Planning and Zoning Board shall consist of five (5) residents of the City who shall be appointed and/or reappointed by the City Commission. In addition to the five (5) regular members of the Planning and Zoning Board, the City Commission shall be authorized to appoint two alternate members. The alternate members may be called upon to sit upon the Planning and Zoning Board in the temporary absence or disability of any regular members, or may act when a member is otherwise disqualified in a particular case. During such participation the alternate shall have all the rights and responsibilities of a regular member. No member or alternate member of the Planning and Zoning Board shall be a paid or elected official or employee of the City.

The City Commission may by resolution designate members of the Planning and Zoning Board to perform the functions of the Board of Adjustment. If the City Commission 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.

3.1.1.3 Term of Office. The term of office shall be for four (4) years and shall be staggered so that not more than two (2) terms expire within any one (1) year. Alternate members shall be appointed for a term of four (4) years. A member may be reappointed upon the expiration of her or his term.

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

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 may be declared vacant by the City Commission.

3.1.1.6 Appointments to Fill Vacancies. Vacancies in Planning and Zoning Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning and Zoning Board to notify the City Commission within ten (10) days after a vacancy occurs among members of the Planning and Zoning Board.

3.1.2 Planning and Zoning Board: Procedure

3.1.2.1 Rules and Regulations. The Planning and Zoning Board 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 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 and 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 determined by the Planning and Zoning Board. Three (3) members of the Planning and Zoning Board shall constitute a quorum.

Meetings of the Planning and Zoning Board shall be public. A record of 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 a member of the Planning and Zoning Board finds his or her private or personal interests are involved in a matter before the Planning and Zoning Board, he or she shall disqualify himself or herself from participation in that case. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board as agent 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 City Commission 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 City, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the City.

2. To prepare and recommend to the City Commission 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 City.

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

5. To determine whether specific proposed developments conform with 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 City'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 City Commission.

8. To conduct an annual review of the City'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 City. 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 City Commission 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 City 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 City, 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:

3.1.4.1 Special Exceptions. It is the intent of these land development regulations that proposed special exceptions be heard in the first instance by the Planning and Zoning Board in accordance with Articles 12 and 13 of these land development regulations.

3.1.4.2 Amendments. It is the intent of these land development regulations that proposed amendments be heard in the first instance by the Planning and Zoning Board in accordance with Articles 13 and 16 of these land development regulations.

3.1.4.3 Land and Water Fills, Dredging, Excavation, and Mining. It is the intent of these land development regulations that proposals for land and water fills, dredging, excavation, and mining be heard in the first instance by the Planning and Zoning Board in accordance with Article 14 of these land development regulations.

3.1.4.4 Bulkheads, Docks, Piers, Wharves, and Similar Structures. It is the intent of these land development regulations that proposals to erect or enlarge bulkheads, docks, piers, wharves, and similar structures be heard in the first instance by the Planning and Zoning Board in accordance with Article 14 of these land development regulations.

3.1.4.5 Temporary Use Permits. It is the intent of these land development regulations that temporary use permits issued by the City Commission be heard in the first instance by the Planning and Zoning Board in accordance with Article 14 of these land development regulations

3.1.4.6 Site and Development Plans. It is the intent of these land development regulations that applications for site and development plan approval be heard by the Planning and Zoning Board in accordance with 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 City.

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

The City Commission may by resolution designate members of the Board of Adjustment to perform the functions of the Planning and Zoning Board. If the City Commission 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 four (4) years and shall be staggered so that no more than two (2) terms expire within one (1) year. A member may be reappointed upon the expiration of her or his term.

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

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 scheduled meetings of the Board of Adjustment may be declared vacant by the City Commission.

3.2.1.6 Appointments to Fill Vacancies. Vacancies in Board of Adjustment membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Board of Adjustment to notify the City Commission within ten (10) days after a vacancy occurs among members of the Board of Adjustment.

3.2.2 Board of Adjustment: Procedure.

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 Offices. 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 three (3) 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 determined by the Board of Adjustment. Three (3) members of the Board of Adjustment shall constitute a quorum.

Meetings of the Board of Adjustment shall be public. A record of 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 a member of the Board of Adjustment finds his or her private or personal interests are involved in a matter before the Board, he or she shall disqualify himself or herself from participation in that case. No member of the Board of Adjustment shall appear before the Board of Adjustment as agent for any person.

3.2.3 Board of Adjustment: Powers and Duties:

3.2.3.1 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 appealing an alleged error in an order, requirement, decision, or determination made by the Land Development Regulation Administrator shall be in accordance with Article 12. A person so appealing shall make such appeal to the Board of Adjustment within thirty (30) days after rendition of the disputed order, requirement, decision, or determination by filing such appeal in writing with supporting facts and data with the Land Development Regulation 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.

3.2.3.2 Special Exceptions. The Board of Adjustment shall have the power to 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; 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 within Article 15.

If the Board of Adjustment denies 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 Article 12 of these land development regulations, 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 in accordance with Article 12.

3.2.3.3 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 lands, structures, or buildings in other zoning districts shall be considered grounds for authorizing a variance.

ARTICLE FOUR

ZONING REGULATIONS

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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:

CSV	Conservation, (public lands)
A-1	Agricultural
R-1A, 1B	Residential, (Conventional) Single Family
RM-1A, 1B, 2	Residential, Mobile Home
RMP-1	Residential, Mobile Home Park
R-2, 3	Residential, Multiple Family
OR	Office, Residential
C-1	Commercial, Neighborhood
C-2	Commercial, General
C-3	Commercial, Central Business District
C-4	Commercial, Intensive
M-1	Industrial
PRD	Planned Residential Development

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 City. 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 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 Mayor and attested by the City Manager.

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.

No change of any nature shall be made on the Official Zoning Atlas or matter shown thereon except in conformity with the procedures set forth in these land development regulations.

The Official Zoning Atlas, which shall be located in its 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 status 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, a district symbol or name shown within district boundaries on the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole 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 indicated 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 a 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 indicated as approximately following lot lines, public property lines, and the like 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 Limits. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Railroad tracks. Boundaries indicated as following railroad tracks shall be construed as being 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 as moving with the change except where such moving would change the zoning status of a lot or parcel, and 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 indicated as entering a body of water but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of City Council shall be construed as extending in the direction in which they enter the body of water to intersection with other zoning boundaries or with the limits of jurisdiction of the City.

7. Boundaries parallel. Boundaries indicated as parallel to or extensions of features indicated in (1) through (6) above shall be construed as being parallel to or extensions of such features.

8. Measurement of district boundaries. Distances not specifically indicated 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 4.15, 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 or less lot area per dwelling unit;
3. To provide less lot area per dwelling unit or to occupy a smaller lot;
4. To occupy a greater percentage of lot area;
5. 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
6. 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, other required open space, off-street parking area or off-street loading space provided in connection with any 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 including dedication, condemnation, purchase, and the like. 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 "conservation districts ", "conservation district", "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 "agricultural districts", "agricultural district", "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-1	Agricultural

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:

R-1A, 1B	Residential, (Conventional) Single Family
RM-1A, 1B, 2	Residential, Mobile Home

Where the phrases "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:

R-1A, 1B	Residential, (Conventional) Single Family
RM-1A, 1B, 2	Residential, Mobile Home
RMP-1	Residential, Mobile Home Park
R-2, 3	Residential, Multiple Family

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

OR	Office/Residential

Where the phrases "commercial districts", "commercial district", "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 districts:

C-1	Commercial, Neighborhood
C-2	Commercial, General
C-3	Commercial, Central Business District
C-4	Commercial, Intensive

Where the phrases "industrial districts", "industrial district", "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:

M-1	Industrial

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

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SECTION 4.2. "CSV" CONSERVATION DISTRICT

4.2.1 DISTRICTS AND INTENT

The "CSV" Conservation category includes one (1) zoning district: CSV Lands in this district are lands devoted to the conservation of the unique natural functions within these lands. To ensure their intended purpose, conservation uses shall be limited to public access, native vegetative community restoration, non-residential and residential uses necessary to manage such conservation lands (i.e. ranger or forestry station, research stations and park amenities and non-intensive resource based recreation activities).

4.2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

4.2.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:

   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.

4.2.4 PROHIBITED USES AND STRUCTURES

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

4.2.5 SPECIAL EXCEPTIONS

Recreational activities, such as archery ranges, rifle, shotgun and pistol ranges, campsites and similar uses.

4.2.6 MINIMUM LOT REQUIREMENTS

None, except to meet other requirements herein set forth.

4.2.7 MINIMUM YARD REQUIREMENTS (See Section 4.15 for right-of-way setback requirements.)

Wetland Protection shall be provided by a minimum thirty-five (35) foot natural buffer from wetlands to improved areas, subject to the following conditions:

1. The location of a structure other than docks, piers, or walkways elevated on pilings are prohibited;
2. The clearing of natural vegetation are prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;

3. Residential, commercial and industrial improvements are prohibited; and
4. Resource-based recreational activities are permitted.

4.2.8 MINIMUM HEIGHT OF STRUCTURES

Unrestricted

4.2.9 MINIMUM LOT COVERAGE

None

4.2.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS

None

4.2.11 MINIMUM OFFSTREET PARKING REQUIREMENTS

None

SECTION 4.3. "A" AGRICULTURAL

4.3.1 DISTRICTS AND INTENT

The "A" Agricultural category includes one zoning district: A-1. 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 City's Comprehensive Plan.

4.3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agricultural activities involving the production of dairy and poultry products (excluding livestock or poultry slaughterhouses), 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 two hundred (200) feet of a 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 raised on the premises (excluding livestock or poultry slaughterhouses) provided no building used for these activities is located within one hundred (100) feet of a side or rear lot line.
3. Conventional 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 4.15)

4.3.3 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. Do not involve operations or structures 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 and cabanas.
    d. On-site signs. (See Section 4.15)
    e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.3.4 PROHIBITED USES AND STRUCTURES

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

4.3.5 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 one hundred (100) feet of any side or rear lot line.
2. Livestock auction arenas.
3. Agricultural equipment and related machinery sales.
4. Agricultural feed and grain packaging, blending, storage, and sales.
5. Agricultural fertilizer storage and sales.
6. Agricultural fairs and fairground activities.
7. Airplane landing fields.
8. Riding or boarding stables provided no building used for housing of animals is located within three hundred (300) feet of a lot line.
9. Hospitals, sanitariums, nursing homes, and residential homes for the aged.
10. 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.
11. 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.
12. Home occupations (See also Section 4.15).
13. Public buildings and facilities (unless otherwise specified). (See Section 4.15)
14. Private clubs and lodges.
15. Off-site signs (See also Section 4.15).
16. Solid waste facilities.
17. Flea markets.
18. Churches and other houses of worship.
19. Cemeteries and mausoleums.
20. 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.
21. Telecommunication facilities (see Section 4.15.37).

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.3.6 MINIMUM LOT REQUIREMENTS

1. Conventional single family dwellings, mobile homes:

   A-1:

   Minimum lot area 1 acre

   Minimum lot width 200 feet

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

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

4.3.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard) (See Section 4.15 for right-of-way setback requirements.)

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

   Front 50 feet

   Side 25 feet

   Rear 50 feet

2. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.3.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED: (See also Section 4.15 for exceptions)

35 feet

4.3.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

20%

4.3.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (See also Section 4.15)

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

4.3.11 MINIMUM OFFSTREET PARKING REQUIREMENTS (See also Section 4.15)

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

2. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.

3. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.

4. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.

5. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.

6. Hospitals: one (1) space for each bed.

7. Sanitariums and nursing homes: one (1) space for each two (2) beds.

8. Residential home for the aged: one (1) space for each dwelling unit.

9. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.

10. Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; 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.

11. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.4. "RSF" RESIDENTIAL, (CONVENTIONAL) SINGLE FAMILY

4.4.1 DISTRICTS AND INTENT

The "RSF" Residential, (Conventional) Single Family, category includes two (2) zoning districts: R-1A, and R-1B It is the intent of these districts to provide for conventional single family areas of low to moderate density together with public and semi-public buildings and facilities and accessory structures as may be desirable and compatible with such user and surrounding user. Non-residential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the single family residential character of these districts. Variation among the R-1A and R-1B districts is in requirements for lot area, width, and certain yards.

4.4.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Conventional 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 in R-1A and R-1B. (See also Section 4.15).
4. Public and private elementary and middle schools.

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.
    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 and cabanas.
    c. Non-commercial greenhouses and plant nurseries.
    d. On-site signs (See Section 4.15).

4.4.4 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 4.11 and 4.15, 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.

4.4.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Churches and other houses of worship.
2. Golf courses, country clubs, and racquet and tennis clubs.
3. Cemeteries and mausoleums.
4. Private clubs and lodges.
5. Parks maintained by a private association of persons residing in the district.
6. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified (see Section 4.15).
7. Home occupations (see Section 4.15).
8. 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.
9. Commercial greenhouses and plant nurseries.
10. Nonprofit donation centers.

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.4.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Conventional single family dwellings:

R-1A:	Minimum lot area	20,000 square feet
	Minimum lot width	100 feet
R-1B:	Minimum lot area	10,000 square feet
	Minimum lot width	100 feet

Note: R-1B districts shall be permitted only where community water systems are available and accessible.

2. Other permitted or permissible uses and structures:

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

4.4.7 MINIMUM YARD REQUIREMENTS (depth of front and back yard, width of side yards)
(See Section 4.15 for right-of-way setback requirements.)

1. Conventional single family dwellings:

R-1A:	Front	30 feet
	Side	15 feet for each side yard
	Rear	15 feet
R-1B:	Front	25 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 permitted or permissible uses unless otherwise specified:

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

3. Wetland Protection shall be provided within a minimum of a thirty five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.4.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.15 for exceptions)

35 feet

4.4.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Conventional single family dwellings, including their accessory buildings:

   35%

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

   20%

4.4.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

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 erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, the proposed use shall provide a landscaped buffer at least ten (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 forth.

4.4.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
4. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
5. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
6. Childcare centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
8. Nonprofit donation centers: 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 4.5. "RM" RESIDENTIAL, MOBILE HOME

4.5.1 DISTRICTS AND INTENT

The "RM" Residential, Mobile Home, category includes three (3) zone districts: RM-1A, RM-1B, and RM-2. It is the intent of these districts 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 users and surrounding users. Non-residential uses in these districts may be subject to restrictions and requirements necessary to protect the residential character of these districts.

The minimum size for a mobile home subdivision zone shall be five (5) acres to avoid spotty development and the intermixing of conventional single family areas and mobile home subdivision areas. Variation among the RM-1A, RM-1B and RM-2 districts is in requirements for lot area, width, and certain yards.

4.5.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Mobile homes.
2. Public parks and recreational areas.
3. Homes of six (6) or fewer residents which otherwise meet the criteria of "community residential home" in RM-1A and RM-1B.
4. Community residential homes in RM-2.
5. Public and private elementary and middle schools.

4.5.3 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. On-site signs (see Section 4.15).

4.5.4 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 conventional 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 or permissible as a special exception.

4.5.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Churches and other houses of worship.
2. Golf courses, country clubs, and racquet and tennis clubs.
3. Cemeteries and mausoleums.
4. Private clubs and lodges.
5. Parks maintained by any private association of persons residing in the district.
6. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified (see Section 4.15).
7. Home occupations (see Section 4.15).
8. 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.
9. Commercial greenhouses and plant nurseries.
10. Nonprofit donation centers.

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.5.6 MINIMUM LOT REQUIREMENTS (areas, width)

1. Mobile homes:

   RM-1A:

   Minimum site area for mobile home subdivision 5 acres

   Minimum lot area 20,000 square feet

   Minimum lot width 100 feet

   RM-1B:

   Minimum site area for mobile home subdivision 5 acres

   Minimum lot area 10,000 square feet

   Minimum lot width 100 feet

   Note: RM-1B districts shall be permitted only where a community water system is available and accessible.

   RM-2:

   Minimum site are for mobile home subdivision 5 acres

   Minimum lot area 6,000 square feet

   Minimum lot width 60 feet

   Note: RM-2 districts shall be permitted only where a community water system is available and accessible.

2. Other permitted or permissible uses and structures:

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

4.5.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards) (See Section 4.15 for right-of-way setback requirements.)

1. Mobile Homes:

RM-1A:	Front	30 feet
	Side	15 feet for each side yard
	Rear	15 feet
RM-1B:	Front	25 feet
	Side	10 feet for each side yard
	Rear	15 feet
RM-2:	Front	20 feet
	Side	5 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 permitted or permissible uses unless otherwise specified:

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

3. Wetland Protection shall be provided within a minimum of a thirty five (35) foot natural buffer from wetlands to improved areas which:
   a. Exclude structures other than docks, piers, or walkways elevated on pilings;
   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Prohibit residential, commercial and industrial improvements; but
   d. Allow resource-based recreational activities.

4.5.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15 for exceptions)

35 feet

4.5.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

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

4.5.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

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 erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, the proposed use shall provide a landscaped buffer at least ten (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 herein set forth.

4.5.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
4. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
5. Private clubs and lodges: one (1) space for each three hundred (300) 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. Commercial greenhouses and plat nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
8. Nonprofit donation centers: 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.

4.5.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOMES

1. Anchoring. Each mobile home shall be located on a stand that will permit it to be sufficiently supported and anchored in compliance with state Standards for Anchoring Mobile Homes. In addition, each mobile home shall have 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 removed from the mobile home unless that portion is permanently attached in such a manner that it cannot readily be removed from the mobile home.
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 4.6. "RMP" RESIDENTIAL, MOBILE HOME PARK

4.6.1 DISTRICTS AND INTENT

The "RMP" Residential, Mobile Home Park, category includes one (1) zoning district: RMP-1. It is the intent of this district to provide for mobile homes occupied as one family dwellings in approved parks. 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 RMP district is a residential district and not a commercial district. The minimum size for a mobile home park shall be five (5) acres to avoid spotty development and to provide enough area for adequate site design.

4.6.2 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).

2. Homes of six (6) or fewer residents which otherwise meet the criteria of a "community residential home" (see also Section 4.15).

3. Public and private elementary and middle schools.

4.6.3 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 4.15).

4.6.4 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.

4.6.5 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 4.15).
8. Home occupations (see Section 4.15).
9. The sale of new and used mobile homes shall be permitted within the boundaries of am approved mobile home park subject to the following conditions which are intended to protect a residential character of the park.
    a. Allowable number: The number of mobile homes for sale shall not exceed ten (10) percent of the total number of approved mobile home spaces in the mobile home park.
    b. Location: Mobile homes for sale shall be located only on approved mobile home spaces in the mobile home park and subject to the same setbacks and yard requirements as occupied mobile homes.
    c. Maintenance: No renovation, overhaul, or repair to mobile homes offered for sale within the mobile home park shall be permitted other than customary maintenance allowed an occupant while living in a mobile home.
    d. Advertising: No signs, banners, pennants or any type of advertising display except that one (1) sign not over 18" x 24" may be posted on each mobile home offered for sale.
10. 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.
11. Nonprofit donation centers.

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.6.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Mobile home parks

   Site requirements:

Minimum site area	5 acres
Minimum site width	150 feet
Minimum land area per dwelling unit	5,445 square feet

   Mobile home stand requirements:

Minimum mobile home stand size	3,500 square feet
Minimum average width of mobile home stand	40 feet

2. Other permitted or permissible uses and structures:

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

4.6.7 MINIMUM YARD REQUIREMENTS. (depth of front and rear yard, width of side yards) (See Section 4.15 for right-of-way setback requirements.)

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

Front	30 feet
Side	15 feet for each side yard
Rear	40 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	75 feet
Side	75 feet for each side yard
Rear	75 feet

4. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.6.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.15 for exceptions)

35 feet

4.6.9 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: 20%

4.6.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

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 at least twenty-five (55) feet in depth on each side of the park. Trees and shrubs shall be provided along walks and streets around recreation areas and along the outer property line of the mobile home park. Trees shall be planted at intervals not less than fifty (50) feet, where feasible.

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

   Where erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer at least 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.

4.6.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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 two hundred (200) feet from the mobile home it serves.
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. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
4. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
5. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Nonprofit donation centers: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
8. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.6.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOME PARKS

1. Mobile home stands:

   a. A 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. An 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. Mobile homes within Federal Emergency Management Agency described 100-year flood prone areas are exempt from the mobile home skirting requirement.

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 minimum contention standards are:

   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 City Commission.

   c. Pavement width. Minimum pavement width of twenty (20) feet provided parking is prohibited on both sides.

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.

7. Walks.

   a. General Requirements. All parks shall be provided with safe, convenient, all-season, dust-free, pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

   b. Common Walk System. A common walk system separated from the road system by a minimum of two feet shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of five (5) feet.

   c. Individual Walks. Mobile home stands shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street by walks with a minimum width of two (2) feet.

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SECTION 4.7. "RMF" RESIDENTIAL, MULTIPLE FAMILY

4.7.1 DISTRICTS AND INTENT

The "RMF" Residential, Multiple Family, category includes two (2) zoning districts: R-2 and R-3. It is the intent of these districts to provide for residential areas of medium to high density within areas where 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 R-2 and R-3 districts is in requirement for density (land area per dwelling unit). Multiple family residential districts shall be limited to areas with direct access to arterial or collector streets.

4.7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Conventional single family dwellings.
2. Duplex dwellings.
3. Multiple family dwellings.
4. Public parks and recreational areas.
5. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential homes" in conventional single family dwellings. (See also Section 4.15)
6. Community residential homes in duplexes and multiple family developments. (See also Section 4.15)
7. Public and private schools and colleges.

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).

4.7.3 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. 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 4.15).

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), 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.

4.7.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Churches and other houses of worship.
2. Golf courses, country clubs, and racquet and tennis clubs.
3. Cemeteries and mausoleums.
4. Private clubs and lodges.
5. Parks maintained by any private association of persons residing in the district.
6. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified. (See Section 4.15)
7. Home occupations (See also Section 4.15).
8. 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.
9. Group living facilities.
10. Nursing homes and residential homes for the aged.
11. Nonprofit donation centers.

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.7.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Conventional single family dwellings:

   Minimum lot area 6,000 square feet

   Minimum lot width 60 feet

2. Duplexes:

   Minimum lot area 10,000 square feet

   Minimum lot width 75 feet

3. Multiple family development:

   Minimum site area 20,000 square feet

   Minimum site width 100 feet

Minimum land area per dwelling unit;

R-2 5,500 square feet

R-3 3,000 square feet

4. Other permitted or permissible uses and structures:

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

4.7.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yards, width of side yards) (See Section 4.15 for right-of-way setback requirements.)

1. Conventional single family dwellings, mobile homes, and duplexes:

Front 20 feet

Side 5 feet for each side yard

Rear 15 feet

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

Front 20 feet

Side 5 feet for each side yard

Rear 15 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 25 feet

Side 20 feet for each side yard

Rear 25 feet

4. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

a. Exclude structures other than docks, piers, or walkways elevated on pilings;

b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

c. Prohibit residential, commercial and industrial improvements; but

d. Allow resource-based recreational activities.

4.7.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15 for exceptions)

35 feet

4.7.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Conventional 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%

4.7.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15

1. In the R-3 district only, multiple family dwellings erected or expanded on land abutting a one family residential district, shall provide a landscaped buffer at least 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 erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer at least 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.

4.7.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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 schools and colleges: 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. Nonprofit donation centers: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
12. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.8. "OR" OFFICE/RESIDENTIAL

4.8.1 DISTRICTS AND INTENT

The "OR" Office/Residential category includes one zoning district: OR. This district is intended for single family and multiple family residences together with business and professional offices which are not incompatible with residential uses and with public and semi-public buildings and facilities and accessory structures as may be desirable with such uses and surrounding uses. This district is not to be deemed a commercial district.

4.8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Conventional single family dwellings.
2. Duplexes.
3. Multiple family dwellings.
4. Apartment hotels, rooming and boarding houses.
5. Medical and dental offices, clinics, and laboratories.
6. Business and professional offices.
7. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential homes" in conventional single family dwelling. (See also Section 4.15)
8. Community residential homes in duplexes and multiple family developments. (See also Section 4.15)
9. Public and private schools and colleges.

For uses under (4), (5), (6), and (9): Site and development plan approval is required (see Article 14).

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

4.8.3 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 be incompatible with residential development due to traffic, noise, dust, glare, odor, or fumes.
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. 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 also Section 4.15).

4.8.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically, provisionally or by reasonable implication permitted herein or permissible by special exception, including the following which are listed for emphasis:

1. Sales, display, or outside storage of goods or merchandise.
2. Automotive service stations and car washes.
3. Bars, cocktail lounges, taverns, and package store for sale of alcoholic beverages.
4. The keeping of horses, cows, swine, sheep, goats, or poultry.

4.8.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Parks maintained by any private association of persons residing in the district.
2. Group living facilities.
3. Public buildings and facilities except those otherwise specified (see Section 4.15).
4. Art galleries, community or little theaters (but not moving picture theaters or drive-in movies).
5. Private clubs and lodges.
6. Churches and other houses of worship.
7. Funeral homes and funeral homes with crematories.
8. Hospitals, nursing homes, and residential homes for the aged.
9. Home occupations (See Section 4.15).
10. Professional, business, and technical schools, provided all activities are conducted in completely enclosed buildings.
11. 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.
12. Dance, art and music studio
13. Recovery homes.
14. Residential treatment facilities.
15. Pharmacies and medical marijuana dispensing facilities. Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.

16. Restaurant and delicatessen.

17. Transient Lodging.

18. Business and financial institutions.

19. Convenience commercial uses as accessory to a residential, transient lodging or office use and limited to:

    a. Beauty or barber shops, massage or health studios.

    b. Newsstand or bookstore.

    c. Apparel, gift or flower specialty shop.

    d. Laundromat, laundry and dry cleaning pick-up stations.

20. Retail sales and/or rental of personal medical equipment and personal medical supplies.

21. Outpatient treatment centers.

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.8.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Conventional single family dwellings:

Minimum lot area	6,000 square feet
Minimum lot width	60 feet

2. Duplexes:

Minimum lot area	10,000 square feet
Minimum lot width	75 feet

3. Multiple family development:

Minimum site area	20,000 square feet
Minimum site width	100 feet
Minimum land area per dwelling unit	5,445 square feet (Density; 8 dwelling units per acre).

4. Other permitted or permissible uses and structures:

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

4.8.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards) (See Section 4.15 for right-of-way setback requirements.)

1. Conventional single family dwellings and duplexes:

Front	25 feet
Side	10 feet for each side yard
Rear	15 feet

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

Front	25 feet
Side	10 feet for each side yard
Rear	15 feet

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

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

   Front 35 feet

   Side 25 feet for each side yard

   Rear 35 feet

4. Medical and dental offices, clinics, and laboratories; hospitals; business and professional offices; and other permitted or permissible uses (unless otherwise specified);

   Front 25 feet

   Side 10 feet for each side yard

   Rear 15 feet

   Special provisions; As a minimum, not less than one-half (1/2) the depth of a required front yard needs to 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 be contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways.

5. Wetland Protection shall be provided within a minimum of a thirty five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.8.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15)

35 feet

4.8.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Conventional single family dwellings including their accessory buildings: 35%

2. Duplexes and multiple family development, including their accessory buildings: 30%

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

4.8.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

1. In R-2 district only, multiple family dwellings erected or expanded on land abutting either (a) a one family residential district or (b) property used as a one family dwelling in a residential/office district shall provide a landscaped buffer at least 15 feet in width along the affected rear and/or side yards as the case may be.

2. Medical and dental offices, clinics, and laboratories; business and professional offices; art galleries; community or little theaters; dance, art, and music studios; funeral homes; hospitals; nursing homes; churches; other houses of worship; private clubs and lodges; child care centers; overnight child care centers; public buildings (but not public schools):

   Where erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, the proposed use shall provide a landscaped buffer at least 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.

4.8.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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

2. Medical or dental offices, clinics, and laboratories: one (1) space for each two hundred and fifty (250) square feet of floor area.

3. Business and professional offices: one (1) space for each two hundred and fifty (250) square feet of floor area.

4. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.

5. Art galleries: one (1) space for each three hundred (300) square feet of floor area.

6. Community or little theaters: one (1) space for each four (4) seats.

7. Dance, art, and music studios: one (1) space for each three hundred and fifty (350) square feet of floor area.

8. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.

9. Churches and other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.

10. Funeral homes: one (1) space for each three (3) seats in the chapel.

11. 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.

12. Senior high school and colleges: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.

13. Professional, business, and technical schools: one (1) space for each two hundred (200) square feet of floor area.
14. Hospitals: one (1) space for each bed.
15. Nursing homes: one (1) space for each two (2) beds.
16. 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.
17. Group living facilities: one (1) space for each bedroom.
18. Residential homes for the aged: one (1) space for each dwelling unit.
19. Recovery homes: one (1) space for each bedroom.
20. Residential treatment facilities: one (1) space for each bed.
21. Pharmacies and medical marijuana dispensing facilities: one (1) space for each one hundred and fifty (150) square feet of non-storage floor area.
22. Residential treatment facilities and outpatient treatment centers: one (1) space per five hundred (500) square feet of floor area.
23. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.9. "CN" COMMERCIAL, NEIGHBORHOOD

4.9.1 DISTRICTS AND INTENT

The "CN" Commercial, Neighborhood, category includes one (1) zoning district: C-1. 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). 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.

4.9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

   a. Floor area of each individual outlet or establishment shall not exceed five thousand (5,000) square feet;

   b. 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;

   c. Products to be sold only at retail; and

   d. 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.

4.9.3 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 4.15)
3. 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 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.

4.9.4 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 and Section 4.15 Supplemental Regulations.

3. Off-site retail and commercial sales of new and used automobiles, trucks, motorcycles, boats, mobile homes and recreational vehicles.

4.9.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Automotive service stations (See Section 4.15 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. Funeral homes and funeral homes with crematories.

4.9.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Grocery stores, convenience stores and laundromats:

   Site requirements:

Minimum site area	20,000 square feet
Minimum site width	200 feet

2. Gasoline service stations:

   Site requirements:

Minimum site area	15,000 square feet
Minimum site width	125 feet

3. 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 4.15 for right-of-way setback requirements.)

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

Front 30 feet
Side 15 feet for each side yard
Rear 25 feet

2. Child care centers and overnight child care centers:

Front 30 feet
Side 15 feet for each side yard
Rear 25 feet

3. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.9.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.15 for exceptions)

35 feet

4.9.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. 40%.

2. Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.9.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

Permitted or permissible uses (unless otherwise specified):

Where a use is erected or expanded on land abutting a residential district, 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.

4.9.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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.

4. Funeral homes: one (1) space for every three (3) seats in the chapel.

Note: Offstreet loading required (see Section 4.15).

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SECTION 4.10. "CG" COMMERCIAL, GENERAL

4.10.1 DISTRICTS AND INTENT

The "CG" Commercial, General, category includes one (1) zoning district: C-2. 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 CG and CN areas, the CG areas are generally greater in scale and intensity. Businesses in this category require locations convenient to automotive traffic and ample offstreet parking is required. Pedestrian traffic may also be found in this district. This district is not suitable for highly automotive-oriented uses other than parking.

4.10.2 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), medical marijuana dispensing facilities, 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. Pursuant to Section 381.986(11)(c), Florida Statutes, as amended, medical marijuana treatment center dispensing facility may not be located within five-hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, unless the City Commission approves the location through a formal proceeding open to the public at which time the City Commission determines that the location promotes the public health, safety, and general welfare of the community.
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, real estate services and similar uses.
4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home, funeral home with crematory, 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. Public buildings and facilities except those otherwise specified.
9. Banks and financial institutions.

10. Professional, business, and technical schools.
11. 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.
12. Hotels and motels.
13. Dry cleaning and laundry package plants in completely enclosed buildings using non-flammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable off the premises to normal senses.
14. Art galleries.
15. Miscellaneous uses such as telephone exchange and commercial parking lots and parking garages.
16. Public and private schools and colleges.
17. L awfully existing conventional residential dwellings at the time of adoption or amendment of these land development regulations.
18. Lawfully existing duplex dwellings at the time of adoption or amendment of these land development regulations.
19. Lawfully existing multiple family dwellings at the time of adoption or amendment of these land development regulations.

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 no more than thirty (30) percent of 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).

4.10.3 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 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.
2. On-site signs (See Section 4.15).
3. On the same premises and in conjunction with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

4.10.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities except as specifically permitted or permissible.
2. Warehousing or storage except in connection with a permitted or permissible use.

3. 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.

4. Motor vehicle body shop.

5. New residential uses, except as specified under CG accessory uses and Section 4.15 Supplemental Regulations.

6. Off-site retail and commercial sales of new and used automobiles, trucks, motorcycles, boats, mobile homes and recreational vehicles.

7. Other uses or structures not specifically, provisionally, or by reasonable implication permitted herein. A 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 is incompatible with the character of the district. Performance standards apply (see Section 4.15).

4.10.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Automotive service stations (see Section 4.15 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, bottle club 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 are conducted before 8 a.m. or after 8 p.m.

   b. Provision is made for offstreet pick-up and drop-off of children.

7. Mini-Self-Storage Building and Mini-Storage Facility.

8. Churches and other houses of worship.

9. Private clubs and lodges.

10. Off-site signs (See also Section 4.15).

11. Microbrewery, microdistillery and microwinery. (See also Section 4.15.36)

12. Residential treatment facilities.

13. Outpatient treatment centers.

4.10.6 MINIMUM LOT REQUIREMENTS

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

   Minimum lot area 4,000 square feet

   Minimum lot width 40 feet

2. Petroleum:

   Minimum lot area 15,000 square feet

   Minimum lot width 125 feet

3. Other permitted uses:

   Minimum lot area 43,560 square feet

   Minimum lot width 200 feet

4.10.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards) (See Section 4.15 for right-of-way setback requirements.)

1. Permitted or permissible 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

3. Mini-Self-Storage Building:

   As for other permitted or permissible uses not specified in number 2 above except:

   a. A storage structure shall be provided with a paved access aisle at least twenty-two (22) feet in width, continuous for the length of such structure on any side allowing exterior access to storage space(s) and;

   b. Two (2) or more structures located on the same site shall be positioned such that the minimum aisle width and conditions required in (a) above can be maintained.

4. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.10.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15 for exceptions)

35 feet

4.10.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.10.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

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

   Where a use erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer at least ten (10) feet in width along the affected rear and/or side yards as the case may be.

2. Existing conventional single-family dwellings and mobile homes:

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

4.10.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

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, cocktail lounges, bars, bottle clubs and taverns: 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 two hundred and fifty (250) square feet of floor area.
6. Business and professional offices: one (1) space for each two hundred and fifty (250) 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 three (3) beds.
21. Telephone exchange, motor bus or other transportation terminals: one (1) space for each three hundred fifty (350) square feet of floor area.
22. 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.
23. Mini-Self-Storage Building: None except that office facilities on the premises shall be provided with one (1) parking space for each two hundred (200) feet or fraction thereof of floor area.
24. Mini-Storage Facility: One (1) space for each two hundred (200) square feet of floor area.
25. 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.
26. Senior high schools and colleges: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) spaces in any auditorium or gymnasium.
27. Residential treatment facilities and outpatient treatment centers: one (1) space per 500 square feet of floor area.
28. For other special exceptions as specified herein: to be determined by findings in the particular case.

Note: Offstreet loading required (see Section 4.15).

SECTION 4.11. "C-CBD" COMMERCIAL, CENTRAL BUSINESS DISTRICT

4.11.1 DISTRICTS AND INTENT

The "C-CBD" Commercial, Central Business District, category includes one zoning district: C-3. It is the intent that this district be applied only to that area which forms the City's center for financial, commercial, governmental, professional, cultural, and associated activities. The intent of this district is to encourage development of the central business district as a focal community point which provides for living, working, and shopping. Regulations in this section are intended to:

1. Protect and enhance the district's suitability for activities which need a central location;
2. Discourage uses which do not require a central location; and
3. Discourage uses which may create friction with pedestrian traffic and the primary activities for which the district is intended. Heavily automotive oriented uses are, as a rule, prohibited.

4.11.2 PERMITTED PRINCIPAL USES AND STRUCTURES

As for CG and in addition:

1. Retail commercial outlets for sale of new and used automobiles.
2. Convention centers and auditoriums.
3. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
4. Motor bus or other transportation terminal.
5. Lawfully existing conventional residential dwellings at the time of adoption or amendment of these land development regulations.
6. Lawfully existing duplex dwellings at the time of adoption or amendment of these land development regulations.
7. Lawfully existing multiple family dwellings at the time of adoption or amendment of these land development regulations.
8. Loft dwellings.

For all schools and colleges and in addition for permitted uses and structures with one (1) acre or more of land or twenty thousand (20,000) square feet of building floor area or more, site and development plan approval is required (see Article 14).

4.11.3 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 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.

2. On-site signs (see also Section 14)

4.11.4 PROHIBITED USES AND STRUCTURES

1. New conventional single family residential dwellings, duplex dwellings, multiple family dwellings, except loft dwellings, and as specified under Section 4.15 Supplemental Regulations.
2. Manufacturing except of goods for sale at retail on the premises.
3. Warehousing and storage except as accessory to be permitted principal use.
4. Sales, service, display, or storage of goods except in completely enclosed buildings. Retail commercial outlets for the sale of new and used automobiles are exempted from the provision prohibiting outside display.
5. Heavily automotive uses such as sale of motorcycles, trucks and tractors, mobile homes, boats, heavy machinery, dairy supplies, feed, fertilizer, lumber and building supplies, and monuments.
6. Other uses or structures not specifically, provisionally, or by reasonable implication permitted herein.
7. Off-site retail and commercial sales of new and used automobiles, trucks, motorcycles, boats, mobile homes and recreational vehicles.

4.11.5 SPECIAL EXCEPTIONS
(See also Sections 4.15)

1. Automotive service stations (See Section 4.15 for special design standards for automotive service sections).
2. Off-site signs (See also Section 4.15).
3. Package store for sale of alcoholic beverages; bar, tavern, bottle club or cocktail lounge.
4. Private clubs and lodges.
5. Churches and other houses of worship.
6. Microbrewery, microdistillery and microwinery. (See also Section 4.15.36)
7. Residential treatment facilities.
8. Outpatient treatment centers.
9. Telecommunication facilities (see Section 4.15.37).

4.11.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Conventional single family dwellings:

Minimum lot area	6,000 square feet
Minimum lot width	50 feet

2. Duplexes:

Minimum lot area	10,000 square feet
Minimum lot width	85 feet

3. Multiple family developments:

Minimum site area	16,335 square feet
Minimum land area per dwelling unit:	2,420 square feet (Density; 18 dwelling units per acre).
Minimum site width	80 feet

4. Other permitted or permissible uses and structures:

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 yard).

1. Conventional single family and duplex dwellings:

Front	20 feet
Side	10 feet for each side yard
Rear	15 feet

2. Multiple family developments (to be applied to site perimeters):

Front	30 feet
Side	15 feet for each side yard
Rear	20 feet

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

3. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4. Other permitted or permissible uses and structures:

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

4.11.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.15 for exceptions)

35 feet

4.11.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.11.10 MINIMUM LANDSCAPING BUFFERING REQUIREMENTS
(See also Section 4.15)

1. Permitted or permissible uses (unless otherwise specified):

   Where a use is erected or expanded on land abutting either;

   a. A residential district or

   b. Property used for residential purposes in a residential/office district,

   The proposed use shall provide a landscaped buffer at least ten (10) feet in width along the affected rear and/or side yards as the case may be.

2. Conventional single family, duplex, and multiple family dwellings:

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

4.11.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

1. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
2. Each residential dwelling unit: two (2) spaces for each dwelling unit, except provided that no offstreet parking spaces shall be required for loft dwelling units.
3. 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.
4. Senior high schools and colleges: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
5. Residential treatment facilities and outpatient treatment centers: one (1) space per five hundred (500) square feet of floor area.
6. Other permitted or permissible uses: None.

Note: Offstreet loading required (see Section 4.15).

SECTION 4.12. "CI" COMMERCIAL, INTENSIVE

4.12.1 DISTRICTS AND INTENT

The "CI" Commercial, Intensive category includes one (1) zone district: C-4. This District is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample offstreet parking and offstreet loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire City.

4.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

As for CG and in addition:

1. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments, and outdoor retail commercial display areas associated with sale of said items.
2. Service establishments such as repair and service garage, motor vehicle body shop, car wash, auction house (but not including livestock auction arena), laundry or dry cleaning establishment, animal boarding kennels in soundproof buildings, plant nursery or landscape contractor, carpenter or cabinet shop, home equipment rental, ice delivery station, upholstery shop, manna and boat sales, commercial water softening establishment, rental of automotive vehicles, trailers, and trucks.
3. Commercial recreation facilities such as drive-in theater (see Section 4.15), golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track, and similar uses.
4. Palmist, astrologist, psychics, clairvoyants, and phrenologists.
5. Miscellaneous uses such as express or parcel delivery office, motor bus or other transportation terminal.
6. Wholesaling from sample stocks only, providing no manufacturing or storage for distribution is permitted on the premises.

Site and development plan approval (see Article 14) is required for the following uses:

1. All schools, colleges, and 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.
2. On-site signs (see also Section 4.15).

3. Outdoor storage yard in connection with permitted use only; provided, this provision shall not permit wrecking yards (including automobile wrecking yard), 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.

4.12.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities.
2. New residential uses except as provided for in Section 4.15 Supplemental Regulations.
3. Off-site retail and commercial sales of new and used automobiles, trucks, motorcycles, boats, mobile homes and recreational vehicles.
4. 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 4.15).

4.12.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Wholesale, warehouse or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
2. Package store for sale of alcoholic beverages, bar, tavern, bottle club or cocktail lounge.
3. Off-site signs (See also Section 4.15).
4. Truck stops and automotive service stations (See Section 4.15 for special design standards for automotive service stations.
5. Service establishments such as crematory.
6. Agricultural fairs and fairground activities, livestock auction areas.
7. Commercial tourist attractions.
8. Building trades contractor with on premises storage yard for materials and equipment.
9. Public buildings and facilities.
10. Churches and other houses of worship.
11. Private clubs and lodges.
12. Mini-self-storage building and mini-storage facility.
13. Microbrewery, microdistillery and microwinery. (See also Section 4.15.36)
14. Residential treatment facilities.
15. Outpatient treatment centers.
16. Telecommunication facilities (see Section 4.15.37).

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 yard) (See Section 4.15 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. Mini-Self-Storage Building:

   As for other permitted or permissible uses not specified in number 2 above except:

   a. A storage structure shall be provided with a paved access aisle at least twenty-two (22) feet in width, continuous for the length of such structure on any side allowing exterior access to storage space(s) and;

   b. Two (2) or more structures located on the same site shall be positioned such that the minimum aisle width and conditions required in (a) above can be maintained.

Special Provisions:

1. No less than fifteen (15) feet of the depth of the required front yard shall be maintained as a landscaped area. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length and contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways. The remainder of the required front yard may be used for offstreet parking but not for buildings.

2. Wetland protection shall be provided with a minimum of a thirty-five (35) foot natural buffer from wetlands to improved areas, which:

   a. Exclude structures other than docks, piers, or walkways Elevated on pilings; and

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers and walkways.

4.12.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15 for exceptions)

35 feet

4.12.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required 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 4.15)

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.

4.12.11 OFFSTREET PARKING REQUIREMENTS
(See also Section 4.15)

1. For uses specifically listed under CG: As for CG OFFSTREET PARKING REQUIREMENTS.
2. Commercial or service establishments (unless otherwise specified); agricultural fairs and fairgrounds; livestock auction arena: 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. Express or parcel delivery office, motor bus or other transportation terminal: one (1) space for each three hundred fifty (350) square feet of floor area.
4. Palmist, astrologist, psychics, clairvoyants, and phrenologist: one (1) space for each two hundred (200) square feet of floor area.
5. Wholesale establishments: one (1) space for each five hundred (500) square feet of floor area.
6. Warehouse or storage use only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
7. Each existing residential dwelling unit: two (2) spaces for each dwelling unit.
8. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
9. Churches and houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
10. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
11. 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.
12. Senior high schools and colleges: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
13. Mini-self storage buildings: None except that office facilities on the premises shall be provided with one (1) parking space for each two hundred (200) feet or fraction thereof of floor area.
14. Residential treatment facilities and outpatient treatment centers: one (1) space per five hundred (500) square feet of floor area.
15. For other special exceptions as specified herein: to be determined by finding in the particular case.

Note: Offstreet loading required (see Section 4.15).

SECTION 4.13. "I" INDUSTRIAL

4.13.1 DISTRICTS AND INTENT

The "I" Industrial category includes one (1) zoning district: M-1. This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution. 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 is not deemed commercial in character. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial districts. Performance standards are applied at lot lines (see Article 14). The M-1 district shall be located on a collector or arterial road.

4.13.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Wholesaling and distribution service uses.
2. Manufacturing (including food processing, but not slaughter houses) or similar industrial research operations conducted within a completely enclosed building
3. Printing, lithographing, publishing, photographic processing, blue printing, or similar establishments.
4. Warehouse for enclosed storage of goods and materials.
5. 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.
6. 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.
7. Service establishments such as crematory.
8. Vocational, technical, trade, or industrial schools and similar uses.
9. Medical clinic in connection only with industrial activity.
10. Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and garages, motor bus or truck or other transportation terminal.
11. Building trades contractor including on premises storage yard for materials and equipment, but no manufacturing of concrete or asphalt is permitted.
12. Railroad switching, freight, and storage yards; railroad buildings and maintenance structures.
13. Any other industrial use which is otherwise lawful (except those uses requiring special controls and permissible as special exceptions) and which conforms with performance standards in Article 14.

14. Public and private schools and colleges offering industrial arts curriculum.

15. Microbrewery, microdistillery and microwinery. (See also Section 4.15.36)

For all permitted uses, site and development plan approval is required (See Article 14).

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 provided, however, that residential facilities for watchmen or caretakers whose work requires residence on the premises or employees who will be temporarily quartered on the premises are allowed.
2. On-site signs (See Section 4.15).

4.13.4 PROHIBITED USES AND STRUCTURES

Uses or structures not specifically, provisionally, or by reasonable implication permitted herein including any use not conforming performance standards of Article 14.

4.13.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Off-site signs (See also Section 4.15).
2. Truck stops and automotive service stations (See Section 4.15 for special design standards for automotive service stations).
3. Wrecking yards (including automobile wrecking yard); junk yards; or yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts; provided such yard shall be completely enclosed by an opaque fence or wall not less than six (6) feet high and provided that this fence or wall shall not be built of tin or galvanized metal. Such walls and fences shall be not less than ten (10) feet away from any property line, and shall be not less than twenty-five (25) feet from any public street.
4. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and State Fire Codes. No highly inflammable or explosive liquids, solids or gasses shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
5. Chemical and fertilizer manufacture.
6. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture.
7. Paper and pulp manufacture.
8. Petroleum refining.
9. Rendering plant.
10. Storage, sorting, collecting or baling of rags, iron, or junk.
11. Hazardous waste disposal sites.
12. Electric or gas generating plants.
13. Asphalt or concrete batching plants.

14. Manufacturing, assembly or similar industrial operations either partially or completely unenclosed.

15. Public buildings and facilities (unless otherwise specified). (See Section 4.15)

16. Telecommunication facilities (see Section 4.15.37).

17. Uses which are similar to the ones listed above.

4.13.6 MINIMUM LOT REQUIREMENTS (area, width)

Permitted or permissible uses and structures (unless otherwise specified):

Minimum lot area	10,000 square feet
Minimum lot width	80 feet

4.13.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard) (See Section 4.15 for right-of-way setback requirements.)

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

Front	20 feet, of which no less than one-half (1/2) 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 feet except where a railroad spur abuts side or rear property line, in which case no yard is required.

2. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

   a. Exclude structures other than docks, piers, or walkways elevated on pilings;

   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

   c. Prohibit residential, commercial and industrial improvements; but

   d. Allow resource-based recreational activities.

4.13.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.15 for exceptions)

35 feet

4.13.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. 50%

2. Floor area ratio 1.0, except as necessary to meet other requirements as set out herein.

4.13.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.15)

Where a permitted or permissible use (unless otherwise specified) is erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer at least 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 4.15)

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. Public and private schools and colleges: four (4) spaces for each classroom or office room plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
6. For uses listed under CI: As for CI OFFSTREET PARKING REQUIREMENTS.
7. Other permitted or permissible uses (unless otherwise specified): one (1) space for each five hundred (500) square feet of floor area.

Note: Offstreet loading required (see Section 4.15).

SECTION 4.14. "PRD" PLANNED RESIDENTIAL DEVELOPMENT

4.14.1 DISTRICTS INTENT AND RELATION TO THE COMPREHENSIVE PLAN AMENDMENT PROCESS

The "PRD" Planned Residential Development category includes one (1) zoning district: "PRD". The purpose of this district is to:

1. Encourage the 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.

Because the balance of this Article assumes a proposed Planned Residential Development will be consistent with the City's Comprehensive Plan in terms of land use, dwelling unit densities, collector and arterial street layout and similar, the City treats such proposals herein as zoning changes. Proposals which ratify the Comprehensive Plan shall require, in addition to the following, that the Comprehensive Plan amendment process be followed prior to considering the Planned Residential Development as a zoning change.

4.14.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Residential dwellings including conventional single family dwellings, duplex dwellings, and multiple family dwellings.
2. Churches and other houses of worship.
3. Golf courses, county clubs, and racquet and tennis clubs.
4. Public and private schools and colleges.

4.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On-site signs (See also Section 4.15).
2. 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 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.

4.14.4 SPECIAL EXCEPTIONS
(See also Articles 12 and 13).

1. Public or private schools offering curricula comparable to that of public schools. (See Section 5.14)

2. Public buildings and facilities.

3. Home occupations (See Section 4.15).

4.14.5 DEFINITIONS

In addition to definitions contained in Article Two, the following terms, phrases, words, and derivations shall have the following meanings:

1. Applicant. Applicant is a landowner or the landowner's authorized agent who files a petition for a zoning amendment to create or amend a Planned Residential Development District.

2. Common Open Space. Common Open Space is an area of land or water, or a combination of land and water, within the Planned Residential Development which is designed and intended for the use and enjoyment of residents of the Planned Residential Development in common. Common open space may contain recreational structures and improvements as are desirable and appropriate for the common benefit and enjoyment of the residents of the Planned Residential Development.

3. 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.

4. 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.

5. Planned Residential Development. Planned Residential Development (PRD): (

    a. Is a concept which required land to be under unified control, planned and developed as a whole in a single development or an approved, programmed series of developments for dwelling units and related uses and facilities;

    b. Is a plan which, when adopted, becomes the controlling land development regulations for the land to which it applies;

    c. Includes principal and accessory structures substantially related to the character of the development itself and to 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, off-street parking, common open spaces, 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.

6. PRD Plan. PRD plan is the proposal for development of a Planned Residential Development, including plats of subdivision, covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space, and public facilities. A "PRD" plan is submitted first as a preliminary PRD and, if appropriate, later as a Final PRD plan.

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 is:

1. Planned Residential Development Zoning and Preliminary PRD Plan Approval. The applicant shall submit to the Land Development Regulation Administrator his or her request containing the following exhibits:

   a. A statement of objectives describing:

      (1) The general purpose of the proposed development.

      (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.

      (3) Existing land use on the site and surrounding areas.

      The Vicinity Map should be drawn at a scale suitable 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. The most recent United States Geological Service topographic survey may be used if better topographic information is not available.

   e. A Site Analysis Map at the same scale as the Preliminary PRD 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 existing tree cover.

   f. A Preliminary PRD Plan drawn at a scale suitable for presentation, showing and/or describing the following:

      (1) Proposed land uses.

      (2) Lot sizes indicated either by lot lines drawn in their proposed location or in a statement noted on the face of the Preliminary PRD Plan concerning proposed lot sizes including minimum lot sizes.

      (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) Centerlines of rivers, streams, and canals.

         (e) High water lines of lakes and other bodies of water.

         (f) Other man-made or natural features which would be affected by building encroachment.

      (4) Maximum heights of buildings.

      (5) Common open space.

(6) Arterial and collector streets and thoroughfares with local streets and interior circulation shown where no planned arterial or collector streets are located within the project.

(7) Common outside storage areas.

(8) Wetland Protection addressed by either: (a) a statement if none are involved, or (b) a larger scale drawing of the affected area and following the guidelines found in section 4.14.12

g. A table showing acreage for each category of land use.

h. A statement concerning gross density and net residential acreage (See Section 4.15 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, sewer and drainage lines, plant locations, 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 PRD Plan Submittals. When the Land Development Regulation Administrator has received the application and accompanying submittal and is satisfied they are complete, the application shall be processed as any other zoning application in accordance with of these land development regulations. The Planning and Zoning Board shall make a recommendation to the City Commissioners. The City Commissioner's actions shall be one (1) of the following:

a. Approval as submitted.

b. Conditional approval.

c. Disapproval.

3. Final PRD Plan. If rezoning for the Planned Residential Development is approved, the applicant shall submit a Final PRD Plan covering all or part of the approved Preliminary PRD Plan within twelve (12) months to the Land Development Regulation Administrator. If a Final PRD Plan is not submitted within this twelve (12) month period, the Land Development Regulation Administrator shall cause the Planned Residential Development district to be removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the applicant, and reinstate the zoning district in effect prior to approval of the Planned Residential Development. As a courtesy, thirty (30) days prior to a lapse date, the Land Development Regulation Administrator shall notify the City Commission and the applicant of such date. The City Commission may extend the lapse date for a period not to exceed an additional twelve (12) months provided the request for extension is made by the applicant prior to the expiration of the initial approval period. Failure of the Land Development Administrator to provide the thirty (30) day notice above shall not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification.

The Final PRD 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 to a scale of one hundred (100) feet to one (1) inch by a surveyor and/or engineer registered in the State of Florida showing:

   (1) The location of existing private and public property rights-of-way, streets, buildings and structures, water courses, transmission lines, sewer mains, bridges, culverts, and drain pipes, water mains, public utility easements, and other similar information.

   (2) Wooded areas, streams, lakes, marshes, and other existing physical conditions affecting the site.

   (3) Existing contours at intervals of one (1) foot.

c. A Development Plan drawn to a scale of one hundred (100) feet to one (1) inch and showing:

   (1) The boundaries of the site and proposed topography and grading.

   (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 off-street parking.

   (5) The use, size, and location of proposed buildings and major structural sites.

   (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 stormwater.

   (3) The source of potable water.

   (4) Location and width of utility easements and rights-of-way.

   (5) Plans for the special disposition of storm water 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.

   (3) 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.

(4) Calculated gross density and net residential acreage for the proposed development (see Section 4.14.5 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 City 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 PRD Plan has been approved.

4.14.8 REVISION OF A PLANNED RESIDENTIAL DEVELOPMENT

A proposed change in the approved Preliminary PRD 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 City Commission in the same manner as the initial application. A request for revision to the Preliminary PRD Plan shall be supported by a written statement and by revised plans demonstrating reasons the revisions are necessary or desirable. Revisions to the approved Preliminary PRD Plan shall be consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary PRD Plan. Examples of substantial change include:

1. Perimeter changes.
2. Major street relocation.
3. Change in building height, density, land use patterns, or buffers.
4. Changes of similar or greater magnitude to the changes indicated in 1, 2 or 3 above.

Minor changes and/or deviations from the Preliminary PRD Plan which do not affect the intent or character of the development shall be reviewed by the Land Development Regulation Administrator and, at his or her discretion that the proposed revisions are compatible with the original PRD plan, approved. Upon approval, the applicant shall make revisions to the Preliminary PRD Plan and submittals and file two (2) copies of the revised plans with the Land Development Regulation Administrator within thirty (30) days.

Example of minor change include:

1. Change in alignment, location, or length of local street.
2. Adjustments or a minor shift in dwelling unit mixes not resulting in increased overall density.
3. Reorientation or slight shifts in building locations.
4. Changes of similar or lesser-than substantial magnitude to the changes indicated in 1, 2 or 3 above.

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 PRD Plan, the approval of the Planned Residential Development will lapse. As a courtesy, thirty (30) days prior to a lapse date, the Land Development Regulation Administrator shall notify the City Commission and the applicant of such date. Failure of the Land Development Administrator to provide the thirty (30) day notice shall not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification.

At the request of the applicant, City Commission may extend the lapse date for beginning construction for a period not to exceed an additional two (2) years provided the request for extension is made 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, send by registered mail a notice of revocation to the applicant, and reinstate the zoning district in effect prior to approval of the Planned Residential Development.

4.14.10 DEVIATION FROM THE FINAL PRD PLAN

An unapproved deviation from the accepted Final PRD Plan shall constitute a breach of agreement between the applicant and the City Commission. Such deviation may cause the City to immediately revoke the Final PRD Plan until such time as the deviations are corrected or become a part of the accepted Final PRD Plan.

4.14.11 PHASING

The City Commission may permit or require the phasing or staging of a Planned Residential Development. When provisions for phasing are included in the Final PRD Plan, each phase of development must be so planned and so related to previous development, surrounding properties, and available public facilities and services 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 to be considered 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 be consistent with the Comprehensive Plan. No Final PRD Plan may be approved unless it conforms with the Comprehensive Plan.
3. Relationship to Zoning District. An approved Planned Residential Development is a separate zoning district in which the Final PRD Plan, as approved, establishes the restrictions and regulations according to which 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. A 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 allowed 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 PRD Plan subject to minimum lot sizes, setback lines, lot coverage, and floor area specified in the Preliminary PRD Plan approved by the City Commission.

6. Wetland Protection shall be provided with a minimum thirty-five (35) foot natural buffer from wetlands to improved areas which:

    a. Exclude structures other than docks, piers, or walkways elevated on pilings;

    b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;

    c. Prohibit residential, commercial and industrial improvements; but

    d. Allow resource-based recreational activities.

7. Internal Compatibility. Land uses proposed within a Planned Residential Development shall be compatible with other proposed uses. That is, no use may have an undue adverse impact on a neighboring use. An evaluation of the internal compatibility by a Planned Residential Development shall be based on:

    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 variety and design of dwelling types;

    h. The use and variety of building groupings;

    i. The use and variety of building sizes;

    j. The separation and buffering of parking areas and sections of parking area;

    k. The proposed land uses and the conditions and limitations thereon;

    l. The form of ownership proposed for various uses; and

    m. Other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of proposed uses and future residents within the Planned Residential Development.

8. External Compatibility. 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 an avoidable or undue adverse impact on an existing or planned surrounding use, nor shall an internal use be subject to undue adverse impact from existing or planned surrounding use. An evaluation of external compatibility of a Planned Residential Development shall be based on:

    a. Other factors listed in this Section with particular attention to those areas of the Planned Residential Development located on or near its perimeter;

b. 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. Other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of lands and residents surrounding the Planned Residential Development including planned future uses of such lands.

9. Intensity of Development. The residential density and intensity of use of a Planned Residential Development shall be compatible with (that is, 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:

   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 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 to and with the existing external transportation system; and

   h. Other factors deemed relevant to the intensity of development for the benefit of the public health, welfare, and safety.

10. Common Open Space. At least fifteen percent (15%) of the area covered by a Final PRD 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 City Commission may increase the percentage of common open space to further the intent of this Article; and provided that a Planned Residential Development which only consists of one family dwellings with individually deeded lots shall be required to have only five (5) percent usable, common open space. No more than one-half (1/2) the total common open space area may be in flood plain, buffer area, and/or water bodies.

11. Access and Parking. Streets, thoroughfares, and access ways shall be designed to relate effectively with the traffic circulation plans of the area. Adequate off-street parking shall meet requirements specified for the particular uses found in the District Regulations and in Section 4.15 of these land development regulations.

12. 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 traffic on adjoining minor (local) streets.

13. Internal Transportation Access. A 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 City specifications found in the City's 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 which is structured to properly and fully maintain such work.

14. Perimeter Requirements. The City Commission may impose the requirement that structures, buildings, and streets located at the perimeter of the development be permanently screened by a landscaped buffer to protect the privacy of adjacent existing uses. (See Section 4.15 for buffers and right-of-way setback requirements.)

15. Control of Area Following Completion. After completion of a Planned Residential

    Development, the use of the land and/or modification or alteration of a building or structure within the area covered by the Final PRD Plan shall continue to be regulated in accordance with that 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 PRD Plan.

    b. Substantial change in permitted uses, location of buildings, or other specifications of the Final PRD Plan may be permitted following public hearing and approval by the City Commission upon receipt of recommendations 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 PRD Plan.

SECTION 4.15. SUPPLEMENTARY DISTRICT REGULATIONS

4.15.1 SCOPE

This Section applies to all zoning districts subject to these land development regulations unless exceptions are specifically provided relating to one (1) or more zoning districts or except as otherwise provided in these land development regulations.

4.15.2 ACCESSIBILITY FOR THE PHYSICALLY DISABLED OR HANDICAPPED

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

4.15.2.1 Application. The requirements of Section 4.14 shall apply to all levels and areas of buildings and uses, and to all types of uses with the exception that one (1) family and two (2) family (duplex) dwellings are exempt from these requirements.

4.15.2.2 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 be cleared of 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. Unless otherwise specified herein, required off-street parking areas shall have off-street parking space reserved for the physically handicapped. (See Section 4.15, Off-street Parking: Handicapped Parking Spaces, for the number, dimensions, and other requirements for handicapped parking spaces).

4.15.3 ACCESS CONTROL

To provide maximum safety with least interference to traffic flow on public streets concomitant with ease and convenience for ingress and egress to private property, 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. Streets which are part of the State of Florida highway system, the number and location of curb breaks shall conform with Chapter 14-96 and 14-97, Rules of the Florida Department of Transportation, and the Department's Access Management Manual.

4.15.3.1 Number and Location of Curb Breaks. A curb break is defined in Section 2.1. The number and relative location of curb breaks are regulated as follows:

1. One (1) curb break is permitted for ingress and egress to and from a single property or development.

2. Two (2) curb breaks entering a particular street from a single property or development may be permitted if 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 a particular street from a single property or development may be permitted if other requirements of this Section are met and if the minimum distance between adjacent curb breaks equals or exceeds one hundred (100) feet.

4. In general, no more than three (3) curb breaks entering on a particular street will be permitted from a single property or development. However, in extensive developments (property exceeding ten (10) acres and/or containing more than one thousand (1,000) parking spaces), additional curb breaks may be permitted provided other requirements of this Section are met and the minimum distance between adjacent curb breaks equals or exceeds three hundred (300) feet.

4.15.3.2 Width of Curb Break.

1. The width of a curb break, measured at the street right-of-way line, shall be within the dimensional limits 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
Other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

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

4.15.3.3 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 an interior property line unless part of a common access way to two (2) contiguous properties.

4. 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 to prevent vehicle overhang on private properties located near curb breaks, off-street parking areas, and off-street loading areas.

5. No curb break shall include an above ground public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or similar structures.

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

4.15.4 ACCESSORY USES AND STRUCTURES

Unless otherwise provided in these land development regulations, 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 housing persons, such as guest houses, shall not be located in a required yard,
2. Air conditioner compressor units shall not be located in a required yard; and
3. 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 detached accessory building shall be located within five (5) feet of a building.

4.15.5 ALCOHOLIC BEVERAGES

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

4.15.6 AUTOMOTIVE SERVICE STATIONS

The following applies to the location, design, construction, operation, and maintenance of automotive service stations.

4.15.6.1 Lot Dimensions and Area. An automotive service station lot shall be of adequate width and depth to meet setback requirements, but no corner lot shall 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.

4.15.6.2 Lighting. Lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from a residential district.

4.15.6.3 Location of Pumps and Structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within forty (40) feet of property zoned for residential purposes. Oil drainage pits, hydraulic lifts and mechanical repair structures shall be located no closer than fifty (50) feet to a property line. No gasoline pump shall be located within twenty (20) feet of a street right-of-way line. Where a greater street setback line has been established, a gasoline pump may be located at that setback line.

4.15.6.4 Curb Breaks. The number of curb breaks for an automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage with each break no more than thirty (30) feet in width exclusive of transitions and located no closer than fifteen (15) feet of right-of-way lines of an intersection or a property line. There shall be a minimum distance of thirty (30) feet between curb breaks.

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

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

No subdivided land shall receive a permit for the construction of a principal structure on a lot where one already exists, excluding commercial buildings under common ownership or unified control.

4.15.8 EXCLUSIONS FROM HEIGHT LIMITATIONS

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

4.15.9 FALLOUT SHELTERS

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

4.15.10 FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in a required yard or along the edge of a yard provided 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.

4.15.11 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.

4.15.11.1 Requirements. Where these land development regulations require a landscaped buffer area, the following shall apply:

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 percent (80%) 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) feet in height.
3. Types and numbers of plantings for landscaped buffers shall be submitted with an application for a building permit. Where these land development regulations require a landscaped buffer area or areas, no building permit shall be issued without such data.
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 a required landscaped buffer area.

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

4.15.11.2 Substitution for Landscaped Buffer Area. Except where otherwise provided by these land development regulations, a six (6) foot high masonry or weather-resistant wood opaque structure may be substituted for the six (6) foot, planted buffer within these supplementary regulations provided, however, that where the masonry or opaque wood structure is located in the required front yard, it shall not exceed two and one-half (2 1/2) feet in height. An approved open face fence with a minimum height of five (5) feet, screened from residential side by dense evergreen foliage maintained to a minimum height of seven (7) feet shall constitute the minimum requirements of these Regulations. The amount of planting required to accomplish adequate screening varies with the individual site. The Land Development Regulation Administrator shall arbitrate to determine types and amounts when no specific standards are specified by these Regulations. The Board of Adjustment or the Planning and Zoning Board shall make such determination when approval of development plans is required by either of these bodies.

4.15.11.3 Waiver by Land Development Regulation Administrator. When the Land Development Regulation Administrator finds that public safety requires, he or she may waive or modify the buffer requirements of Section 4.14 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 from the street or alley entrance in order to protect pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.

4.15.11.4 Waiver by Board of Adjustment. Where a non-residential use is required to provide a landscaped buffer along a property line contiguous with another non-residential use, the Board of Adjustment may waive the landscaped buffer requirements if the Board agrees from evidence 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 other variances, and adjoining property owners shall be notified in writing of the Board of Adjustment meeting when the request will be heard.

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

4.15.12 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 an area of 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 a 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 request will be heard.

4.15.13 MOBILE HOME - REPLACEMENT OF EXISTING MOBILE HOMES

For purposes of these land development regulations, the phrase "existing mobile homes" means mobile homes which existed on the adoption or amendment date 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 principal use, such existing mobile homes may be removed and replaced by another mobile home, provided:

1. That a period no 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 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 a subsequent use shall conform with the regulations for the district in which the use is located.

4.15.14 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one (1) lot to another, or moved to another location on the same lot, unless such building or structure shall thereafter conform with these and other regulations and ordinances of the City.

4.15.15 OFFSTREET PARKING AND LOADING

Public interest, welfare, and safety require buildings and uses erected after the effective date of these land development regulations to be provided with adequate offstreet parking facilities for the use of occupants, employees, visitors, customers, or patrons including, in certain cases, offstreet parking facilities for the handicapped. Public interest, welfare, and safety also require 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 Article 2, Definitions.)

4.15.15.1 Offstreet Parking and Offstreet Loading: General.

1. Offstreet parking and loading facilities shall be provided as prescribed in these land development regulations. Conforming buildings and uses existing on 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 on 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 specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.
3. A change in use of a building or a use existing on the effective date of these land development regulations shall require additional offstreet parking and/or loading facilities to the extent that the use shall provide additional parking and/or loading spaces amounting to the difference between the required number of parking and/or loading spaces for the new use and the required number for the previous use.
4. The design, construction, and arrangement regulations herein prescribed 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 landscaped buffer requirements, a required yard may be used for offstreet parking.

4.15.15.2 Offstreet Parking and Offstreet Loading Facilities: identification, surfacing, drainage, lighting, access. Required offstreet parking and offstreet loading facilities shall be:

1. Identified as to purpose and location when not clearly evident.
2. Surfaced with one (1) inch of Type II asphaltic concrete surface course or crushed rock as approved for meeting standards established by the City Commission and maintained in a smooth, well-graded condition (driveways, access aisles, and parking spaces for churches and other houses of worship, and public and private schools offering academic courses may be surfaced with grass or lawn).
3. Drained so as not to cause 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 4.15).
7. So arranged that no vehicle has to back from such facilities directly onto public streets functionally classified within the Comprehensive Plan as collector or arterial streets.
8. Designed to provide curbs or motor vehicle stops or similar devices to prevent vehicles from overhanging into public rights-of-way or adjacent property.
9. Required offstreet parking areas for three (3) or more automobiles shall be so designed, maintained, and regulated that no parking of 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.

4.15.15.3 Offstreet Parking: Location. 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 them from being placed on the same lot as the premises they are designed to serve;
2. The owner of the offstreet parking area enters into a written agreement with the City Commission, with enforcement running to the City Commission, guaranteeing the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building or use which the parking area serves so long as the facilities are required;
3. The owner agrees the agreement may be voided by the City Commission if other offstreet facilities are provided in accordance with these land development regulations; and
4. The owner bears the expense of recording the agreement.

4.15.15.4 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:

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

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 met only where actual spaces meeting the above requirements are provided and maintained, improved in the manner required by these land development regulations, and in accordance with other ordinances and regulations of the City Commission.

4.15.15.5 Offstreet Parking: Handicapped Parking Spaces. Parking spaces shall be reserved for physically handicapped persons and shall be level and at least twelve (12) feet in width and twenty (20) feet in length. Except as otherwise specified herein, offstreet parking areas shall have a number of parking spaces identified by above-grade signs as reserved for physically handicapped persons as prescribed in the following table:

PARKING SPACES FOR HANDICAPPED	
Total Spaces in Lot	Required 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 should be so located that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, or elevators. (See Section 4.15.2 for additional provisions regarding accessibility for physically handicapped persons.)

4.15.15.6 Offstreet Parking: Plans Required. A properly scaled offstreet parking plan shall be submitted with an application for a building permit which requires provision for offstreet parking. The plan shall accurately portray landscaping, the required parking spaces including those designated for the physically handicapped, access aisles, driveways, dimensions and the relation of the offstreet parking facilities to the uses or structures they serve.

4.15.15.7 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 the total parking spaces, when combined or used together, shall not be less than the sum required separately. An arrangement for combined offstreet parking shall be subject to the filing of a legal instrument satisfactory to the City Attorney insuring such offstreet parking will be maintained in the future so long as the use or uses requiring such offstreet parking continue.

No part of an offstreet parking area required for a building or use shall be included as part of an offstreet parking area required for another building or use unless the Board of Adjustment finds the types of uses indicates the periods of usage will not overlap. A subsequent change of one or the other use may mandate a change in offstreet parking requirements.

4.15.15.8 Offstreet Parking: Fractional Measurements. Where a calculation for offstreet parking spaces results in a fractional space requirement, a fraction equal or greater than one-half (1/2) shall require a full offstreet parking space.

4.15.15.9 Offstreet Parking: Minimum Requirement. As an absolute minimum, an 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.

4.15.15.10 Offstreet Parking: Landscaping Requirements. Where offstreet parking facilities are provided, such shall conform with the minimum landscaping requirements provided in this Section except that one (1) family and two (2) family (duplex) residential dwellings and multi-level parking structures shall be exempt from such requirements.

1. Except as otherwise noted herein, a minimum of ten (10) percent of an 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, where possible, a portion of the required landscaping shall be located within the interior of the offstreet parking area and in such a manner as to divide and break up the expanse of paving and to guide traffic flow and direction.

2. Each separate landscaped area shall contain a minimum of fifty (50) square feet with a minimum dimension of three (3) feet and shall include at least one (1) tree with the remaining area adequately landscaped with shrubs, ground cover, and/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 a public street or other public works unless the tree root system is contained within a barrier that has minimum interior dimensions of five (5) feet square and five (5) feet deep and is constructed with 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. Failure to maintain required landscaped area shall be a violation of these land development regulations.

5. See also Section 4.15, Visibility at intersections and curb breaks.

4.15.15.11 Offstreet Loading: Specifications, Amounts. Offstreet loading facilities are required by these land development regulations so that vehicles engaged in loading and unloading goods, materials, or things for delivery and shipping will not encroach on or interfere with public use of streets and alleys. Offstreet loading facilities provided 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 provided and maintained. Where a structure is enlarged or a 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. An offstreet loading space shall be directly accessible from a street or alley without crossing or entering another required offstreet loading space. Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

4.15.15.12 Offstreet Loading: Dimensional Standards. An 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.

4.15.15.13 Offstreet Loading: Plans Required. An offstreet loading plan shall be submitted with an application for a building permit which requires provision for offstreet loading facilities. The plan shall accurately portray the required offstreet turning bays, loading spaces, access thereto, dimensions, and clearance and the relation to surrounding streets or private accessways.

4.15.15.14 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 they equal in size and capacity the combined requirements of the component buildings or uses and are designed, located, and arranged to be usable thereby. An arrangement for combined offstreet loading shall be subject to the filing of a legal instrument satisfactory to the City Attorney insuring that such offstreet loading will be maintained in the future so long as the use or uses requiring such offstreet loading continue. A subsequent change in use may mandate a change in offstreet loading requirements.

4.15.15.15 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 with an aggregate floor area of:

Square feet		**Square feet**	**Number of Spaces**
Over 4,000	to	20,000	1
20,001	to	40,000	2
40,001	to	60,000	3
60,001	to	120,000	4
120,001	to	200,000	5

4.15.16 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment (See Section 2.1, Definitions) shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot in a residential district or in a 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 exceeding twenty-four (24) hours for loading or unloading.

4.15.17 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.

4.15.18 PERFORMANCE STANDARDS

Uses and activities permitted in any zoning district shall conform to the following standards of performance:

4.15.18.1 Fire and Explosion Hazards. Uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.

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

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

4.15.18.4 Heat, Cold, Dampness, or Movement Of Air. Activities which may produce an adverse effect on the motion, temperature, or humidity of the atmosphere beyond the lot line shall not be permitted with the exception that within the M-1 Industrial district this standard shall be applied at the boundaries of the district and not at the individual lot lines.

4.15.18.5 Noise. Permitted levels of noise or sound emission at the property lines 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 M-1 Industrial district this standard shall be applied at the boundaries of the district and not at the individual lot lines. Determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

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

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

4.15.19 RAILROAD RIGHT-OF-WAY

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

4.15.20 SIGNS

The provisions of these land development regulations shall govern size, location, and character of signs permitted as principal or accessory uses. No sign shall be permitted in any location except in conformity with these land development regulations.

4.15.20.1 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 areas subject to these land development regulations and, in turn, injuriously affect the economic wellbeing of the citizenry. Thus, it is the intent of these regulations to prevent uncontrolled erection of signs. 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 Schedule of District Regulations.

4.15.20.2 Applicability of Other Code or Regulatory Requirements. Signs or other advertising structures shall be constructed and maintained in accordance with other applicable ordinances and regulations of the City as well as State and Federal rules and regulations. Where ordinances, rules or regulations are in conflict, the more restrictive provisions shall apply.

4.15.20.3 Definitions. Definitions for purposes of sign regulation under these land development regulations are found in the Definitions section of these land development regulations. (See Article 2.)

4.15.20.4 Prohibited Signs. It shall be a violation of these land development regulations and punishable as provided by these land development regulations to erect or maintain, in either a permanent or temporary state:

1. A sign which constitutes a traffic hazard or a detriment to traffic safety by reason of 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 an official traffic control device or by diverting or tending to divert the attention of moving vehicles from traffic movement on streets, roads, or access facilities; nor shall a sign obstruct the vision of pedestrians. The use of flashing or revolving red, green, blue, or amber lights in a sign is prohibited. A 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 other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
2. A sign which is obscene, indecent, or immoral.
3. A sign which is placed or erected in the right-of-way of a street, road, or public way except as specifically provided by these land development regulations.

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

5. A sign so located as to prevent free ingress or egress from a door, window or fire escape of a building.

6. A sign in required yard areas except as specifically permitted by these land development regulations.

7. A sign erected, constructed, and maintained wholly upon or over the roof structure except as specifically permitted by these land development regulations.

8. A sign higher than eighteen (18) feet from established grade except as specifically permitted by these land development regulations.

9. A canopy, marquee, projecting, or handing sign with less than a nine (9) feet clearance between the bottom of the sign and the ground surface.

10. An illuminated sign which results in glare or reflection of light on residential property.

4.15.20.5 Sign Permits. Within the corporate limits of the City, it shall be unlawful for a person to erect, maintain or replace a sign not specifically exempted by these land development regulations without first securing from the Land Development Regulation Administrator a sign permit to do so.

4.15.20.6 Exemptions. Except as otherwise provided, the following signs may be erected without a permit subject, however, to other requirements of these land development regulations. An exempt sign may be located within the required front yard but shall not be located within ten (10) feet of a side property line.

1. Signs not exceeding one (1) square feet in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of premises not having commercial connotations. Only two such signs per lot or main building shall be permitted.

   For multiple-family dwellings and buildings other than single-family dwellings, a single identification sign shall meet the following:

   a. Not exceed six (6) square feet in area,

   b. Not exceed six (6) feet in height above the lot grade,

   c. Be no closer than ten (10) feet to the front or street side lot line, and

   d. Indicate only the name and address of the building and the name of the management.

   Such sign may be displayed in the yard area provided that on a corner lot one such sign for each facing street shall be permitted In addition to the permitted yard signs, signs for each street frontage may be installed flat against the main wall of the building, each such sign not to exceed twenty (20) square feet in area.

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

3. Traffic or other municipal, City, State, or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or non-advertising signs as may be approved-by, the City Commission. Such signs may be located on or may overhang or infringe upon the rights-of-way of streets 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 one (1) sign on each frontage may be erected. The size of such signs shall not exceed four (4) square feet, and such sign shall be removed within one (1) week 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 two (2) square feet in surface area.

9. Institutional signs. Signs of schools, colleges, churches, sanatoria, or other institutions of a similar public or semipublic nature may be erected and maintained, provided:

   a. The size of such sign is not in excess of six (6) sq. ft; and

   b. Not more than one (1) such sign is placed on a property unless such property fronts upon more than one street in which case one (1) sign may be erected on each frontage.

4.15.20.7 On-Site Signs. Unless otherwise specified in these land development regulations, the following shall govern on-site signs (See Article 2 for definition):

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

2. On-site signs may be located in required front yards provided, however, that such signs shall not obstruct visibility at intersections and curb breaks (See Section 4.15).

3. On-site signs shall not exceed a height above established grade of eighteen (18) feet except as specifically permitted by these regulations.

4.15.20.8 Off-Site Signs. Unless otherwise specified in these land development regulations, the following shall govern off-site signs (See Article 2 for definition):

1. An off-site sign is prohibited except where specifically permitted by these land development regulations.

2. An off-site sign may be erected in the required front yard provided they are:

   a. No nearer the street right-of-way line than fifteen (15) feet.

   b. Not erected so as to obstruct visibility at intersections and curb breaks (see Section 4.15).

3. An off-site sign may not be erected within one hundred (100) feet of a church, school, cemetery, public park, reservation, or playground, State or National forest, or railroad crossing.

4. An off-site sign may not exceed a height above established grade of eighteen (18) feet except where specifically permitted by these regulations.

4.15.20.9 Additional Sign Requirements.

1. Signs Accessory to Parking Areas. One sign designating each entrance or exit to or from a parking area and limited to a maximum size of two (2) square feet each is permitted. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum of six (6) square feet is permitted provided that on a corner lot one such sign facing each street is permitted.

2. Non-residential Districts.

   a. Size of sign. The gross surface area of all signs on a lot or for each licensed business shall not exceed two-hundred (200) square feet in area.

   b. For licensed business within the Central Business District and any historical district designated by the City, the gross surface area of all signs shall be as specified in the following schedule:

TYPE OF SIGN	**Gross Surface Area (Square feet) of Sign per Foot of Lot Entrance or Where There is No Lot Entrance, the Width of the Structure Along the Street**
Non-Flashing	1.00
Flashing or Animated	0.50

   c. Projection of Signs. No business sign in a non-residential district shall project more than three (3) feet from the main wall of a building.

   d. Free Standing Signs. One free standing business sign is permitted for each licensed business; however, said sign shall be included in the calculation of sign area as provided in a. above.

4.15.21 TRANSITIONAL USE AREA REQUIREMENTS

It is the intent of these requirements to ease friction between residential and non-residential uses by creating transition buffers in which certain intensive non-residential 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, cocktail lounges, or similar use.
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 sale of any scrap, salvage, or second-hand building materials, junk or second-hand automotive vehicles or parts.
5. Bulk storage of flammable liquids or explosives.

4.15.22 TRAVEL TRAILER PARKS AND CAMPGROUNDS

The following applies 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 transient-type vehicular accommodations.
2. Sites in a travel trailer park or campground shall be at least twelve hundred (1,200) square feet in area. No part of a camping site, travel trailer or other unit placed on a travel trailer site shall be closer than twenty-five (25) feet to a lot line.

4.15.23 USE OF LAND IN A RESIDENTIAL DISTRICT FOR ACCESS

No land in a residential or residential/office district shall be used for drive-way, walkway, or access purpose to land in a commercial or industrial district or used for a purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut a street.

4.15.24 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

Visibility at intersections. No fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow on a corner lot in any zoning district 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 intersecting streets in an 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 intersection of the public right-of-way lines.

4.15.24.2 Visibility at curb breaks. No fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in any zoning districts where a curb break intersects a public right-of-way in such a manner as to obstruct cross-visibility between a height of two and one-half (2 1/2) and six (6) feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and the public right-of-way line 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 ends of the two (2) other sides.

4.15.24.3 Retaining walls. The requirements of this Section shall not be deemed to prohibit a necessary retaining wall.

4.15.24.4 Trees. Trees are permitted in the clear space provided foliage is cut away within the prescribed heights.

4.15.25 WATERFRONT YARDS - MINIMUM REQUIREMENT

No structure shall be located closer than fifty (50) feet to a mean high water line (see Section 4.15.4 for exceptions for certain accessory structures).

4.15.26 YARD ENCROACHMENTS

A 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 (an additional layer of bricks) 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) the width of the yard.
8. Except as provided herein, nothing in these land development regulations shall be construed so as to prohibit permitted landscaping or private, non-profit gardening on a lot.

4.15.27 AIRPORT LAND USE RESTRICTIONS

Use Restrictions. Notwithstanding other provisions of these land development regulations, no use may be made of land or water adjacent to an airport which will interfere with the operation of an airborne aircraft. The following special requirements apply to each permitted use.

1. Lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated so as to not mislead or otherwise be dangerous to aircraft operating from the airport or its vicinity.

2. No operations from a land use shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the airport.

3. No operations from a land use shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

4. Residential uses, schools, hospitals, storage of explosive material, assemblage of large groups of people, or other use that could produce a major catastrophe as a result of an aircraft crash shall be prohibited within five-thousand (5,000) feet of the approach or departure end of a runway.

5. No structure exceeding one-hundred fifty (150) feet in height above the established airport elevation shall be permitted within five-thousand (5,000) feet of the approach or departure end of a runway.

4.15.28 SPECIAL RIGHT-OF-WAY REQUIREMENTS

4.15.28.1 For 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.

4.15.28.2 Proposed structures or structural additions shall be setback at least seventy-five (75) feet from the right-of-way center line along new or realigned collector or arterial streets.

4.15.29 SPECIAL COMMUNITY RESIDENTIAL HOME REQUIREMENTS

The City 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.

4.15.29.1 The City shall permit group homes with six or fewer residents which otherwise meet the definition of a community residential home as provided in Chapter 419, Florida Statutes, in effect upon adoption of the Comprehensive Plan, as a single-family noncommercial use to be allowed in residential land use districts provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing home with six (6) or fewer residents.

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

1. 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 clients in the home;

2. Would be located within a radius of twelve hundred (1,200) feet of another existing community residential home shall be considered 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 low or moderate density residential land use category shall be considered to substantially alter the nature and character of the area).

4.15.29.3 The City shall permit foster care facilities of three (3) foster care residents or fewer per household which meet the definition of a community residential home as provided in Chapter 419, Florida Statutes.

4.15.30 SPECIAL HOME OCCUPATION REQUIREMENTS

1. Only two (2) additional persons other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes and under no circumstances shall change the residential character thereof. For purposes of this section, the dwelling unit may be occupied by individuals other than those undertaking the home occupation or the home may be a second residence or vacation home for the persons conducting the home occupation. The primary condition of the City determining the use as a home occupation is maintenance of the residential character of the structure.
3. No change shall be permitted in the outside appearance of the building or premises, and no other evidence of such home occupation shall be visible other than two (2) signs; one (1) 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 from the main entrance to the residence; and one (1) non-illuminated (except for flood light on each side of the sign) free standing hanging sign to be located within the front yard of the home occupation and positioned perpendicular to the front elevation of the home. Such sign shall not exceed six (6) square feet (per side of sign) in area and not exceed five (5) feet in height nor have characters or lettering in excess of eight (8) inches in height. The sign shall be located in a manner, which does not obstruct visibility at intersections and curb breaks.
4. Except in 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 the floor area devoted to the home occupation does not exceed one thousand (l,000) square feet.
5. No home occupation (excepting bed and breakfast inns) shall occupy more than thirty (30) percent of the first floor area of the residence exclusive of the area of open porches, attached garages 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 the need for parking generated by the home occupation shall be by the existing off-street parking for the residence or shall be met by off-street parking located 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 beyond the lot lines. 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, except as specified in 4.15.30.9 below;

    c. Antique or gift shop, restaurant, except as specified in 4.15.30.9 below;

    d. Outdoor repair,

    e. Food processing, except as specified in 4.15.30.9 below;

    f. Retail sales, except as specified in 4.15.30.9 below; and

    g. Child care center.

9. For purposes of illustration, the following uses may be considered home occupations provided they meet requirements listed in subparagraphs 1-8 above and other provisions of these land development regulations:

    a. Providing tutoring or individual instruction to no more than one (1) person at a time such as an art or music teacher;

    b. Fabrication of articles commonly classified as arts and handicrafts providing no retail sales are made in the home, or are ancillary to the permitted home occupation (i.e. construction of frames for art or photographic studio;

    c. Custom dressmaking, seamstress, milliner;

    d. Psychic or spiritual counseling; fortune-telling and similar serving not more than one (1) client at a time;

    e. Answering telephone;

    f. Barber or beauty shop limited to two (2) chairs;

    g. Professional offices;

    h. Art or photographic studio, which may include the retail sale of materials ancillary to the permitted home occupation (i.e., frame construction and sales, sale of green pottery, and sale of art supplies to art students of the home occupation).

    i. Bed and breakfast - bed and breakfast inns shall be approved as a home occupation in accordance with the following criteria:

        (1) The dwelling unit may be occupied by individuals other than those undertaking the bed and breakfast operation or the home may be a second residence or vacation home for the persons conducting the bed and breakfast operation. The primary condition of the City determining the use as a bed and breakfast home occupation is maintenance of the residential character of the structure;

(2) Separate toilet and bathing facilities for the exclusive use of guests must be provided;

(3) Rentals shall be on a daily basis. The maximum stay for an individual shall be thirty (30) days in a 12-month period;

(4) No cooking facilities shall be allowed in guest rooms;

(5) Bed and breakfast establishments must comply with appropriate health permits, building and fire codes and business licenses as applicable to such use;

(6) Signage, except historical markers located by federal, state, City or County agencies, shall be limited as provided in 4.15.30.3 above;

(7) The maximum number of rooms for guests shall be as follows:

Building Size (Gross Floor Area)	**Maximum Guest Rooms**	**Building Size (Gross Floor Area)**	**Maximum Guest Rooms**
less than or equal to 1,200 square feet	1	2,401 - 3,000 square feet	4
1,201 - 1,800 square feet	2	3,001 - 3,600 square feet	5
1,801 - 2,400 square feet	3	over 3,600 square feet	6

(8) Bed and breakfasts may have a dining facility for the service of guests and special events, such as weddings of guests.

(9) Bed and breakfasts may conduct food service (catering) for on premises guests, as well as for off premises events.

(10) Bed and breakfasts may sell antiques and gifts as an ancillary use to the bed and breakfast, and not to exceed a display area within one (1) room of the house.

(11) No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast inn; no existing structure shall be enlarged or expanded for the purpose of providing additional rooms for guests. It is intended that a bed and breakfast inn be a converted or renovated single-family residence, and that this principal function be maintained. The exterior appearance of the structure shall not be altered from its single-family character.

Note: All home occupations shall be subject to applicable occupational licenses and other business taxes.

4.15.31 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:

1. A building permit shall not be issued for construction of a building or facility where sanitary sewage disposal using an onsite sewage disposal system:
    a. In an area zoned industrial or
    b. Where the building or structure will be used for industrial or manufacturing purposes or their equivalents, if
        (1) The City's centralized sanitary sewer system is available within one-quarter (1/4) mile of the area used or zoned industrial or
        (2) Manufacturing, or where 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 a district zoned industrial or used for industrial or manufacturing purposes or equivalent if such site is served by an on-site 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 a district zoned industrial or used for industrial or manufacturing purposes or equivalent 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 on-site sewage disposal system from the County Health Department.

4.15.32 SPECIAL REQUIREMENTS FOR PUBLIC USES

1. Public buildings, facilities and uses, which do not meet the definition of "essential services" within these Land Development Regulations, shall require an amendment to the City's Comprehensive Plan to re-designate the land use at the location of such public building or facility as a public land use.
2. Public uses shall be limited to an intensity of less than or equal to 1.0 floor area ratio.
3. Recreation uses shall be limited to an intensity of less than or equal to 0.25 floor area ratio.

4.15.33 REPLACEMENT OF EXISTING DWELLING UNITS IN COMMERCIAL DISTRICTS

For purposes of these land development regulations, the phrase "existing dwelling units "means dwelling units which existed on the adoption or amendment date of these land development regulations. In those commercial districts which do not permit the erection of new dwelling units but do permit existing dwelling units as a principal use, such existing dwelling units may be removed and replaced by another dwelling unit, provided:

1. That a period no greater than twelve (12) consecutive months elapses between the removal of one (1) dwelling unit and the erection of another dwelling unit; and
2. Where a dwelling unit is removed and not replaced for a period greater than twelve (12) consecutive months for any reason (except where governmental action impedes access to the premises), such dwelling unit shall not be replaced, and a subsequent use shall conform with the regulations for the district in which the use is located.

4.15.34 FOOD TRUCKS

The intent of this section is to allow and provide regulations for food trucks as a temporary use on property.

General Regulations. Food trucks may be located on property in any zoning district.

The use and operation of food trucks shall be subject to the following regulations:

1. Application for Permit to Operate Food Truck. Any person desiring to operate a food truck for the purpose of selling items of food authorized by this section shall make application for such authority to the Land Development Regulation Administrator by filing with the City an application on a form to be furnished by the City to the applicant, which application shall be either approved or denied by the Land Development Regulation Administrator, by written notification to the applicant within fifteen (15) days following the filing of the application. If the application is denied, the Land Development Regulation Administrator shall state in the notification the reasons for denying an application.
2. Land Development Regulation Administrator's Authority to Issue Permits. Annually, or from time to time, the Land Development Regulation Administrator shall determine public areas which are available for the operation of food trucks and shall have the authority to issue permits to qualified applicants, which permits will be good for the period of one (1) year. Permits will be issued for food trucks at specified locations and will be nontransferable. Change of ownership, truck or location will require that the owner apply for a new permit. In designating any area for the operation of a food truck, the Land Development Regulation Administrator shall consider the safety and convenience of the public. No food truck shall be allowed to operate at any location which would adversely affect public safety or the use of the sidewalks and streets by the public and the free flow of pedestrian and vehicular traffic thereon.
3. Insurance Requirements. Each food truck operator shall be required to carry liability insurance in amounts to be annually determined by the City Manager, which shall include the City as an additional insured and which shall indemnify, defend and save harmless the City from any resultant claims which may arise due to negligence by the operator.
4. Annual Fee to City. Each food truck operator shall pay annually a fee to the City for the permit described in this section, the amount of which shall be determined by the City Manager, and which will be in an amount to adequately compensate for the various public safety services, such as law enforcement and fire inspections, and other services offered.
5. Occupational License Required. Each food truck operator shall obtain an occupational license from the City provided for and required under the provisions of this section.
6. Rejection of Application or Revocation of Permit. The Land Development Regulation Administrator may, for just and good cause, reject an application for food truck service operations or may revoke a permit which has been issued under this section if the operator fails to comply in any way with the provisions of this section.

7. Appeal. If the Land Development Regulation Administrator fails to issue a permit upon application, or if the Land Development Regulation Administrator makes a good-faith determination that there is cause for revocation of a permit issued under this section, then the applicant or permittee, as the case may be, shall be so notified in writing. In the case of revocation, such shall be effective twenty-four (24) hours after the issuance of the notice. The notice shall state with reasonable particularity the grounds for such determination. If the applicant or permittee wishes to contest the action taken by the Land Development Regulation Administrator, he or she may, within ten (10) days after the issuance of the notice, deliver to the City Clerk a written request for a hearing. If a written request for a hearing to contest the validity of the action taken by the Land Development Regulation Administrator is delivered to the City Clerk within the time limitations imposed by this section, the matter shall be considered at the next regularly scheduled meeting of the Board of Adjustment. The applicant or permittee, or their representative, shall be notified of the time and place of the hearing. Following the hearing, the Board of Adjustment shall vote to either uphold the decision of the Land Development Regulation Administrator or to approve the application or reinstate the revoked permit, as the case may be. The decision of the Board of Adjustment shall be final.

8. Food trucks may operate only between the hours of 7:00 a.m. and 11:00 p.m.

9. Food trucks shall be located at least (75) seventy-five feet from any restaurant during the operating hours if such restaurant. This distance shall be measured by extending a straight line from the food truck to either the main entrance or any outdoor seating area of the restaurant. This regulation shall not apply if the owner(s) or authorized agent(s) of all restaurants within (50) fifty linear feet have provided written consent, and shall not apply to food trucks that operate as part of and on the location of a restaurant.

10. Food trucks shall be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits, and shall be setback at least fifteen (15) feet from fire hydrants.

11. Food trucks are not allowed to utilize parking spaces.

12. Appropriate trash containers shall be provided, and all sidewalks, parking areas, and other pedestrian spaces shall be kept clean and free from any refuse or obstruction.

13. Each food truck shall be equipped with at least one (1) approved portable fire extinguisher with a minimum rating of 8 B-class (8 BC).

14. Food trucks shall be licensed to operate by the State of Florida and shall receive any necessary approvals from Florida Department of Business and Professional Regulations and the City. Food trucks shall comply with state/county health department licensing requirements for preparing and selling food items.

15. Food trucks must remain mobile and movable at all times. Therefore, permanent structures shall not be constructed around or adjacent to food trucks.

4.15.35 MOBILE FOOD CARTS

The intent of this section is to both authorize and regulate the sale of pre-prepared sandwiches and frankfurters (commonly referred to as “hot dogs”), and nonalcoholic beverages on certain designated public areas, including sidewalks, from mobile food carts.

General Regulations. Mobile food carts may be located on property in any zoning district.

The use and operation of mobile food carts shall be subject to the following regulations:

1. Application for Permit to Operate Mobile Food Cart. Any person desiring to operate a mobile food cart for the purpose of selling items of food authorized by this section on the public sidewalks, rights-of-way or other public areas of the City shall make application for such authority to the Land Development Regulation Administrator by filing with the City an application on a form to be furnished by the City to the applicant, which application shall be either approved or denied by the Land Development Regulation Administrator, by written notification to the applicant within fifteen (15) days following the filing of the application. If the applicant is denied, the Land Development Regulation Administrator shall state in the notification the reasons for denying an application.

2. Land Development Regulation Administrator's Authority to Issue Permits. Annually, or from time to time, the Land Development Regulation Administrator shall determine public areas which are available for the operation of mobile food carts and shall have the authority to issue permits to qualified applicants, which permits will be good for the period of one (1) year. Permits will be issued for individual carts at specified locations and will be nontransferable. Change of ownership, cart or location will require that the owner apply for a new permit. In designating any area for the operation of a mobile food cart, the Land Development Regulation Administrator shall consider the safety and convenience of the public. No mobile food cart shall be allowed to operate at any location which would adversely affect public safety or the use of the sidewalks and streets by the public and the free flow of pedestrian and vehicular traffic thereon.

3. Insurance Requirements. Each mobile food cart operator shall be required to carry liability insurance in amounts to be annually determined by the City Manager, which shall include the City as an additional insured and which shall indemnify, defend and save harmless the City from any resultant claims which may arise due to negligence by the operator.

4. Annual Fee to City. Each mobile food cart operator shall pay annually a fee to the City for the permit described in this section, the amount of which shall be determined by the City Manager, and which will be in an amount to adequately compensate for the various public safety services, such as law enforcement and fire inspections, and other services offered.

5. Occupational License Required. Each mobile food cart operator shall obtain an occupational license from the City provided for and required under the provisions of this section.

6. Prohibited Areas of Operation. No mobile food cart shall operate in front of or within seventy-five (75) feet of any store building in which a restaurant or food service business is licensed to operate, or in any residentially zoned property.

7. Compliance with Regulations. Mobile food carts permitted to operate in the City shall be subject to and must comply with all state and local laws, rules and regulations.

8. Permitted Hours of Operation. Mobile food carts shall operate only between the hours of 7:00 a.m. and 11:00 p.m., and shall be located on the lot of operation no earlier than 6:00 a.m. and shall be removed and returned to the property's original condition of the property no later than 5:00 a.m. the following day. This regulation shall not apply to mobile food carts that operate as part of and on the location of a restaurant.

9. Waste Disposal Required. Any garbage generated by the operation of the mobile food carts shall be disposed of at the end of each day in proper waste containers in accordance with all of the City, County and State laws and regulations.

10. Display of Permits and Licenses. All permits and licenses required under this section shall be conspicuously displayed on the mobile food cart.

11. Sale of Food and Beverages. The preparation, use of condiments, and sale of food and beverages from a mobile food cart which has been issued a permit under the provisions of this section shall comply with all applicable City, county, and state laws and regulations, except as otherwise expressly exempted in item 13 below.

12. Exemptions from Permit and Occupational License Requirements. Vendors, peddlers and exhibitors who participate in festivals which are authorized by the City, are exempt from the permit and occupational license requirements provided for above.

13. Limitation on Permits: Requirements for Additional Permits. No permit issued to an operator of a mobile food cart in the City shall be valid during the period of time that the City has authorized festivals (unless and until each mobile food cart operator shall have obtained an additional permit from the organization sponsoring and hosting the particular event, and shall comply with all requirements of such host organization, including paying any required fees to such host organization).

14. Rejection of Application or Revocation of Permit. The Land Development Regulation Administrator may, for just and good cause, reject an application for mobile food cart service operations or may revoke a permit which has been issued under this section if the operator fails to comply in any way with the provisions of this section.

15. Appeal. If the Land Development Regulation Administrator fails to issue a permit upon application, or if the Land Development Regulation Administrator makes a good-faith determination that there is cause for revocation of a permit issued under this section, then the applicant or permittee, as the case may be, shall be so notified in writing. In the case of revocation, such shall be effective twenty-four (24) hours after the issuance of the notice. The notice shall state with reasonable particularity the grounds for such determination. If the applicant or permittee wishes to contest the action taken by the Land Development Regulation Administrator, he or she may, within ten (10) days after the issuance of the notice, deliver to the City Clerk a written request for a hearing. If a written request for a hearing to contest the validity of the action taken by the Land Development Regulation Administrator is delivered to the City Clerk within the time limitations imposed by this section, the matter shall be considered at the next regularly scheduled meeting of the Board of Adjustment. The applicant or permittee, or their representative, shall be notified of the time and place of the hearing. Following the hearing, the Board of Adjustment shall vote to either uphold the decision of the Land Development Regulation Administrator or to approve the application or reinstate the revoked permit, as the case may be. The decision of the Board of Adjustment shall be final.

4.15.36 Microbreweries, Microdistilleries and Microwineries

Microbreweries, microdistilleries and microwineries are prohibited on property abutting single-family zoned property.

4.15.37 TELECOMMUNICATIONS FACILITIES

1. Purpose

   The intent and purpose of this Section is to provide a uniform and comprehensive set of standards for the development of telecommunications facilities. The regulations contained herein are designed to protect and promote public health, safety and welfare while at the same time not unduly restricting the development of needed telecommunications facilities. With these broader ends in mind, this Section seeks to accomplish the following specific objectives:

   a. Regulate the location, and construction of telecommunications facilities within the City.

   b. Protect residential areas and land uses from potential adverse impact of telecommunications facilities.

   c. Encourage the location of telecommunications facilities on municipally owned property.

   d. Minimize the total number of telecommunications facilities throughout the City.

   e. Strongly encourage the joint use of new and existing telecommunications facilities as a primary option rather than construction of additional single-use antennae, towers and telecommunications facilities.

   f. Protect the environmental resources of the City.

   g. Minimize adverse visual and aesthetic impacts of telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.

   h. Maintain the integrity of the City's commercial and residential areas.

   i. Protect surrounding property values.

   j. Ensure that the citizens, commuters, businesses, tourists and travelers are able to receive a wireless communications signal from any location within the City limits.

   k. To promote and encourage shared use and collocation of telecommunications facilities rather than construction of additional single-use facilities.

   l. Establish a process for review and approval of the construction and location of telecommunications facilities.

   m. Require owners and lessees of antennae, towers and telecommunications facilities to possess and maintain adequate security features to prevent harm to people who may be attracted to sites to climb on towers.

   n. Provide affected citizens and businesses notice and an opportunity to be heard concerning the proposed construction or installation of a telecommunications facility near them.

   o. Protect residents from nuisances created by disturbing lights and noises emanating from telecommunications facilities.

2. Applicability

   a. All telecommunications facilities existing on March 19, 2024, are permitted to be used in the same manner as they were used before March 19, 2024, unless otherwise specifically set forth in this Section.

b. The provisions of this Section shall not apply to telecommunications facilities located on property owned by the United States, the State of Florida, the County or the City, provided that the towers are owned by the aforementioned public entities, and are used exclusively for the provision of fire safety, law enforcement, emergency management and/or emergency medical services or other municipal services.

c. Telecommunication towers and antennae are permissible by special exception in any zoning district.

3. Granting of a Special Exception

a. All telecommunications facilities subject to regulation pursuant to Section 4.15.37 are subject to the special exception process in Section 12.2 of these Land Development Regulations. Nothing in this Section shall be construed as limiting the applicability of all other provisions of these Land Development Regulations to telecommunications facilities unless otherwise set forth herein.

b. In order for the Board of Adjustment to grant a special exception for a telecommunications facility, the applicant must demonstrate that a feasible collocation, as described below in Section 4.15.37.10 is unavailable, and all other conditions set forth under Section 4.15.37, including subsections, have been met.

c. In addition to the foregoing, the Board of Adjustment shall also consider the following factors when determining whether to grant a special exception for a telecommunications facility:

(1) Height of proposed telecommunications facility;

(2) Proximity of the facility to residential structures and existing towers;

(3) Nature of uses on adjacent properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of tower and telecommunications facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress to the telecommunications facility;

(8) Availability of suitable existing telecommunications facilities or other structures;

(9) Potential impact on surrounding property values; and

(10) Compliance with all other provisions of this Section, the Code of Ordinances, and these Land Development Regulations of the City.

d. The special exception for a telecommunications facility will expire in twelve (12) months after issuance unless the telecommunications facility is built. Upon the expiration of the special exception for a telecommunications facility, all other approvals, (e.g., building permit) shall likewise expire. Any applicant desiring to locate and construct a telecommunications facility after its special exception for a telecommunications facility has expired shall begin the application process anew by requesting special exception approval and a building permit.

e. The Board of Adjustment shall not grant a special exception for a telecommunications facility, merely because the Board of Adjustment did so for the same site once before, but because the special exception for a telecommunications facility expired, the applicant was forced to renew its application. Instead, the Board of Adjustment shall consider the merits of each renewed application again de novo, taking into consideration any change in circumstances (such as the location of another telecommunications facility in the vicinity) that have occurred since the special exception for a telecommunications facility was originally granted.

4. Application Requirements

Each application for a special exception for the construction, or installation of a tower or telecommunications facility, shall be accompanied by all of the following:

a. Proof of ownership of, or lease rights to, the proposed site or written consent from the property owner to use the proposed site for the location and construction of telecommunications facilities;

b. A written statement that describes, and illustrations that depict, the proposed telecommunications facility, (i.e. type of construction, tower height, and provisions for collocation);

c. A site plan drawn to scale that includes the following information:

(1) The location, type and height of the proposed tower;

(2) On site land uses and land use classification;

(3) Adjacent land uses and zoning;

(4) Adjacent roadways and easements;

(5) Proposed means of access;

(6) The setback distance between the tower and the nearest property lines, right-of-ways and structures;

(7) Elevation drawings of the tower, any other structures, topography, and parking;

(8) A legal description of the parent tract and tower site, or leased parcel;

(9) All existing site improvements, including buildings and structures;

(10) Proposed landscaping, including vegetation, showing specific landscape materials; and

(11) Method of fencing, finished color, and method of camouflage and illumination;

d. A visual impact analysis that includes:

(1) Current photographs of significant man-made or natural features adjacent to the proposed telecommunications facility, indicating those features that will provide buffering for adjacent properties and rights-of-way; and

(2) A visual presentation, whether photographic, graphic, video or drawing, that depicts current site conditions with a super-imposed image of the proposed facilities to demonstrate the anticipated views of the telecommunications facility upon completion of all improvements.

(3) Whenever an applicant submits information of an engineering nature, and the State of Florida licenses engineers that specialize in providing the information submitted by the applicant, then the plans and information submitted by the applicant shall be certified by a Florida licensed engineer.

e. All telecommunications facilities shall be consistent with applicable easements and similar use restrictions on the subject property.

f. Nothing in this Section shall be construed as exempting an applicant from providing information required by other applicable provisions of these Land Development Regulations.

g. Each application for a special exception for a telecommunications facility addition or modification of antennae shall be accompanied by all of the following:

(1) Proof of ownership of, or lease rights to the site, or written consent from the property owner to use the site for the addition or modification of an antennae; and

(2) A written statement that describes and illustrations that depict the proposed addition or modification of an antenna (i.e. antennae height and equipment required).

5. Nonconforming Telecommunications Facilities

a. All telecommunications facilities existing before the adoption of this Section shall be allowed to continue its present usage as a non-conforming use. Routine maintenance, including replacement of an antenna of like construction and height, shall be permitted on such existing telecommunications facilities.

b. Adding, increasing the height of, or replacing a tower shall not be considered routine maintenance.

c. New construction other than routine maintenance shall comply with the requirements of this Section.

6. Preferred Telecommunications Facilities Location Sites

a. Existing telecommunications facilities shall be a preferred location site so long as the location otherwise complies with the requirements of this Section, and co-location sites do not become visually obtrusive.

b. Water towers shall be preferred location sites.

c. Industrial and commercial structures shall be preferred location sites.

d. Any residential structure or site, whether single-family, multiple-family or otherwise, shall be a disfavored site for the location of telecommunications facilities.

7. Setbacks

a. The following setback requirements shall apply to all telecommunications facilities. However, a variance may be granted to reduce the standard setback requirements of this Section for a location if the purposes of this Section would be better served thereby. The distance shall be measured from the outermost perimeter of the facility nearest the property line or structure.

b. Telecommunications facilities must be set back a distance equal to one hundred ten (110) percent of the height of the tower, or two hundred and fifty (250) feet whichever is greater, from each of the following:

(1) Adjoining property lines, right-of-ways or easements;

(2) Residential structures;

(3) Schools, whether public or private, which educate children in classes from pre-K through the 12th grade;

(4) Hospitals, nursing homes, churches or day care centers; and

(5) Power lines and telephone lines if the lines are above ground (except for lines that run to the site).

8. Height

The height of a telecommunications tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of building-mounted towers the height of the tower shall not include the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

9. Structural Requirements

a. All towers must be designed and certified by a Florida licensed engineer to be structurally sound;

b. All telecommunications facilities shall be inspected at least every two (2) years by a Florida licensed structural engineer. The owner of the telecommunications facility is responsible for assuring that the inspections occur, and providing the City Land Development Regulation Administrator with the written finding of the engineer's inspection; and

c. Telecommunications facilities shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties according to the latest Electronic Industries Association/Telecommunications Industries Association 222 Standards. Towers shall be constructed to the latest Electronic Industries Association/Telecommunications Industries Association 222 Standards as published by the Electronic Industries Association, which may be amended from time to time. Further, any improvements and/or additions (i.e., antenna and satellite dishes) to existing towers shall require submission of site and structural plans sealed and verified by a professional engineer, which demonstrate compliance with the latest Electronic Industries Association/Telecommunications Industries Association 222 Standards in effect at the time of said improvement or addition. Said plans shall be submitted to, reviewed, and approved by the City Land Development Regulation Administrator in accordance with its site plan review process.

10. Basic Tower and Building Design

Unless otherwise required by State or Federal law, all telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented:

a. Towers shall be constructed out of metal or other non-flammable material;

b. All telecommunications facilities shall utilize only monopole towers. Lattice towers and guyed towers are not permitted unless the applicant provides written proof certified by a Florida licensed engineer that use of a monopole tower is not feasible because of one of the following reasons:

(1) The soil in the area where the tower is to be located will not support a monopole tower of the need size and height;

(2) The antennas or other apparatus to be attached to the tower cannot be attached to a monopole tower; or

(3) Use of a monopole tower will interfere with either the transmission or reception of the electromagnetic signals that the tower is being constructed to transmit or receive.

In addition to the foregoing, the engineer must also certify that either lattice towers or guyed towers do not present the same or similar problems. Guyed towers will be authorized only if use of monopole towers and lattice towers is not feasible for the reasons set forth above;

c. All telecommunications facilities shall be unlit except for the following:

(1) The minimum tower lighting required under Federal Aviation Administration regulations.

(2) Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby residences.

(3) White strobe lighting for night illumination shall not be permitted. Daytime use of strobe lighting is permitted where the Federal Aviation Administration requires lighting;

(4) Exterior surfaces of telecommunications facilities and ancillary facilities shall be constructed out of non-reflective materials and painted in a color that blends to the greatest extent possible into the surrounding environment;

(5) Telecommunications facilities and ancillary facilities, other than towers, shall be no taller than one (1) story (25 feet) in height;

(6) New towers shall not be permitted within a one (1) mile radius of an existing telecommunications facility unless the Board of Adjustment finds that collocation is not feasible or that the owners of the existing towers within the one (1) mile radius of the applicant's proposed site demand an unreasonable fee or condition from the applicant; and

(7) All telecommunications facilities when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to withstand the forces expected during wildfires and thunderstorms.

11. Collocation

1. All telecommunications facilities shall be designed to promote facility, tower, and site sharing.

2. All new telecommunications facilities shall be designed and constructed to accommodate collocation of at least four (4) antennas on one (1) tower, and antennas from at least four (4) different carriers. A variance of this requirement may be granted upon evidence from a Florida licensed engineer that location of the minimum number of antennas or carriers required by this Section is technologically not feasible or impossible given the applicants needs and uses for the telecommunications facility.

3. The City shall maintain a list of all telecommunications facilities, and shall make such list available to applicants desiring a special exception for a telecommunications facility.

4. Telecommunications facilities must be constructed in a manner that assures reasonable collocation through considerations such as:

    a Locating facilities in geographic areas that will potentially be popular with multiple carriers;

    b. Constructing towers in a manner that meets the height, structural and strength requirements necessary to accommodate other antennae; and

    c. Constructing towers in a manner reasonably calculated to avoid interference between multiple antennae attached to the tower.

5. All applicants receiving a special exception for a telecommunications facility, and all owners and lessees of telecommunications facilities, must allow the collocation of antennas or other communication devices at a reasonable fee. The Board of Adjustment shall determine the reasonableness of fees. The Board of Adjustment may not, however, order an owner or lessee to charge a certain fee.

6. The owners and lessees of all licensed telecommunications facilities shall permit minor modifications to the telecommunication facilities in order to accommodate carriers. Nothing in this Section shall be construed as requiring the tower owner or lessee to permit the carrier to make the modifications itself if the tower owner or lessee is capable of making the modifications itself or through an agent of the tower owner at reasonable expense.

7. No new special exception for a telecommunications facility shall be granted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing telecommunications facilities can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Adjustment related to the availability of collocation facilities. An applicant may submit evidence to the Board of Adjustment that no existing telecommunications facility can accommodate the applicant's proposed antenna. This evidence may consist of, among other things, the following:

    a. No existing towers are located within the geographic area that meets the applicant's engineering requirements.

    b. Existing towers lack sufficient height to meet the applicant's engineering requirements and may not be altered to meet such requirements.

    c. Existing towers do not have sufficient strength to support the applicant's proposed antenna and related equipment.

d The applicant's proposed antenna would cause electromagnetic interference with the antennae on existing towers or the antennae on existing towers would cause interference with the applicant's proposed antenna.

e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or to adapt an existing tower for sharing renders collocation infeasible or unreasonable.

f The applicant demonstrates that there are other limiting factors that render existing towers unsuitable.

8. Nothing in this Section shall be construed as encouraging multiple towers on one (1) telecommunications facility. In addition, although the construction of multiple towers are to be strongly discouraged, nothing in this Section shall be construed as an absolute prohibition against the construction of additional towers on a telecommunications facility site. However, when an existing tower can be replaced with a taller tower to meet an existing or putative need, replacing an existing tower with a taller tower is to be favored over the construction of a second tower on the same site favored over the construction of a second tower on the same site.

12. Signage

All telecommunications facilities shall be clearly identified as to location and operator to facilitate emergency response. To this end the following measure shall be implemented:

a. A permanent, weatherproof, approximately three (3) square feet in area, facility identification sign shall be placed on the gate in the fence around the equipment building, or if there is no fence next to the door to the equipment shed itself. Said sign shall identify the facility operator, provide his/her address, and specify a twenty-four (24)-hour telephone number at which he/she can be reached.

13. Security

a. All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility.

b. A perimeter fence at least eight (8) feet high shall be installed to surround and contain the telecommunications facility, along with all accessory structures and/or facilities.

14. Landscaping

a. Trees, vegetation and landscaping shall be used to effectively screen the view of the telecommunications facility from adjacent public ways, public property and residential property.

b. Trees on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing vegetation and landscaping which will be used to screen the telecommunications facility.

c. It is preferred that landscaping be of evergreen and xeriscape tolerant foliage.

15. Noise and Traffic

All telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented:

a. All construction activities shall comply with the Code of Ordinances for the City; and

b. Backup generators shall only be operated during power outages and for routine testing and purposes. Routine testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

16. Non-Ionizing Electromagnetic Radiation Exposure

a. No telecommunications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health.

b. Before receiving final inspection, adequate proof shall be submitted to the City that the communication tower complies with all current Federal Communications Commission regulations for non-ionizing electromagnetic radiation.

c. Enforcement. Each application for the addition or modification of antennae shall be accompanied by all of the following:

(1) Copies of inspections or reports that are required by, and have been submitted to, the Federal Aviation Administration and/or the Federal Communications Commission;

(2) A copy of any permits required by the Suwannee River Water Management District, and the Florida Department of Transportation; and

(3) A copy of any permits required by Federal Communications Commission regulations regarding non-ionizing electromagnetic radiation.

ARTICLE FIVE

SUBDIVISION REGULATIONS

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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 City Commission to consider the subdivision of land and the development of a subdivision plat as subject to the control of the City Commission 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. Insure safe and convenient traffic control.
4. Encourage development of an economically stable and healthful community.
5. Insure 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 City.

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 City. The subdivider has the duty of compliance with reasonable conditions established by the City Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the area and with 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 City Commission 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 City Commission 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 City. (See Section 5.21)

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 City Commission; 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 a 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 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 City Commission 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 City Commission's requirements and accepted for maintenance by specific action by the City Commission.

SECTION 5.8 PLATS STRADDLING LOCAL GOVERNMENT BOUNDARIES

Where access to the subdivision is required across land in the unincorporated area, the developer shall certify by legal instrument that access is legally established and that the access road is adequately improved or that a surety device has been duly executed and is sufficient in amount to assure the construction of the access road to the same specification as other roads required in these land development regulations.

SECTION 5.9 RESUBDIVISION OF LAND

5.9.1 Procedure for Resubdivision. For a change in a map of an approved or recorded subdivision plat, if such change affects a public use or 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 City Commission by the same procedure, rules, and regulations as for a subdivision.

5.9.2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Where 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 City Commission may require that such parcel of land allow for the future opening of streets and the 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 land in the subdivision that are greater than those required by these land development regulations, such restrictions or reference thereto shall be indicated on the final 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 a 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 the requirements contained in 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 or more developments which separately do not meet the literal definition of a subdivision but which collectively demonstrate at least one 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 developments 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

A 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 City 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 City Commission 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 Statues, as amended. In addition, the City Commission 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 more than five (5) years before the date of such action, and
2. Not more than ten (10) percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title.

Such action shall be based on a finding by the City Commission 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 City Commission 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 part of the subdivision of reasonable access to existing facilities to which such parcel has theretofore had access, provided that access after such vacation need not be the same as theretofore existing but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, the City Commission 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

When a subdivision of land is proposed, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following:

5.14.1 Preparation of Plats. Preliminary and final plats shall be prepared by a surveyor registered in the State of Florida. Construction plans and specifications for required improvements shall be prepared by an engineer registered in the state of Florida.

5.14.2 Classification of Proposed Subdivisions. Prior to a contract being made for the sale of any part of a proposed subdivision and before a permit for the erection of a structure in such proposed subdivision may 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 (See Section 2.1 for definitions of minor and major subdivisions):

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 do not have to comply with Section 5.17. A final plat may be prepared directly following the pre-application conference in accordance with the final plat procedure 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 appropriate in order to become familiar with the requirements of these land development regulations and with any provisions of the Comprehensive Plan affecting the proposed subdivision. At this conference, the developer may present a concept plan of the proposed development for informal and non-binding opinions of the City and agency representatives present.

SECTION 5.16 PRELIMINARY PLAT PROCEDURE

5.16.1 Step 1 - The subdivider shall submit twelve (12) copies of preliminary plat materials (with at least seven (7) sets conveniently pre-packaged) prepared in accordance with of 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 other City departments and agencies as appropriate. The subdivider shall transmit copies to the County Health Department, the Water Management District and other non-City departments or agencies as may require review and comment. Such review agencies shall have forty-five (45) days in which to complete their review.

5.16.3 Step 3 - Following review of the materials by the Land Development Regulation Administrator, City Attorney, City Public Works Director, County Health Department, Water Management District and other appropriate departments or agencies, 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 City Commission. In approving subject to conditions or in disapproving, the reasons for such action shall be stated in writing to the subdivider and to the City Commission. 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 subdivider shall provide additional copies of preliminary plat materials for each Commission member in time for the City Commission to adequately review and 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 City Commission reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference shall be made to the specific sections of these land development regulations, the Comprehensive Plan, or other land development regulations or ordinances or regulations of the City with the preliminary plat does not comply.

5.16.5 The action of the City Commission 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 be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat but shall not constitute approval of the final plat. A 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 City Commission 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 shall follow the procedures for approval of an initial 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 Administrative Code, additional copies of the preliminary plat and completed applications for development approval shall be submitted to the regional planning agency and the state land planning agency.

5.16.8 A development order shall not be issued by the City Commission 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 City Commission, the subdivider shall submit twelve (12) copies of the construction plan materials as specified herein (with at least seven (7) sets conveniently pre-packaged) to the Land Development Regulation Administrator.

5.17.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the preliminary plat materials to other City departments and agencies as appropriate. The subdivider shall transmit copies to the County Health Department, the Water Management District and other non-City departments or agencies as may require 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 City Commission 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 shall 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 point, if the proposed subdivision is a large one and the City Commission agrees that development in stages is consistent with the intent and purpose of these land development regulations, the City Commission, 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 which shall include, but not be limited to, provisions for staging the required construction and improvements of the subdivision to completion.

This agreement (called the Subdivider's Agreement) shall constitute a covenant between the City Commission and the subdivider identifying terms and conditions which shall run with the land and be binding upon all successors in interest to the subdivider (see Section 5.37).

5.17.5 Approval of the preliminary plat and construction plans by the City Commission 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 City Commission may authorize such minor changes or deviations. Where minor changes or deviations are authorized, the subdivider shall submit new construction plan materials in quantities and for distribution as previously specified herein.

SECTION 5.18 FINAL PLAT PROCEDURE

The final plat shall also conform to applicable provisions of Chapter 177, Florida Statutes, as amended.

5.18.1 Step 1 - No less than thirty (30) calendar days following approval of the preliminary plat and construction plans, whichever is later, and while the preliminary plat approval is in effect, the subdivider shall submit twelve (12) copies of the first final plat for approval (with at least seven (7) sets conveniently pre-packaged) to the Land Development Regulation Administrator. The final plat shall include the information and materials required in Section 5.39 of these land development regulations as well as a copy of conditions imposed at the time of approval of the preliminary plat or of the construction plans.

5.18.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the preliminary plat materials to other City departments and agencies as appropriate. The subdivider shall transmit copies to the County Health Department, the Water Management District and other non-City departments or agencies as may require 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 City Commission 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 with 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 at the time provided, however, that such portion conforms with all requirements of these land development regulations. Approval by the City Commission 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 City Commission 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 approved construction plans and the requirements of these land development regulations or a surety device has been posted which meets the requirements of Section 5.41;
2. Upon completion of improvements in the subdivision, the subdivider has submitted three (3) blue line sets or equivalent and one (1) reproducible set of blue prints or equivalent showing "as-built" improvements;
3. Subdivider's Agreement has been executed between the subdivider and the City Commission;
4. Certificate of the Surveyor has been executed;
5. Certificate of the Subdivider's Engineer has been executed (see Section 5.40 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 5.41);
6. Certificate of Approval of the County Health Department has been executed (See Section 5.40 and Appendix A); and
7. Certificate of approval by the City Attorney has been executed (See Section 5.40 and Appendix A).

5.18.4 Step 4 - Upon final plat approval by the City Commission, the subdivider shall submit three (3) originals of the approved final plat to the Clerk of the Circuit Court of the County for recording. The subdivider shall pay all recording costs. One (1) original remains with the Clerk of the Circuit Court, and one (1) original and three (3) copies of the recorded final plat shall be filed in the office of the Land Development Regulation Administrator. The third original remains with the subdivider.

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 City Commission. The City Commission may, if conditions warrant, require improvements be designed and constructed to higher standards than are incorporated herein. Required improvements shall be paid for by the subdivider.

In addition to requirements established herein, 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 City.
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 City Commission 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 period of one (1) year (See Appendix A). Defects which occur within one (1) year after completion of 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

Subdivision 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 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 monuments. In addition, three eighths (3/8) or one half (1/2) inch diameter solid iron pipes or suitable concrete monuments, twenty-four (24) inches long and driven so as to be flush with the finished grade, shall be placed at all block corners, angle points, and points of curves in streets. (See Section 5.23 regarding monumenting of lots.)

SECTION 5.23 LOT IMPROVEMENTS

5.23.1 Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties because of topography or other conditions in securing building permits to build on any lot in compliance with these land development regulations of the City or other applicable regulations and in providing driveway access to buildings or any lot from an approved street.

5.23.2 Dimensions and Design. Lot dimensions may exceed the minimum standards established within the land development regulations of the City provided the lot length shall not exceed three (3) times the width of lots for the location of dwelling units. 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 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 8 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.

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 pipes or suitable concrete 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 a subdivision shall comply with those uses permitted by the Comprehensive Plan and these land development regulations. Further, when land in the incorporated area of the City 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 City Commission may require the dedication to the public of public purpose sites (schools, parks, playground, or other public areas) as are attributable by the City Commission to the demand created by the subdivision. At the discretion of the City Commission, 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 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 designed and constructed in accordance with the standards established in these land development regulations and the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977, and shall be dedicated to the perpetual use of the public. However, the City Commission may approve private streets constructed to the specifications of these land development regulations where adequate provision for initial installation and future private maintenance is made for such streets.

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, or the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977, 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 (This section is reserved.)

5.26.3 Standard Improvements. In addition to the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977, the following standards apply:

5.26.3.1 Grassing shall be provided as follows:

1. Seeding and mulching shall be performed in areas within the right-of-way except that part of the right-of-way covered by a wearing surface.
2. Sodding may be required in areas of high erosion potential.

5.26.3.2 Quality Control. The subdivider shall have a qualified soils and materials testing laboratory certify to the City Commission that all materials and improvements entering into the completed work are in compliance with these land development regulations. Costs for such certifying shall be borne by the subdivider, and copies of the test results shall be submitted to the City Commission. Except where the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977, is more restrictive, there shall be a minimum of one (1) density test on subgrade and base for every one thousand (1,000) square yards of 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.

5.26.4 Design Standards.

5.26.4.1 Topography and Arrangement.

1. Streets shall be related appropriately to the topography and 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 are encouraged where such configurations 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 City Commission, such extension is neither necessary nor desirable for coordinating the layout with future development of adjacent tracts.
5. In commercial and industrial developments, streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and 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.

5.26.4.2 Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions 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 sixteen hundred (1,600) feet nor be less than four hundred (400) feet in length.

3. In long blocks (defined as blocks longer than twelve hundred (1,200) feet), the City Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

4. Pedestrian ways or crosswalks not less than ten (10) feet wide may be required by the City Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to transportation, schools, playgrounds, shopping centers, or other community facilities.

5.26.4.3 Access to Existing Streets. Where a subdivision borders on or contains an existing street, the City Commission may require access to such street be limited by means of one (1) of the following:

1. Backing lots onto the existing street, providing no access from the existing street, and requiring buffer screening along the rear property line of such lots (extra depth may be required to allow for this buffer).

2. Providing a marginal access street separated from the existing street by a grass strip with access provided thereto at suitable points.

3. Providing a series of cul-de-sacs or u-shaped streets entered from, and designed generally at right angles to, the existing street. These proposed streets shall be separated by no less than one thousand (1,000) feet where connecting with the existing street.

5.26.4.4 Street Names. The following standards shall be followed in establishing street names during the preliminary plat approval process:

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 names of existing or other proposed streets.

4. Street names shall conform to the City's street naming and addressing system.

5. The City Commission shall have final authority to approve the names of streets.

5.26.4.5 Road and Street Name Signs.

1. Road and Street Signs are traffic control signs such as stop signs, speed limit signs, etc. and 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 City Commission and shall maintain and repair such signage as provided 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 5.41 herein shall be filed, approved and accepted by the City Commission.

2. Street name signs are signs within a subdivision which identify street names. Street name signs shall be placed by the subdivider at intersections within or abutting the subdivision, the type and location of which to be approved by the City Commission as part of the preliminary plat and construction plan approval process.

5.26.4.6 Street Lights. The subdivider shall provide street lighting in the subdivision at each intersection, provided that such lights will be no more than three hundred (300) feet apart, as specified by the City Commission.

5.26.4.7 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.

5.26.4.8 Layout of Streets and Dead-End Streets.

1. Layout of Streets. The arrangement of streets shall provide for the continuation of arterial and collector streets between the proposed subdivision and adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, 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. Stub streets which are two hundred and fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred and 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 where the street is continued. The subdivider of the adjoining area shall pay the cost of restoring a stub street to its original design cross-section and to extending the street. The City Commission may limit the length of temporary stub streets in accordance with the design standards of these land development regulations.

2. Dead-End Streets. Permanent dead-end streets are not permitted under these land development regulations. For purposes of these land development regulations, stub streets (streets planned for future continuation) are not considered permanent dead-end streets.

5.26.4.9 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 the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977). Cul-de-sacs shall have a maximum length of six hundred (600) feet including the turnaround. Longer cul-de-sacs may be permitted because of unusual topographic or other physical conditions provided no more than thirty (30) residential units shall front on any cul-de-sac which exceeds twelve hundred (1,200) feet in length. Cul-de-sac streets require specific approval of the Planning and Zoning Board and the City Commission.

5.26.4.10 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 is not acceptable. An oblique street should be curved where approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there from. No more than two (2) streets shall intersect at one (1) point unless specifically approved by the City Commission.

2. Proposed new intersections along one (1) side of an existing street shall, where practicable, coincide with 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 the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977). Where proposed streets intersect major streets, their alignment shall be continuous. Intersections with arterial streets shall be at least eight hundred (800) feet apart.

3. Minimum curb radii at intersections of two (2) local streets shall be at least twenty-five (25) feet, and minimum curb radii at intersections involving a collector street shall be at least thirty (30) feet. Abrupt changes in alignment within a block shall have corners smoothed in accordance with standard engineering practice to permit safe vehicular movement.

5.26.4.11 Widening and Realignment of Existing Roads. Where a subdivision borders on an existing street or where the Comprehensive Plan, land development regulations, or plan or program of the City or other local, regional or State agency indicates realignment or widening of a road and requiring use of some of the land in the subdivision, the applicant shall dedicate at his or her expense such areas for widening or realignment of such roads. Frontage roads and streets shall be dedicated by the subdivider at his or her expense to the full width as required by these land development regulations.

SECTION 5.27 STORM WATER MANAGEMENT AND FLOOD PROTECTION AREA 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 City Commission, the subdivider shall provide sanitary sewer service to each lot within the subdivision. Sewer lines serving lots within the subdivision shall be designed to operate on a gravity flow basis where possible. Sewer lines shall be installed prior to paving the street.

5.28.2 Where lots cannot be served by the extension of the City's sanitary sewer system, an alternate method of sewage disposal for each lot may be used in compliance with applicable standards of the County Health Department, the Florida Department of Health and Rehabilitative Services, the Florida Department of Environmental Regulation and other regional, State or Federal agency, as applicable, provided that platted lots equal or exceed one-half (1/2) acre and are of such soil composition and configuration that drainfields may be properly installed. 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 shall furnish written proof to the City Commission which shows that provision for sanitary sewage disposal of the entire subdivision meets with the approval of the County Health Department. Construction plans cannot be considered as having received approval until this condition has been met regardless of what may transpire at a City Commission meeting.

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 City Commission, 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) and water mains are required, 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 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 shall furnish written proof to the City Commission showing that provisions for the water supply of the entire subdivision meet with the approval of the County Health Department. Preliminary plat and construction plan approval may not be deemed as having been given until this condition has been met.

5.29.4 The water system shall be sized to provide maximum daily domestic requirements at residual pressures not less than fifty (50) pounds per square inch at all points in the system. In addition, the system shall be capable of providing fire flows of at least five hundred (500) gallons per minute in single-family residential subdivisions and at least fifteen hundred (1,500) gallons per minute from at least two (2) hydrants in commercial, industrial, institutional, and multiple family residential areas with a residual pressure of at least twenty (20) pounds per square inch at each hydrant.

Fire protection improvements shall be provided where the subdivision is connected to a publicly-owned water system. Fire hydrants shall be connected to water mains with a minimum pipe size six (6) inches in diameter. Single main extensions supplying a looped gridiron shall not be less than eight (8) inches in diameter unless design calculations demonstrating the adequacy of a six (6) inch minimum diameter line are approved by the City Engineer. If fire protection improvements are required, fire hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of each lot. Fire hydrants in commercial, industrial, institutional, and multi-family residential developments shall be placed within two hundred and fifty (250) feet of each structure and shall be not more than five hundred (500) feet apart.

Where the foregoing may be in conflict with the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977, the more restrictive requirements shall apply.

SECTION 5.30 WATER AND SANITARY SEWER SYSTEMS

New central water and sanitary sewer systems where required by the City's Comprehensive plan shall be designed by a registered engineer in accordance with 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 street right-of-way shall be as shown in the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977. Placement and installation of utility lines shall conform to standard construction procedures. The subdivider shall satisfy the necessary cost and other arrangements, including easements, for such installation for each person, firm, or corporation furnishing utility services involved.

5.31.2 Easements. Utility easements across lots or centered on lot lines generally are not permitted. Where, due to topography or other circumstances, such easements are deemed by the City Commission to be reasonable for the development of the property, such easements shall be at least fifteen (15) feet wide, centered as near as practical between lots and extending from street to street.

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 procedures outlined in Section 5.17 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.
2. Name of former subdivision if re-subdivision is involved.
3. Name, address, and telephone number of the subdivider and agent of the subdivider.
4. Name, address, telephone number, and registration number of surveyor and engineer.
5. Proposed staging of development if more than one phase.
6. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
7. Existing contours at two (2) 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.
8. Vicinity map showing location with respect to existing roads, landmarks, etc., 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.
9. Section and quarter section lines as referenced on geodetic base map or maps as required.
10. Boundary line of the tract, by bearing and distance, drawn with a heavy line.
11. Legal description of the tract to be subdivided.
12. Names of owners of adjoining land with their approximate acreage or, if developed or subdivided, names of abutting subdivisions.
13. Existing street, utilities, and easements on and adjacent (within one hundred (100) feet) to the tract, including the name, purpose, location and size of each and the invert elevation of sewers.
14. Proposed location of lift stations, as applicable.

15. Other existing improvements including buildings on or adjacent to the tract.
16. 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 land to be used for other than single-family dwellings.
17. Block letters and lot numbers, lot lines, and scaled dimensions.
18. Zoning district boundaries on and abutting the tract.
19. Proposed method of water supply, sewage disposal, drainage, and street lighting.
20. Minimum building front yard setback lines as required by these land development regulations.
21. Typical street cross-sections for each street type; the type and location of all road and street signs and street name signs as required within these land development regulations shall be noted on a separate sheet (detailed specifications are part of the construction plan approval process).
22. 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's Flood Hazard Boundary Maps.
23. Surface drainage and direction of flow and method of disposition and retention indicated.
24. Soil survey map.
25. 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.
26. Existing and proposed covenants and restrictions.
27. Inscription stating "NOT FOR FINAL RECORDING".
28. Other information considered necessary by either the subdivider, the Planning and Zoning Board or the City Commission for full and proper consideration of the proposed subdivision.

SECTION 5.34 TITLE CERTIFICATION AND REAL ESTATE TAXES

As part of the application for final plat approval process, the subdivider shall file with the City Commission certification of title opinion by an attorney-at-law licensed in Florida or certification by an abstractor or a title company showing that apparent record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as shown on the plat and, if the plat does not contain a dedication, that the subdivider has apparent record title to the land. The certification or title opinion shall show mortgages of record not satisfied or released in accordance with Chapter 177.041, Florida Statutes, as amended, accompanied by a certificate from the subdivider's attorney, abstract company, or the Tax Collector that all taxes due and payable have been paid.

SECTION 5.35 CERTIFICATES OF THE SURVEYOR

Certificate of the Surveyor shall accompany submission of the preliminary and final plats.

SECTION 5.36 CONSTRUCTION PLAN SPECIFICATIONS

Plans for required improvements shall be prepared for approval by the City Commission prior to construction and shall be submitted either at the time of submission of the preliminary plat or after approval of the preliminary plat. Construction plans shall show the proposed locations, sizes, grades, and general design features of each facility.

5.36.1 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.

5.36.2 Plans Specifications. Construction plans shall be drawn to a scale of one (1) inch represents one hundred (100) 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 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 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 all canals, swales and other open channels, storm sewers, drainage structures, and other proposed subdivision improvements.

4. Plans and profiles for proposed streets and curbs. 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 the point of intersection.

5. Plans of the proposed water distribution and sanitary sewer collection systems showing pipe sizes and location of valves, pumping stations and fire hydrants where such facilities are required by these land development regulations.

6. Plans for road and street signs and street name signs showing the type and location of such signage and other traffic safety control devices. Specifications for such signage, including installation, shall be provided as part of this plan and shall detail in diagram form, as necessary, sizes, materials and colors.

7. Other information on the construction plans as may be required by the City Commission.

SECTION 5.37 SUBDIVIDER'S AGREEMENT

The Subdivider's Agreement described in Section 5.17.4 shall specify the following:

1. Work to be done and the time frame, therefore, by the subdivider.
2. Variances approved by the City Commission to standard requirements (see Article 12 of these land development regulations).
3. Participation in the development by the City and the time for completion of such work.
4. The lien imposed upon the land for work performed by the City.
5. The conveyance by the subdivider to the City of required water, sanitary sewer, and storm sewer lines installed within dedicated public rights-of-way.
6. The agreement of the subdivider to maintain and repair improvements installed by the subdivider for a period of one (1) year after completion of the same.

SECTION 5.38 FINAL PLAT SPECIFICATIONS

The final plat shall be drawn clearly and legibly in ink at a scale of at least one (1) inch equals one hundred (100) 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 it and placed so as to leave a three (3) inch binding margin on the left side and a one-half (1/2) 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 5.39 REQUIRED INFORMATION ON FINAL PLAT

1. Name of subdivision in bold legible letters as stated in Chapter 177, Florida Statutes, as amended. The name of the subdivision shall be shown on each sheet 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 and of owner, if different.
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. The exact boundary line of the tract, determined by a field survey and providing distances to the nearest one-hundredth (1/100) foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not exceeding 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, 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 no less than three (3) bench marks or other permanent monuments accurately described.
10. Municipal, County, section and quarter-section lines 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 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 showing deflection angles of intersection, radii, and lines of tangents.
15. Lot lines shown with dimensions to the nearest one hundredth (1/100) foot and bearings to the nearest ten (10) seconds.
16. Lots 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 shown by recorded names, plat book, and page number.

SECTION 5.40 SIGNED CERTIFICATES

The following certificates shall appear on the final plat and be properly signed before the final plat is submitted to the City Commission, except the Certificate of Approval by the City Commission shall be signed after the final plat is approved by the City Commission (see Appendix A).

1. Certificate of Surveyor.

2. Certificate of the Subdivider's Engineer.

3. Certificate of Approval by County Health Department.

4. Certificate of Approval by the City Attorney.

5. Certificate of Approval by the City Commission.

SECTION 5.41 BONDING IN LIEU OF COMPLETED IMPROVEMENTS

A final plat shall neither be approved by the City Commission 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, a surety device in the form of a surety bond, performance bond, escrow agreement, or other collateral (the form of which to be approved by the attorney for the City) has been filed with the City Commission. Such surety shall:

5.41.1 Cover at least one hundred and ten (110) percent of the total estimated cost of all required improvements such as streets, drainage, fill and utility systems with estimated costs provided by the subdivider's registered engineer in the State of Florida. A properly signed certificate of the estimated cost shall appear on the final plat (see Appendix A) upon its submission to the City Commission. This estimate shall represent the total cost of installing all required improvements. As alternatives to the above, bids from two (2) licensed contractors or copies of all executed contracts for the installation of the improvements may be submitted.

5.41.2 Be conditioned upon the subdivider completing all improvements and installations for the subdivision, or unit division thereof, in compliance with these land development regulations and within the time specified between the subdivider and the City Commission. The City, after sixty (60) days written notice to the subdivider, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the subdivider or failure of the subdivider to complete such improvements within the time required, allowing for properly approved extensions by the City Commission.

5.41.3 Be payable to, and for the indemnification of, the City Commission.

SECTION 5.42 OTHER DOCUMENTS REQUIRED WITH THE FINAL PLAT

1. Certificate of Payment of Taxes. Certification that all payable taxes have been paid and all tax sales against the land redeemed**;**

2. Certificate of Title and Encumbrances. Title certification as required by Chapter 177, Florida Statutes, as amended**;**

3. 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 mortgage's interest to the dedication of public rights-of-way; and

4. Covenants and Restrictions.

ARTICLE SIX

PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELLFIELD REGULATIONS

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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 Prime Natural Groundwater Aquifer Recharge Areas are defined by the Water Management District and shown on the City's Comprehensive Plan and the Official Zoning Atlas of these land development regulations.

6.1.2 Prime Natural Groundwater Aquifer Recharge Area Requirements. Within areas designated as Prime Natural Groundwater Aquifer Recharge Areas proposed development shall comply with the following:

1. Stormwater management practices do not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers. Where development is proposed in areas with such existing drainage wells, these wells shall be abandoned with 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 of a permitted well with a capacity of one-hundred thousand (100,000) gallons per day or more, or its modification, may be allowed in the surficial, intermediate or Floridan 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 Floridan Aquifer System;

3. Abandoned wells shall be closed in accordance with 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 a 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 require approval as a special exception by the Board of Adjustment in accordance with Article 12.

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 a total or partial 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.

6.2 POTABLE WATER WELLFIELD PROTECTION AREA

6.2.1 Wellfield Protection Area. A wellfield protection area with a minimum of five-hundred (500) feet shall be established as a radius around wellheads with a permitted capacity of one-hundred thousand (100,000) gallons per day or more. The following standards apply for the issuance of development orders for structures or uses within a Wellfield Protection Area:

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 approved by the City Commission, after recommendation 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 City as part of a monitoring system surrounding the wellfield, including new construction or repair of the wellfield production wells, or other well construction or modification required in the operations of a City water treatment plant.
2. Wells constructed as part of a City/Florida 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 Protection Area.

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 Protection Areas.

6.2.1.5 Limitation of Septic Tanks. New septic tank waste water treatment systems shall be prohibited within Wellfield Protection Areas 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 Protection Areas.

6.2.1.7 Mines and Excavation of Waterways or Drainage Facilities Prohibited. Mines and excavation of waterways or drainage facilities which intersect the water table are prohibited within Wellfield Protection Areas.

6.2.1.8 Bulk Storage, Agricultural Chemicals, Feedlots or Other Animal Facilities Prohibited. Bulk storage, agricultural chemicals, feedlots or other animal facilities are prohibited within Wellfield Protection Areas.

6.2.1.9 Transportation of Regulated Materials. Transportation of regulated materials is prohibited within the Wellfield Protection Area except local traffic serving facilities in the Wellfield Protection Area.

6.2.1.10 Material Exemptions. The City Commission, after review and recommendation by the Planning and Zoning Board, may exempt a material from the requirements of these land development regulations if, in the opinion of the City Commission, 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 discharge.

6.2.1.11 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 Protection Area. 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 City 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 City Commission. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the City Commission shall approve, approve with conditions, or deny the application. If the applicant chooses to appeal a decision by the City Commission, 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 Protection Area shall, at the time of a 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.

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ARTICLE SEVEN

STORMWATER MANAGEMENT REGULATIONS

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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 all stormwater management systems shall comply with standards as specified in Chapter 17-25, Florida Administrative Code, as amended (rules of the Florida Department of Environmental Regulation) and Chapter 40B-4, Florida Administrative Code (rules of the Water Management District). In all cases the strictest of the applicable standards shall apply.

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 runoff (see Section 7.3), erosion and sedimentation shall be taken for all development.

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. Facilities for agricultural lands provided those facilities are part of a Water Management District approved conservation plan. However, if the conservation plan is not implemented according to its terms, this exemption shall be void.
3. Facilities for silvicultural lands provided the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, Revision May 1990, published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry, as amended.
4. The construction, alteration, or maintenance of a single-family dwelling, duplex, triplex, quadruplex or agricultural building of less than ten (10) acres total land areas and provided the total impervious area is less than two (2) acres (i.e., dwelling unit, barn, driveways, etc.).
5. The connection of a stormwater management system to an existing permitted stormwater management system provided the existing stormwater management system has been designed to accommodate the proposed system.
6. The placement of culverts whose sole purpose is to convey sheet flow when an existing stormwater management facility is being repaired or maintained provided the culvert is not placed in a stream or wetland.
7. Existing stormwater management systems that are operated and maintained properly and which pose no threat to public health and safety.
8. Connections to existing stormwater management systems that are owned, operated, and maintained by a public entity provided the proposed connections comply with a stormwater management plan compatible with the Water Management District requirements.
9. Development activity 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 preliminary or final plat or development plan; and

b. Development is conducted in accordance with approved stormwater management provisions submitted with the construction plan.

10. 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 City Commission 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, 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 coincide with natural and preexisting man-made drainage ways within subdivisions to avoid creating lots that can be built upon only by altering such drainage ways.

7.3.3 Developments Must Drain Properly. Developments shall be provided with a drainage system that is adequate to prevent undue retention of stormwater on the development site. Stormwater shall not be regarded as unduly retained if:

1. 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. 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. 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 described in the Water Management District's Surfacewater Management Permitting Manual, as amended. More specifically:

1. No development may be constructed or maintained that 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 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 City 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, 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 or causes or contributes to sedimentation.

7.3.6 Water Quality. The proposed development and development activity shall not violate the water quality standards of Chapter 17-3, Florida Administrative Code, as amended.

7.3.7 Design Standards. To comply with the foregoing standards the proposed stormwater management system shall conform to 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 stormwater that both originates within the development and 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 a subdivision is provided for in Article 5 of these land development regulations. Private roads and access ways within un-subdivided developments shall use 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 City Commission may require 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 City Commission, subsurface drainage facilities shall be installed. If a wearing surface (see Article 5 of these land development regulations) is required over a subsurface drainage facility, the subsurface drainage facility shall be installed by the subdivider prior to the paving of the street.

12. 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 of these land development regulations and the City of Madison's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977.

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, shorelines of detention and retention areas shall be curving rather than straight where practicable.

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. 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 City's system, as determined by the City Commission, the facilities shall be dedicated to the City.

7.4.2 Maintenance by an Acceptable Entity. Stormwater management systems that are not dedicated to the City 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 and approved by the City Commission. 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 the City's Standard Guide Manual for Utilities Construction and Subdivision Development, July 1977.)

6. For-profit or non-profit corporations, including home-owners 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 City, 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.

(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 which 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.

7.4.3 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.

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ARTICLE EIGHT

FLOOD DAMAGE PREVENTION REGULATIONS

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ARTICLE EIGHT FLOOD DAMAGE PREVENTION REGULATIONS

SECTION 8.1 ADMINISTRATION, GENERAL

8.1.1 Title. These regulations shall be known as the Flood Damage Prevention Regulations of the City, hereinafter referred to as "this Article."

8.1.2 Scope. The provisions of this Article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

8.1.3 Intent. The purposes of this Article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

8.1.4 Coordination with the Florida Building Code. This Article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, American Society of Civil Engineers 24 refers to the edition of the standard that is referenced by the Florida Building Code.

8.1.5 Warning. The degree of flood protection required by this Article and the Florida Building Code, as amended by the City Commission, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency,

requiring the City Commission to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Article.

8.1.6 Disclaimer of Liability. This Article shall not create liability on the part of the City Commission or by any officer or employee thereof for any flood damage that results from reliance on this Article or any administrative decision lawfully made there under.

SECTION 8.2 APPLICABILITY

8.2.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

8.2.2 Areas to Which this Article Applies. This Article shall apply to all flood hazard areas within the City, as established in Section 8.2.3 of this Article.

8.2.3 Basis for Establishing Flood Hazard Areas. The Flood Insurance Study for Madison County, Florida and Incorporated Areas, dated February 3, 2017 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Office of the City Clerk, located at 321 Southwest Rutledge Street, Madison, Florida.

8.2.4 Submission of Additional Data to Establish Flood Hazard Areas. To establish flood hazard areas and base flood elevations, pursuant to Section 8.5 of this Article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a Flood Insurance Rate Map, the area shall be considered as flood hazard area and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

8.2.5 Other Laws. The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.

8.2.6 Abrogation and Greater Restrictions. This Article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to the land development regulations, zoning ordinances, stormwater regulations or the Florida Building Code. In the event of a conflict between this Article and any other ordinance, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Article.

8.2.7 Interpretation. In the interpretation and application of this Article, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 8.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

8.3.1 Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

8.3.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Section 8.7 of this Article.

8.3.3 Applications and Permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Article.

8.3.4 Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this Article is required.

8.3.5 Modifications of the Strict Application of the Requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 8.7 of this Article.

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

8.3.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 8.6 of this Article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 8.3.4 of this Article;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency;

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to Federal Emergency Management Agency the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code to determine that such certifications and documentations are complete; and

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City are modified.

8.3.9 Floodplain Management Records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, Federal Emergency Management Agency, and the state related to alterations of watercourses; assurances that the flood

carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Office of the City Clerk, located at 321 Southwest Rutledge Street, Madison, Florida, during regular business hours.

SECTION 8.4 PERMITS

8.4.1 Permits Required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been satisfied.

8.4.2 Floodplain Development Permits or Approvals. Floodplain development permits or approvals shall be issued pursuant to this Article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

8.4.3 Buildings, Structures and Facilities Exempt From the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 Code of Federal Regulations Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes, as amended.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, as amended, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding two hundred and fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Florida Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in Section 553.73(10)(k), Florida Statutes, as amended, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

8.4.4 Application for a Permit or Approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 8.5 of this Article.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

8.4.5 Validity of Permit or Approval. The issuance of a floodplain development permit or approval pursuant to this Article shall not be construed to be a permit for, or approval of, any violation of this Article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

8.4.6 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred and eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred and eighty (180) days after the work commences. Extensions for periods of not more than one hundred and eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

8.4.7 Suspension or Revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other ordinance, regulation or requirement of this community.

8.4.8 Other Permits Required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

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

5. Federal permits and approvals.

SECTION 8.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

8.5.1 Information for Development in Flood Hazard Areas. The site plan or construction documents for any development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, they shall be established in accordance with Section 8.5.2.2 or 8.5.2.3 of this Article.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, such elevations shall be established in accordance with Section 8.5.2.1 of this Article.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Article.

8.5.2 Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A). Where flood hazard areas are delineated on the Flood Insurance Rate Map and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from Federal Emergency Management Agency, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to Federal Emergency Management Agency as specified in Section 8.5.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by Federal Emergency Management Agency, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the Flood Insurance Rate Map and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to Federal Emergency Management Agency as specified in Section 8.5.4 of this Article.

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

SECTION 8.6 INSPECTIONS

8.6.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

8.6.2 Development Other Than Buildings and Structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.

8.6.3 Buildings, Structures and Facilities Exempt From the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.

8.6.4 Buildings, Structures and Facilities Exempt From the Florida Building Code, Lowest Floor Inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 8.5.2.3(b) of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

8.6.5 Buildings, Structures and Facilities Exempt From the Florida Building Code, Final Inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 8.6.4 of this Article.

8.6.6 Manufactured Homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 8.7 VARIANCES AND APPEALS

8.7.1 General. The Planning and Zoning Board, serving as the Board of Adjustment, shall hear and decide on requests for appeals and requests for variances from the strict application of this Article. Pursuant to Section 553.73(5), Florida Statutes, as amended, the Planning and Zoning Board, serving as the Board of Adjustment, shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

8.7.2 Appeals. The Planning and Zoning Board, serving as the Board of Adjustment, shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Article. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes, as amended.

8.7.3 Limitations on Authority to Grant Variances. The Planning and Zoning Board, serving as the Board of Adjustment, shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 8.7.7 of this Article, the conditions of issuance set forth in Section 8.7.8 of this Article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning and Zoning Board, serving as the Board of Adjustment, has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.

8.7.4 Restrictions in Floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 8.5.3 of this Article.

8.7.5 Historic Buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

8.7.6 Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Article, provided the variance meets the requirements of Section 8.7.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

8.7.7 Considerations for Issuance of Variances. In reviewing requests for variances, the Planning and Zoning Board, serving as the Board of Adjustment, shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the Florida Building Code, this Article, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

8.7.8 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards;
2. Determination by the Planning and Zoning Board, serving as the Board of Adjustment, that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 8.8 VIOLATIONS

8.8.1 Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this Article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a violation of this Article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

8.8.2 Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this Article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

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

SECTION 8.9 DEFINITIONS

8.9.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Article, have the meanings shown in this section.

8.9.2 Terms Defined in the Florida Building Code. Where terms are not defined in this Article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

8.9.3 Terms Not Defined. Where terms are not defined in this Article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

8.9.4 Definitions:

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

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

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

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

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

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

Design Flood. The flood associated with the greater of the following two areas:

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

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

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

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

Existing Building and Existing Structure. Any buildings and structures for which the "start of construction" commenced before May 15, 1986.

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 May 15, 1986.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency. The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

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

Flood Damage-Resistant Materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Hazard Area. The greater of the following two areas:

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

Flood Insurance Rate Map. The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

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

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

Floodplain Development Permit or Approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Article.

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

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

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

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

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

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

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

1. Letter of Map Amendment: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A Letter of Map Amendment amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by Federal Emergency Management Agency to revise the effective Flood Insurance Rate Map.

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

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

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

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

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

New Construction. For the purposes of administration of this Article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 15, 1986 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 15, 1986.

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

Recreational Vehicle. A vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

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

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

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

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed.

The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

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

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

SECTION 8.10 FLOOD RESISTANT DEVELOPMENT: BUILDINGS AND STRUCTURES

8.10.1 Design and Construction of Buildings, Structures And Facilities Exempt from the Florida Building Code. Pursuant to Section 8.4.3 of this Article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of American Society of Civil Engineers 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 8.16 of this Article.

SECTION 8.11 SUBDIVISIONS

8.11.1 Minimum Requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8.11.2 Subdivision Plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the Flood Insurance Rate Map, the base flood elevations determined in accordance with Section 8.5.2.1 of this Article; and

3. Compliance with the site improvement and utilities requirements of Section 8.12 of this Article.

SECTION 8.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

8.12.1 Minimum Requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8.12.2 Sanitary Sewage Facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

8.12.3 Water Supply Facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

8.12.4 Limitations on Sites in Regulatory Floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 8.5.3.1 of this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

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

SECTION 8.13 MANUFACTURED HOMES

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

8.13.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this Article. Foundations for manufactured homes subject to Section 8.13.6 of this Article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

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

8.13.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 8.13.5 or 8.13.6 of this Article, as applicable.

8.13.5 General Elevation Requirement. Unless subject to the requirements of Section 8.13.6 of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

8.13.6 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are not subject to Section 8.13.5 of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than forty-eight (48) inches in height above grade.

8.13.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

8.13.8 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

SECTION 8.14 RECREATIONAL VEHICLES AND PARK TRAILERS

8.14.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

8.14.2 Permanent Placement. Recreational vehicles and park trailers that do not meet the limitations in Section 8.14.1 of this Article for temporary placement shall meet the requirements of Section 8.13 of this Article for manufactured homes.

SECTION 8.15 TANKS

8.15.1 Underground Tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

8.15.2 Above-Ground Tanks, Not Elevated. Above-ground tanks that do not meet the elevation requirements of Section 8.15.3 of this Article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

8.15.3 Above-Ground Tanks, Elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

8.15.4 Tank Inlets and Vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 8.16 OTHER DEVELOPMENT

8.16.1 General Requirements for Other Development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 8.12.4 of this Article if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

8.16.2 Fences in Regulated Floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 8.12.4 of this Article.

8.16.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 8.12.4 of this Article.

8.16.4 Roads and Watercourse Crossings in Regulated Floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 8.12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 8.5.3.3 of this Article.

ARTICLE NINE

MINIMUM HOUSING REGULATIONS

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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.

The standards of compliance with this Article are those established in the Code of Ordinances of the City of Madison, Florida, Chapter 8, Section H-1.

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ARTICLE TEN

HAZARDOUS BUILDINGS REGULATIONS

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ARTICLE TEN. HAZARDOUS BUILDINGS REGULATIONS

SECTION 10.1 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 incidental to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

SECTION 10.2 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.

The standards of compliance with this Article are those established in the Code of Ordinances of the City of Madison, Florida, Chapter 8, Section H-1.

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ARTICLE ELEVEN

HISTORIC SITES
AND
STRUCTURES PRESERVATION
REGULATIONS

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ARTICLE ELEVEN. HISTORIC SITES AND STRUCTURES PRESERVATION REGULATIONS

SECTION 11.1 PLANNING AND ZONING BOARD DESIGNATED AS THE HISTORIC PRESERVATION AGENCY

The City Planning and Zoning Board shall serve as the City Historic Preservation Agency (hereinafter referred to within these Land Development Regulations as Agency or 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 historic buildings and areas and archeological sites and developing or reviewing the plans 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.
8. Reviewing applications for historic designation.

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. Upon approval of an application from a property owner or authorized agent for a property to be so designated and followed by formal amendment of the Historical Resources Map within the City's Comprehensive Plan (whether or not the local designation is submitted for inclusion on the Florida Master Site File or in consideration for the National Register of Historic Places).

SECTION 11.4 APPLICATION REQUIREMENTS

Consideration to designate a structure, or premises as a landmark, or historic site is initiated by the filing of an application by the City Commission, Planning and Zoning Board, Historic Preservation Agency or a property owner. Consideration to designate an area as a historic district is initiated by the filing of an application by the City Commission, Planning and Zoning Board or Historic Preservation Agency. The applicant completes the form provided by the Land Development Regulation Administrator and submits:

1. A written description of the architectural, historical, or archeological significance of the proposed landmark, historic site or historic district, specifically addressing those related points contained in the criteria found within this Article for such designation;
2. Dates of construction of the structures on the property(ies) and the names of former owners, if applicable;
3. Photographs of the subject property(ies);
4. Legal description and map of the subject property(ies); and
5. A written description of the boundaries of the historic district, if applicable.

The Land Development Regulation Administrator shall determine the completeness of an application and may request additional information. An application for such designation is considered as an application for amendment to the Official Zoning Atlas.

SECTION 11.5 PUBLIC HEARINGS FOR DESIGNATIONS

Following submission of a completed application, the Agency shall review it and 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 the property as a landmark, landmark site, or historic district after a public hearing and 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 city, county, 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 city, county, 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 city, county, 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 City Commission that the application be approved or denied. A recommendation for approval shall carry with it the Agency's explanation as to how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. A recommendation for denial shall carry a similar explanation supporting that position.

SECTION 11.8 CITY COMMISSION DECISION

The City Commission shall approve, modify, or disapprove the proposed designation as an amendment to the Historic Resources Map and to the Official Zoning Atlas of the City's Comprehensive Plan after meeting the requirements for amending the Comprehensive Plan as provided in Chapter 163, Part II, Florida Statutes, as amended, the Zoning Atlas and Articles 13 and 16 of 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 an applicant may resubmit the proposal unless the Agency waives said waiting period based upon consideration of the following factors:

1. New evidence is presented 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; or
2. Failure to waive said twelve (12) months waiting period constitutes a hardship to the applicant in situations involving a mistake or inadvertence.

SECTION 11.10 AMENDMENTS AND RESCISSIONS

The designation of a landmark, landmark site, or historic district may be amended or rescinded through the same procedure used 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 landmark site without first obtaining a Certificate of Appropriateness from the Agency:

1. Alteration of an archeological site or the exterior part or premises 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 on any alteration, new construction, demolition or relocation undertaken on a designated landmark or a designated landmark site without a Certificate of Appropriateness,

A Certificate of Appropriateness is in addition to any other building permits required by law. The issuance of a Certificate of Appropriateness from the Agency does not relieve the property owner of the duty to comply with other state and local laws and regulations.

Ordinary repairs and maintenance otherwise permitted by law may be undertaken on a designated landmark or a designated landmark site without a Certificate of Appropriateness provided this work does not alter the exterior appearance of the building, structure, or archeological site, or alter elements significant to its architectural or historic integrity.

A Certificate of Appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this Article is not 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 City Commission, the decision of the Agency is automatically stayed pending City Commission review.

11.11.3 Application Procedure for Certificate 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 authorizes an alteration, new construction, demolition or relocation affecting a landmark or a designated landmark site. The applicant shall complete an application form provided by the Land Development Regulation Administrator and submit the following:

1. Drawings of the proposed work;
2. Photographs of existing buildings or structures and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator determines when an application is complete and may require 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 application for a Certificate of Appropriateness in accordance with Article 13. The Agency shall approve, approve with conditions, or disapprove each application based on the criteria contained in this section.

In approving or in denying application for a Certificate of Appropriateness for alterations, new construction, demolition, or relocation, the Agency shall examine the following general issues:

1. The effect of the proposed work on the landmark or property;
2. The relationship between such work and other structures on the site;
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 or not 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 demolition shall be issued by the Agency until the applicant has demonstrated that no feasible alternative to demolition can be found. The Agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition and shall study the question of economic hardship for the applicant and determine whether the landmark can be put to reasonable beneficial use without 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 the existing building. The Agency may ask an applicant for additional information 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, the Agency shall deny the demolition application.

The Agency may grant a Certificate of Appropriateness for demolition even though the designated landmark or 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 City's Comprehensive Plan.

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ARTICLE TWELVE

APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

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ARTICLE TWELVE. APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

SECTION 12.1 APPEAL

An appeal from a decision of an administrator or board may be taken as follows by any person aggrieved.

12.2.1 Zoning Regulation Appeals Provisions.

1. Board of Adjustment: Appeals: How Taken

a. Appeals; hearings; notice. Appeals to the Board of Adjustment concerning:

(1) Interpretation or administration of Article 4 of these land development regulations,

(2) Special exception, or

(3) Variance under these land development regulations may be taken by any person aggrieved or by an officer or agency of a government affected by a decision of the Land Development Regulation Administrator.

An appeal shall be taken by filing with the Land Development Regulation Administrator, and within a reasonable time of the decision, a notice of appeal specifying the grounds therefore.

Before rendering a decision concerning an appeal, the Board of Adjustment shall hold a public hearing by fixing a reasonable time for the hearing, giving public notice thereof and providing due notice to the parties involved. In addition, in cases of an appeal for a special exception or variance, the Land Development Regulation Administrator shall erect a sign advertising the appeal on a prominent position on the property in question. At the hearing any party may appear in person or by agent. Appellants may be required to assume such reasonable costs as the City Commission may determine in accordance with Article I.

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 and in the Land Development Regulation Administrator's opinion, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order from the Board of Adjustment or a court of record with due notice to the Land Development Regulation Administrator from whom the appeal is taken.

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 with respect to any matter upon which it is required to interpret or pass under the terms of Article 4 of these land development regulations or to affect any variance from or special exception within Article 4.

2. Appeal from a decision of the Board of Adjustment. A person or persons, jointly or severally, or an officer or agency of a government aggrieved by a decision of the Board of Adjustment may apply to the circuit court having jurisdiction in the City for judicial relief within thirty (30) days after the formal action by the Board of Adjustment. The proceedings in the circuit court shall be governed by the Florida Appellate Rules.

3. Appeal from a decisions of the Planning and Zoning Board. Where the Planning and Zoning Board is required to make a final decision rather than an advisory recommendation in accordance with Article 4 of these land development regulations said decision are final provided that a person or persons, jointly or severally, or an officer or agency of a government aggrieved by a decision of the Planning and Zoning Board may appeal to the City Commission within thirty (30) days after said decision is rendered by filing a written notice of appeal specifying the grounds therefor with the Land Development Regulation Administrator.

4. Appeal from a decisions of the City Commission. A person or persons, jointly or severally, or an officer or agency of a government aggrieved by a decision of the City Commission may apply to the circuit court having jurisdiction in the City for judicial relief within thirty (30) days after the formal decision by the City Commission. The proceedings in the circuit court shall be governed by the Florida Appellate Rules.

12.1.2 Subdivision Regulation Appeals Provisions. A person or persons, jointly or severally, or an officer or agency of a government aggrieved by a decision of the City Commission may apply to the circuit court having jurisdiction in the City for judicial relief within thirty (30) days after the formal decision of the City Commission regarding a preliminary or final plat or a requested variance from the regulations.

12.1.3 Minimum Housing Regulation Appeals Provisions. A person receiving written notice from the Land Development Regulation Administrator of deficiencies in his or her property under Article 9 of these land development regulations may undertake an appeal to the Board of Adjustment within thirty (30) days following the date of such notice by filing in writing with the Land Development Regulation Administrator. Such appeal shall identify the location of the property, the date of the notice of violations, and the number of such notice. The appellant shall state 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 to the Board of Adjustment. Such appeal shall be filed in writing with the Land Development Regulation Administrator within thirty (30) days from the date of service and shall 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, postage prepaid and return receipt requested.

3. Failure to Appear. Failure of a 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 the appeal. The appellant may appear at the hearing in person or through other designated representative.

5. Staying of Notice Under Appeal. Enforcement of a notice issued by the Land Development Regulation Administrator and under appeal in accordance with the provisions of this Article shall be held in abeyance during the course of such appeal.

12.1.5 Historic Preservation Regulation Appeal Provisions. Within fifteen (15) days of the Agency decision any person may appeal to the City Commission a 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 City Commission, the decision of the Agency shall automatically be stayed pending City Commission review. The City Commission shall approve, approve with modifications or disapprove the application.

12.1.6 Appeals General. For appeal procedures regarding Articles of these land development regulations not specifically addressed above, the following shall apply:

1. An appeal from a 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 City staff.

2. The appeal shall be taken within thirty (30) days after the date of the decision or order being appealed.

3. When an appeal is filed, the Land Development Regulation Administrator shall forthwith transmit to the Board of Adjustment the documents constituting the record relating to the action being appealed.

4. An appeal stays the order or decision being appealed unless the Land Development Regulation Administrator certifies to the Board of Adjustment that because of facts stated in the certificate and in the Land Development Regulation Administrator's opinion, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or a court of record on notice to the Land Development Regulation Administrator from whom the appeal is taken and with 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 an 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 appeal in specific cases such special exceptions as the Board of Adjustment is specifically authorized to pass upon 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 denies a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account factors stated in this Article or Article 4 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 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 is required to make under this Article below. The petition should include material necessary to demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these land development regulations and 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:

    a. Site plans at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, offstreet parking and loading areas, 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;

    e. Signs and lighting including type, dimensions, and character.

    Where these land development regulations place additional requirements upon 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 a petition for special exception 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 matter be advisory only to the Board of Adjustment. Within a reasonable time after a petition for 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 its recommendations, 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 a 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 will not adversely affect the public interest. Further, the Board of Adjustment shall make a determination that the specific rules governing the individual special exception, if any, have been met by the petitioner and that satisfactory provision and arrangement has been made concerning the following, 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 adjacent 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, whether:

      (1) The proposed use would be in conformance with the City's Comprehensive Plan or would have an adverse effect on the Comprehensive Plan,

      (2) The proposed use is compatible with the established land use pattern,

      (3) 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) Changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood,

(5) The proposed use will adversely influence living conditions in the neighborhood,

(6) The proposed use will create or excessively increase traffic congestion or otherwise affect public safety,

(7) The proposed use will create a drainage problem,

(8) The proposed use will seriously reduce light and air to adjacent areas,

(9) The proposed use will adversely affect property values in the adjacent area,

(10) The proposed use will be a deterrent to the improvement or development of adjacent property in accord with existing regulations, and

(11) The proposed use is out of scale with the needs of the neighborhood or the community.

4. Limitations on subsequent written petition for a special exception. No subsequent written petition 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 specifically waives said waiting period based upon:

   a. The new written petition constituting 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 following a decision based upon a mistake or an inadvertence or because of newly discovered matters of and consideration constituting a hardship to the applicant.

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 in specific regulations including, 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 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 a 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 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 lands, structures, or buildings in other zoning districts shall be considered grounds for 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 shall make under Section 12.3.1.2 below.

12.3.1.2 Findings. In order to authorize a variance from the terms of these land development regulations, the Board of Adjustment is required to find:

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 a 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 and would work unnecessary and undue hardship on the applicant.
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 will be in harmony with the general intent and purpose of these land development regulations, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

12.3.1.3 Limitations on subsequent written petition for a variance. No subsequent 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:

1. The new written petition constituting a proposed variance different from the one (1) proposed in the denied written petition.

2. Failure to waive said twelve (12) month waiting period following a decision based upon a mistake, an inadvertence or because of newly discovered matters of consideration and constituting a hardship to the applicant.

12.3.2 Variances to the Subdivision Regulations. Where the City Commission 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 them 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. 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 or modifications, the City Commission may require such conditions as will, in the judgment of the City Commission, 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 variance is submitted in writing in conjunction with the submission of the preliminary plat to the Land Development Regulation Administrator for the consideration of the Planning and Zoning Board

The Planning and Zoning Board shall handle such matter in a public session as part of a previously prepared agenda and shall subsequently submit its report and recommendation to the City Commission.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the City Commission shall by majority vote either approve, approve with conditions, or deny the request. Such matters shall be handled in public session as part of a previously prepared agenda.

12.3.3 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 an authorized agent may request the City Commission 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

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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 City'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 City staff and those conducted by the City advisory boards and City Commission. This Article incorporates the City'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 for a variance or special exception or from a decision of the Land Development Regulation Administrator, 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 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 matter at issue may be heard and decided without undue delay.
4. The Board of Adjustment may continue a hearing until a subsequent meeting and may keep a 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 THE CITY COMMISSION

1. Before making a recommendation or decision on an application for a certain specified special use permit (see Article 14 of these land development regulations), an amendment of the Zoning Atlas, or an amendment to the text of these land development regulations, the Planning and Zoning Board or the City Commission, as applicable, 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 and the City Commission may place reasonable and equitable limitation on the any discussion or presentation so that the matter at issue may be heard and decided without undue delay.
4. The Planning and Zoning Board and the City Commission may continue a hearing until a subsequent meeting and may keep a 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 a required public hearing as follows:

1. An application for an amendment to these land development regulations, the Official Zoning Atlas or a request for special exception, or variance 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 with the publication at least ten (10) days prior to the hearing.

2. An application for a special permit requiring a public hearing before the City Commission shall be noticed once in a newspaper of general circulation in the area with the publication at least ten (10) days prior to the hearing.

3. An amendment to these land development regulations, including the Official Zoning Atlas, requiring a public hearing before the City Commission shall be noticed in accordance with the requirements of Chapter 166.041, Florida Statutes, as amended.

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 clearly visible to the public on the property that is the subject of the proposed action. Such sign shall be posted not less than ten (10) days prior to the public hearing.

   The notices required by this Section shall:

   a. State the date, time and place of the public hearing;

   b. Reasonably identify the property that is the subject of the application or appeal;

   c. Give a brief description of the action requested or proposed;

   d. State the place where a copy of the proposed action may be inspected by the public, and

   e. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action.

ARTICLE FOURTEEN

PERMITTING
AND
CONCURRENCY MANAGEMENT

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ARTICLE FOURTEEN. PERMITTING AND CONCURRENCY MANAGEMENT

SECTION 14.1 GENERAL

The Land Development Regulation Administrator 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 City.

The Land Development Regulation Administrator shall use best endeavors to prevent violations or to detect and secure the correction of violations. He or she shall investigate promptly complaints of violations and report findings and actions to complainants. If the Land Development Regulation Administrator finds a provision of these land development regulations is being violated, he or she 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 either:

1. Discontinuance of illegal use of land, buildings, or structures;
2. Removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;
3. Discontinuance of illegal work in process; or
4. Shall take other lawful action authorized by these land development regulations sufficient to insure 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 a decision of (or failure to render a decision by) the Land Development Regulation Administrator.

The Land Development Regulation Administrator shall maintain written records which shall be public 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.

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 City 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 governing body 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 City shall be accompanied by two (2) copies of the plot and construction plans drawn to scale showing

1. Actual shape and dimensions of the lot to be built upon;
2. Exact sizes and locations on the lot of existing structures, if any;
3. Exact size and location on the lot of the buildings or structures to be erected or altered;
4. Existing use of buildings or structures on the lot, if any;
5. Intended use of each building or structure or parts thereof;
6. Number of families the building is designed to accommodate;
7. Location and number of required off-street parking and off-street loading spaces; and
8. 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. Required 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 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 properly displayed, nor shall he or she perform building operations of any kind after notification the building permit has been revoked.

14.3.4 Expiration of building permit. A building permit becomes 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 time the work is commenced; provided that extensions of time for periods not exceeding ninety (90) days each may be allowed. 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, or construction. A use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable as found in Article 15 these land development regulations.

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 City Commission shall have the power to revoke such permit if 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 has been issued by the Land Development Regulation Administrator stating that the proposed use of the structure or land conforms with the requirements of these Land Development Regulations. No permit for erection, alteration, moving, or repair of a 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 shall be a violation of these land development regulations and punishable as provided by Article 15 of these land development regulations.

Use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable in accordance with Article 15 of these land development regulations.

SECTION 14.5 ASSURANCE OF COMPLETION OF PUBLIC IMPROVEMENTS

To ensure required public improvements will be constructed in a properly and timely manner the following procedures and regulations shall govern. Before a building permit may be issued, the applicant shall present satisfactory evidence to the Land Development Administrator that full provision has been made for public improvements including, but not limited to, utility lines, sanitary sewers, storm sewers, construction or reconstruction of streets or alleys, streets signs, and traffic devices or signals. Where such public improvements are to be constructed by the applicant, the City Commission herewith requires security in the amount of one hundred and ten (110) percent of the estimated costs of such improvements and satisfactory to the City Commission in the form of

1. A deposit in cash or cashier's check or
2. A performance and payment bond.

The purpose of this requirement is to insure to the City Commission that the public improvements required will be properly and timely completed and paid for. The form of such bond or sureties thereon shall be subject to the approval of the City Attorney as to form and correctness prior to the issuance of a 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 City Commission. 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 City Commission may determine in accordance with Article 1. 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 although no public notice and hearing is required. The Planning and Zoning Board shall submit its report and recommendations to the City Commission. Within a reasonable time after receiving the Planning and Zoning Board report and recommendations, the City Commission 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 and shall become a public record. Approval, approval with conditions, or denial shall require formal action by the City Commission. Appeals from decisions of the City Commission shall be heard in accordance with Article 12.

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 a 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 or activities which involve excavation or removal of earth in land or water areas of shall be conducted without first obtaining a special permit for such activities from the City Commission. 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 City Commission may determine in accordance with 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 recommendations shall be advisory only and not binding upon the City Commission.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendations, the City Commission 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 City Commission shall take final action on the permit request by either approving, approving with conditions, or denying the permit request. Appeals from decisions of the City Commission shall be heard in accordance with Article 12 of these land development regulations.

In addition to obtaining this permit, the applicant shall meet an additional requirements of the City, 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 a mobile home on a lot or parcel of land within the City for private use without first having secured a mobile home move-on permit from the Land Development Regulation Administrator. Such permit authorizes 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 (This section number is reserved)

SECTION 14.10 SPECIAL PERMITS FOR TEMPORARY USES

Certain uses are temporary in character, varying 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 problems 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 City Commission. The City Commission may issue a temporary use permit for commercial circuses, carnivals, outdoor concerts, and similar uses in agricultural, commercial, and industrial districts. Requests for such permit shall be submitted in writing to the Land Development Regulation Administrator together with such reasonable fees as the City Commission may determine in accordance with 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 although 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 recommendations to the City Commission. The Planning and Zoning Board report and recommendations shall be advisory only and not binding upon the City Commission.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendations, the City Commission shall hold a public hearing to consider the request. The City Commission shall fix a reasonable time for the hearing, give public notice thereof including due notice to the parties involved. At the hearing, any person may appear in person or by agent.

The City Commission shall take final action on the request by either approving, approving with conditions, or denying the request. Appeals from decisions of the City Commission shall be heard in accordance with Article 12. Prior to granting a temporary use permit, the City Commission shall insure that:

1. A nuisance or hazardous feature involved is suitably separated from adjacent uses.
2. Excessive vehicular traffic will not be generated on minor residential streets.
3. A vehicular parking problem will not be created.

The temporary use permit, if granted, shall be for a specific time period at the end of which, if the use permitted has not been discontinued, shall be deemed a violation of these land development regulations and shall be punishable in accordance with Article 15.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the requested use or action 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 in accordance with Article 15.

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

1. Any nuisance or hazardous feature involved is suitably separated from adjacent uses;
2. Excessive vehicular traffic will not be generated on minor residential streets; or
3. A vehicular parking problem will not be created:
    a. In any zoning district: special events operated by non-profit, eleemosynary organizations.
    b. In any zoning district: Christmas tree sales lots operated by non-profit, eleemosynary organizations.
    c. 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.
    d. 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.
    e. 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 City Commission and the City Commission shall give such approval only upon finding that actual construction is continuing.
    f. In agricultural, commercial, and industrial districts: temporary religious or revival activities in tents.
    g. Within any Commercial district 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 the written permission of the shopping center owner and a site plan which includes distances from 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.

Requests for such a permit shall be submitted in writing to the Land Development Regulation Administrator together with such reasonable fees as the City Commission may determine in accordance with Article 1 of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the requested action 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.

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 City Commission are:

1. Electrical transmission lines (in excess of 115 kv);
2. Substations, natural gas transmission lines; and
3. Radio telecommunication and television antennas or towers, owned or operated by publicly regulated entities.

Nothing in this Section shall be construed to include telecommunication towers as an essential service requiring a special permit because telecommunication towers are permitted as a special exception in all zoning districts (see Section 4.15.37).

All other essential services which do not require a special permit from the City Commission are hereby defined to include and be limited to:

1. Poles,
2. Wires (including electrical distribution lines, telephone lines and substations, and cable television lines);
3. Mains (including water distribution lines and mains and natural gas distribution lines and mains);
4. Hydrants;
5. Drains;
6. Pipes;
7. Conduits;
8. Telephone booths;
9. Bus shelters and benches;
10. Bicycle racks;
11. Newspaper delivery boxes;
12. Mail boxes;
13. Police or fire call boxes;
14. Traffic signals; and
15. 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 adjacent properties.

The procedure for granting special permits for essential services shall generally conform to that outlined in Articles 12 and 13 of these land development regulations provided, however, that criteria for granting special permits shall be limited to showing

1. The need for such essential services in the requested location,
2. It is in the public interest, and
3. In compliance with the other provisions of this Section.

Further, essential services requiring a special permit approval by the City Commission shall not be sited within 500 feet of a 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. 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 such 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 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. Dimensions and area of site.
    f. Location of all property lines, existing rights-of-way, sidewalks, curbs, and gutters.
    g. Access to utilities and points of utility hook-up.
    h. Location and dimensions of existing and proposed parking 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 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.
    l. 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 U.S. Coast and Geodetic Datum.

b. Proposed finished elevation of each building site and first floor level.

c. Existing and proposed stormwater management facilities with sizes and grades.

d. Proposed 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 data (with at least seven (7) sets conveniently pre-packaged) shall be submitted to the Land Development Regulation Administrator to be circulated for comment to other officials or department of the City which may have responsibility for some aspect of the site and development plan.

Twelve (12) sets of data (with at least seven (7) sets conveniently pre-packaged) 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 City Commission may determine in accordance with Article 1.

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 staff's comments to the Planning and Zoning Board for approval. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, although no public notice and hearing is required. 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 in accordance with Article 12.

In reaching its decision, the Planning and Zoning Board shall be guided by the following standards; and shall show in its record that each was considered where 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 insure preservation of such lands and facilities for their intended purpose and to insure that such common facilities will not become a future liability for the City Commission.
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 City's 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, utilities and refuse collection, and access in case of fire, emergency, or catastrophe.
4. Location and relationship of offstreet parking and offstreet loading facilities to thoroughfares and internal traffic patterns 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 internal and external to the proposed development.
6. Manner of stormwater management including the effects upon adjacent 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 the appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and not be in conflict with other development in the area as to cause substantial depreciation of neighboring 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 or conditional approval of the site and development plan application by the Planning and Zoning Board, 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. Proposed changes after such approval shall be submitted to the Land Development Regulation Administrator for determination as to whether a substantial change or deviation from that shown on the approved site and development plan exists. If

the Administrator so determines, the owner/ applicant or his or her successors shall submit the amended site and development plan for approval in accordance with 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 CITY'S COMPREHENSIVE PLAN

These Land Development Regulations are required by law to be in conformance with the City Comprehensive Plan. Therefore, development subject to these Land Development Regulation shall conform to the City Comprehensive Plan.

14.13.1 Generally. No development may be approved unless the proposed development conforms to the City Comprehensive Plan and certain public facilities will be available at prescribed levels of service concurrent with the impacts of the proposed development on those facilities.

14.13.2 Determining Conformance with the City Comprehensive Plan. If a development proposal is found to meet all requirements of these land development regulations, it shall be presumed to be in conformance with the City's 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 City Comprehensive plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards or the City Commission, depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and shall support that determination with written findings.

14.13.3 Maintaining Level of Service Standards. The City shall require a concurrency review be made on applications for development and a Certificate of Concurrency be issued prior to development. The review shall analyze the development's impact on levels of service of traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. 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 future applications for development permits. 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 any other form of required development approval.

The burden of meeting the concurrency test and showing compliance with the adopted levels of service shall be upon the applicant. If the application for development is not concurrent, the applicant shall be notified in writing that a certificate cannot be issued for the development.

Development approval shall be granted only if the proposed development does not lower the existing levels of service of public facilities and services below the adopted levels of service in the Comprehensive Plan.

14.13.3.1 Generally:

1. The Adopted Level of Service shall be maintained. Development activity may be approved provided certain public services are available at prescribed levels of service concurrent with the impacts of development although prescribed levels of service may be degraded during construction of new facilities if, upon completion, the prescribed levels will be met.

2. For purposes of these land development regulations, the available capacity of a facility shall be determine 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 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 facilities or provision of services at the time the development permit is issued.

      (3) The new facilities are included in the City annual capital budget.

      (4) The new facilities are guaranteed in an enforceable development agreement which include, but is not limited to, development agreements pursuant to Sections 163.3220-163.3243, Florida Statutes, as amended, or an agreement or development order pursuant to Chapter 380, Florida Statutes, as amended. Such facilities shall be consistent with the Capital Improvements Element of the City Comprehensive Plan and approved by the City Commission.

      (5) The developer has contributed funds to the City necessary to provide new facilities consistent with the Capital Improvements Element of the City Comprehensive Plan. Commitment that the facilities will be built must be evidenced by a budget amendment and appropriation by the City or other governmental entity.

   b. Subtracting from a (above) the sum of:

      (1) The service demand created by existing development or previously approved development orders; and

      (2) The new demand for the service created concurrent with the proposed development by the completion of other presently approved developments.

3. The burden of showing compliance with these level of service requirements shall be upon the developer. To be eligible for approval, applications for development shall provide sufficient information showing compliance with these standards.

14.13.4 Procedures for Concurrency Determination. Public facilities and services for which level of service standards have been established are

1. Traffic circulation,
2. Sanitary sewer,
3. Solid waste,
4. Drainage,
5. Potable water and

6. Recreation and open space.

Tests for concurrency are:

1. For traffic circulation:

    a. The City shall provide level of service information from the most recent Data and Analysis Report in support of the City Comprehensive Plan. If this level of service information indicates a level of service failure, the applicant may either

        (1) Accept the level of service information as set forth in the most recent Data and Analysis Report supporting the City Comprehensive Plan, or

        (2) Prepare a more detailed Highway Capacity Analysis as outlined in the Highway Capacity 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.

    b. If the applicant chooses to prepare a separate analysis, he or she shall submit the completed alternative analysis to the Land Development Regulation Administrator who shall review the alternative analysis for accuracy and appropriate application of methodology.

    c. If the Land Development Regulation Administrator determines the alternative methodology is appropriate and accurate and indicates an acceptable level of service, it shall be used in place of the most recent Data and Analysis in support of the City Comprehensive Plan.

    d. Proposed development generating more than 750 trips a day shall be required to provide a trip distribution model in addition to requirements outlined above.

2. For sanitary sewer, solid waste, drainage, potable water, and recreation and open space:

    a. The City shall provide level of service information from the most recent Data and Analysis Report in support of the City Comprehensive Plan.

    b. If such level of service information indicates the proposed project will not result in a level of service failure, the concurrency determination will indicate that adequate facility capacity at acceptable levels of service are available.

    c. If such level of service information indicates the proposed project will result in a level of service failure, the concurrency determination will indicate that adequate facility capacity at acceptable levels of service is not available on 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 upon levels 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 streets within the City jurisdiction. Public facility impacts shall be determined based upon 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, re-zoning, special permits, and site and development plan approval. These other types of development orders have less immediate impacts upon public facilities and services than the issuance of a building permit. However, public facilities and services are to be available concurrent with the ultimate impacts of these other types of development orders. Therefore, subject to the final development approval authority determining 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 other types of development orders.

1. Provisions shall be included within the development order which require the construction of additional and sufficient public facility capacity where public facilities, due to projected impacts of the development proposal, will not meet adopted levels of service; and

2. Such expansion of public facility capacity shall be constructed by the developer at the developer's expense or by the public or private entity having jurisdictional authority over the facility in a sufficiently timely manner so that the necessary facilities and services will be in place when the impacts of the development occur and in conformance with the 5-year schedule of improvements found in the current City Capital Improvements Element.

14.13.6 For Development Orders and Permits, the following determination shall apply:

1. If an applicant requests, the Land Development Regulation Administrator shall make an informal, non-binding determination of whether or not sufficient capacity exists in applicable public facilities and services to satisfy the demands of the proposed project including a determination of what public facilities or services will be deficient if the proposed project were approved.

2. Certain development approvals such as land use amendments to the Comprehensive Plan and rezoning requests are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. Those development approvals may receive a non-binding concurrency determination.

3. A concurrency determination, whether or not requested as part of an application for development approval, is a non-binding determination of what public facilities and services are available on the date of inquiry. The issuance of a Certificate of Concurrency Compliance is 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 and 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 cases of 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 The Concurrency Management System. The following conditions apply to the City's concurrency management system:

1. Amendments to the City's 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 City's Comprehensive Plan by ordinance if they are limited to technical matters listed in Chapter 163, Part II, Florida Statutes, as amended.
2. No development order or development permit shall be issued which would require the City Commission to delay or suspend construction of a capital improvement on the 5-Year schedule of the Capital Improvements Element of the City's 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 City Commission to consider an amendment to the 5-Year schedule in one (1) of the twice annual amendment reviews.
4. A development failing to meet the required level of service standards for public facilities shall require a halt to the affected development or a reduction of the level of service standard which will require an amendment to the City's Comprehensive Plan.

SECTION 14.14 LEVEL OF SERVICE STANDARDS

The City Commission 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 City's Comprehensive Plan.

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	LEVEL OF SERVICE
1	S.R. 53 from City's north limits to U.S. 90 / S.R. 10	D
2	C.R. 591 from City's north limits to S.R. 145	D
3	U.S. 90/S.R. 10 from City's west limits to City's east limits	C
4	S.R. 145 from S.R. 53 to City's east limits	D
5	S.R. 53 from U.S. 90/S.R. 10 to S.R. 145	D
6	C.R. 360A from City's south limits to U.S. 90 / S.R. 10	D
7	S.R. 53 from City's south limits to U.S. 90 / S.R. 10	D
8	C.R. 14/Millinor Street from C.R. 14/Range Street to S.R. 53	D
9	C.R. 14/Range Street from City's south limits to C.R. 14/Millinor Street	D

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 City's Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 10D-6, Florida Administrative Code, in effect upon adoption of this Comprehensive Plan
Community Sanitary Sewer System	110 gallons per capita per day

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 City's Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private individual water wells	Standards as specified in Chapter 17-22, Florida Administrative Code, in effect upon adoption of this Comprehensive Plan
City of Madison	169 gallons per capita per day
Community Potable Water System	20 pounds per square inch of volume

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 City`s Comprehensive Plan:

LEVEL OF SERVICE STANDARD

For all projects which fall totally within a stream or open lake watershed, detention systems shall be installed such that the peak rate of post-development runoff will not exceed the peak-rate of pre-development runoff for storm events up through and including either:

1. A design storm with a 10-year, 24 hour rainfall depth with Soil Conservation Service type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational uses; or
2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.

All other stormwater management projects shall adhere to the standards as specified in Chapter 17-25, Florida Administrative Code (rules of the Florida Department of Environmental Regulation) and Chapter 40B-4, Florida Administrative Code (rules of the Suwannee River Water Management District), as effective on the date of adoption of this comprehensive plan.

Any development exempt from Chapter 17-25 or 40B-4 as cited above and which is adjacent to, or drains into a surface water, canal, or stream, or which enters a ditch which empties into a sinkhole shall first allow the runoff to enter a grassed swale designed to percolate 80 percent of the runoff from a three year, one hour design storm within 72 hours after a storm event.

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 City's Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	0.89 tons per capita per year

14.14.6 Recreation. New 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 City's Comprehensive Plan:

ACTIVITY	LEVEL OF SERVICE STANDARD
Swimming (non-pool)	A 25,000 persons threshold for the initial access point at a beach, stream, spring, river, lake or pond, with a 25,000 person increment for each additional access point at a beach, stream, spring, river, lake or pond within a 25 mile radius of the City.
Fishing (non-boat)	A 2,500 person threshold for the initial access point, with a 2,500 person increment for each additional access point within a 25 mile radius of the City.
Fishing (boat)	A 4,300 person threshold for the initial boat ramp, with a 4,300 person increment for each additional boat ramp, within a 25 mile radius of the City.
Camping (Recreation Vehicle and tent)	A 5,600 person threshold for the initial acre of camping area, with a 5,600 person increment for each additional acre of camping area within a 25 mile radius of the City.
Picnicking	A 500 person threshold for the initial picnic table, with a 500 person increment for each additional picnic table.
Bicycling	A 1,000 person threshold for the initial mile of local roadway, with a 1,000 person increment for each additional mile of local roadway.
Hiking	A 7,000 person threshold for the initial mile of available hiking trail, with a 7,000 person increment for each additional mile of available hiking trail, within a 25 mile radius of the City.
Nature Study	A 2,500 person threshold for the initial 7.0 acres of wildlife management area, with a 2,500 person increment for each additional 7.0 acres of wildlife management area, within a 25 mile radius of the City.
Golf	A 32,500 person threshold for the initial 9-holes of golf course, with a 32,500 person increment for each additional 9-holes of golf course.
Equipped play area	A 2,500 person threshold for the initial equipped play area, with a 2,500 person increment for each additional equipped play area.

ACTIVITY	LEVEL OF SERVICE STANDARD
Tennis	A 7,500 person threshold for the initial tennis court, with a 7,500 person increment for each additional tennis court.
Baseball/softball	A 6,000 person threshold for the initial ball field, with a 6,000 person increment for each additional ball field.
Football/Soccer	A 15,000 person threshold for the initial multi-purpose field, with a 15,000 person increment for each additional multi-purpose field.
Handball/racquetball	A 10,000 person threshold for the initial court, with a 10,000 person increment for each additional court.
Basketball	A 2,500 person threshold for the initial goal, with a 2,500 person increment for each additional goal.
Swimming (pool)	A 25,000 person threshold for the initial pool, with a 25,000 person increment for each additional pool.
Shuffleboard	A 10,000 person threshold for the initial court, with a 10,000 person increment for each additional court.

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, as amended.

14.15.2 Applicability

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

14.15.3 General Requirements

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:
    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 City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Transportation Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Concurrency Management System, but is not contained in the Five-Year Schedule of Capital Improvements in the Capital Improvements Element or a long-term schedule of capital improvements for an adopted long-term Concurrency Management System, where the following apply:
    a. The City adopts, by resolution, a commitment to add the improvement to the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or long-term schedule of capital improvements for an adopted long-term Concurrency Management System no later than the next regularly scheduled annual Capital Improvements Element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Local Planning Agency, and determined to be financially feasible pursuant to Section 163.3180(16)(b)1., Florida Statutes, as amended, consistent with the Comprehensive Plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.
    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 City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one (1) or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

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 City 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 City shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

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 City that includes an application fee, as established by a fee resolution, as amended, by the City, 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 City shall review the application and certify that the application is sufficient and complete within thirty (30) calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Transportation Program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within thirty (30) calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within thirty (30) calendar days of receipt of the written notification, then the application will be deemed abandoned. The City Commission may, in its discretion, grant an extension of time not to exceed sixty (60) calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

5. Pursuant to Section 163.3180(16)(e), Florida Statutes, as amended, proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.

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 City and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a Strategic Intermodal System facility, no later than sixty (60) calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than fifteen (15) calendar days prior to the City Commission meeting when the agreement will be considered.

7. The City shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission.

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 amended, as follows:

   The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (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:

   $\text{Development Trips}_i$ = 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 City shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element of the Comprehensive Plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.

   a. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

      $Cost_n = Cost_0 \times (1 + Cost_growth_{3yr})^n$

      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:

      $Cost_growth_{3yr} = [Cost_growth_{-1} + Cost_growth_{-2} + Cost_growth_{-3}]/3$

      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 City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this section.

6. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at one hundred twenty percent (120%) of the most recent assessed value by the City Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and regulations.

14.15.7 Proportionate Fair-Share Agreements

1. Upon execution of a Proportionate Fair-Share Agreement the applicant shall receive City concurrency approval. Should the applicant fail to apply for a development permit within twelve (12) months of the execution of the Proportionate Fair-Share Agreement, then the Proportionate Fair-Share Agreement shall be considered null and void, and the applicant shall be required to reapply.

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 City 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 City Commission, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the fifty percent (50%) local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.

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, as amended, and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the Florida Department of Transportation's Transportation Regional Incentive Program. Such coordination shall be ratified by the City Commission through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

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ARTICLE FIFTEEN

ENFORCEMENT AND REVIEW

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ARTICLE FIFTEEN. ENFORCEMENT AND REVIEW

SECTION 15.1 COMPLAINTS REGARDING VIOLATIONS

When 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 the action taken or to be taken.

SECTION 15.2 PERSONS LIABLE

The owner, tenant, or occupant of a building or land or part thereof or an attorney, architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains a 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 a 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 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. A violation or an act in process constituting a violation of a provision of these land development regulations or a failure to comply with any of its requirements, including violation of a condition or safeguard established in connection with granting a variance, special exception or special permit, shall constitute a misdemeanor of the second degree, punishable as provided in Chapter 775, Florida Statutes, as amended. A 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, as amended and, in addition, shall pay all costs and expenses involved in the case.
2. If the offender fails to pay a penalty imposed in accordance with the foregoing within ten (10) days after being cited for a violation, the penalty may be recovered by the City 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 a violation continues after notification by the Land Development Regulation Administrator that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified in this Article.

4. Any one (1), all, or 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 City Commission and every final decision of the Board of Adjustment shall be governed by the Florida Appellate Rules.
2. To have standing for judicial review, the petition shall be filed with the County Clerk of the Circuit Court within thirty (30) days after the subject decision has been made.

ARTICLE SIXTEEN

AMENDMENTS

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ARTICLE SIXTEEN. AMENDMENTS

These land development regulations, the Official Zoning Atlas, and other associated material 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. The City Commission;
2. The Planning and Zoning Board;
3. The Board of Adjustment;
4. A department, board commission or other agency of the City;
5. Any person other than those listed in 1, 2, 3, or 4 above provided, however, that no person other than an agent for an owner shall propose an amendment for rezoning of property he does not own.

   A proposal for an amendment to the land development regulations shall be submitted in writing to the Land Development Regulation Administrator accompanied by pertinent information as may be required by the Planning and Zoning Board for proper consideration of the matter along with such fees and charges as have been established by the City Commission (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 a proposed amendment 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 hold a public hearing to consider the proposed zoning amendment in conformance with Article 13 of these land development regulations and, subsequently, shall submit its report and recommendation concerning the proposed amendment to the City Commission.

16.2.2 Nature and Requirements of Planning and Zoning Board Report. The report and recommendations of the Planning and Zoning Board to the City Commission required by Section 16.2.1 in a matter pertaining to the rezoning of land shall show that the Planning and Zoning Board has studied and considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change will be in conformance with the City's Comprehensive Plan and will not have an adverse effect on the City's Comprehensive Plan.
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. Existing district boundaries possibly drawn illogically in relation to existing conditions on the property proposed for change.

6. Changed or changing conditions making 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 a deterrent to the improvement or development of adjacent property in accordance 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. Substantial reasons why the property cannot be used in accordance with existing zoning.

15. Whether the change suggested is out of scale with the needs of the neighborhood or the City.

16. The possibility of finding other adequate sites in the City for the proposed use in districts already permitting such use.

16.2.3 Other Proposed Amendments to These Land Development Regulations. The Planning and Zoning Board shall consider and study other proposed amendments to these Land Development Regulations and shall report and recommend on:

1. The need and justification for the amendment.

2. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the City's 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 City's Comprehensive Plan.

16.2.4 Status of Planning and Zoning Board Report and Recommendations. The report and recommendations of the Planning and Zoning Board required by Sections 16.2.1 and 16.2.2 shall be advisory and not binding upon the City Commission.

SECTION 16.3 CITY COMMISSION: 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 or other amendment, the City Commission shall hold a public hearing to consider the proposed amendment in conformance with Article 13 herein. The City Commission 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 CITY COMMISSION

A person or persons, jointly or severally, or an officer or agency of a government aggrieved by a decision of the City Commission may apply to the circuit court having jurisdiction in the City for judicial relief within thirty (30) days after the decision by the City Commission. 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 City's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes, as amended), action on such amendment to the City's Comprehensive Plan shall be taken prior to final action on the land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and a land development regulation amendment.

SECTION 16.6 LIMITATION ON SUBSEQUENT APPLICATION

No subsequent 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 a previous application for an amendment to the Official Zoning Atlas for such property or part thereof unless the City Commission specifically waives said waiting period based upon:

1. The new application constituting a proposed zoning classification different from the one (1) proposed in the denied application.
2. Failure to waive said twelve (12) month waiting period following a decision based upon a mistake or an inadvertence or because of a newly discovered matter of consideration constituting a hardship to the applicant.

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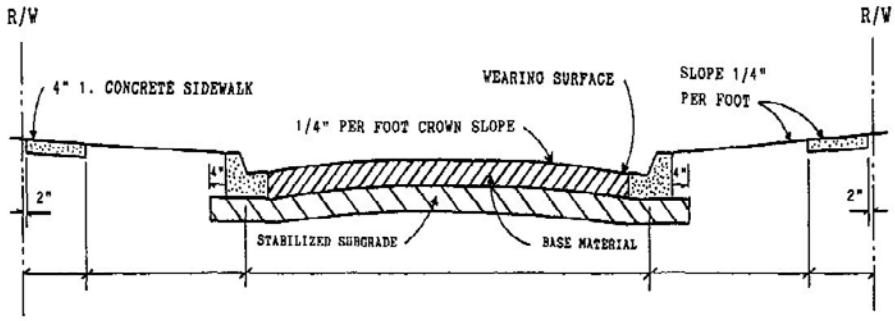
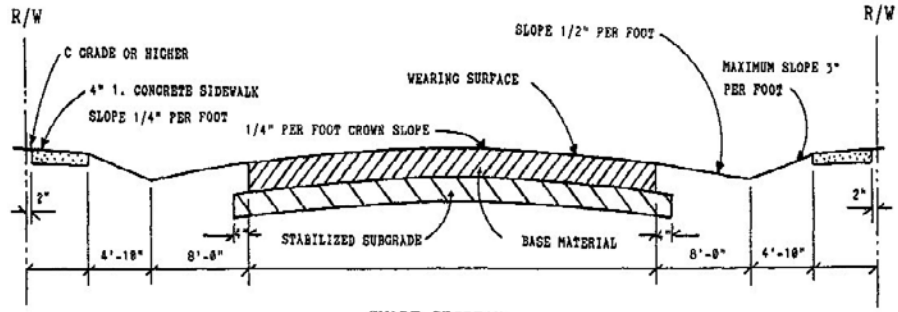
APPENDIX A

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 City Attorney A-7
Certificate of Approval of the City Commission A-7
Certificate of Estimated Cost A-8
Certificate of Tax Collector A-8
Preliminary and Final Plat Size Specifications A-9

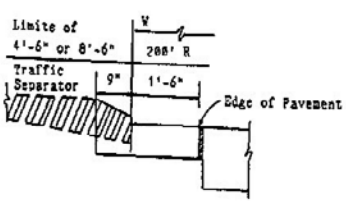
STREET CROSS SECTION AND CURB STANDARDS



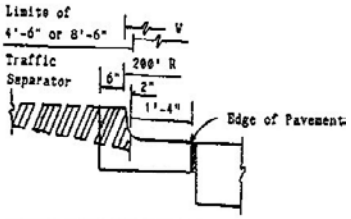
CURB SECTION



SWALE SECTION



TYPE E CURB AND GUTTER

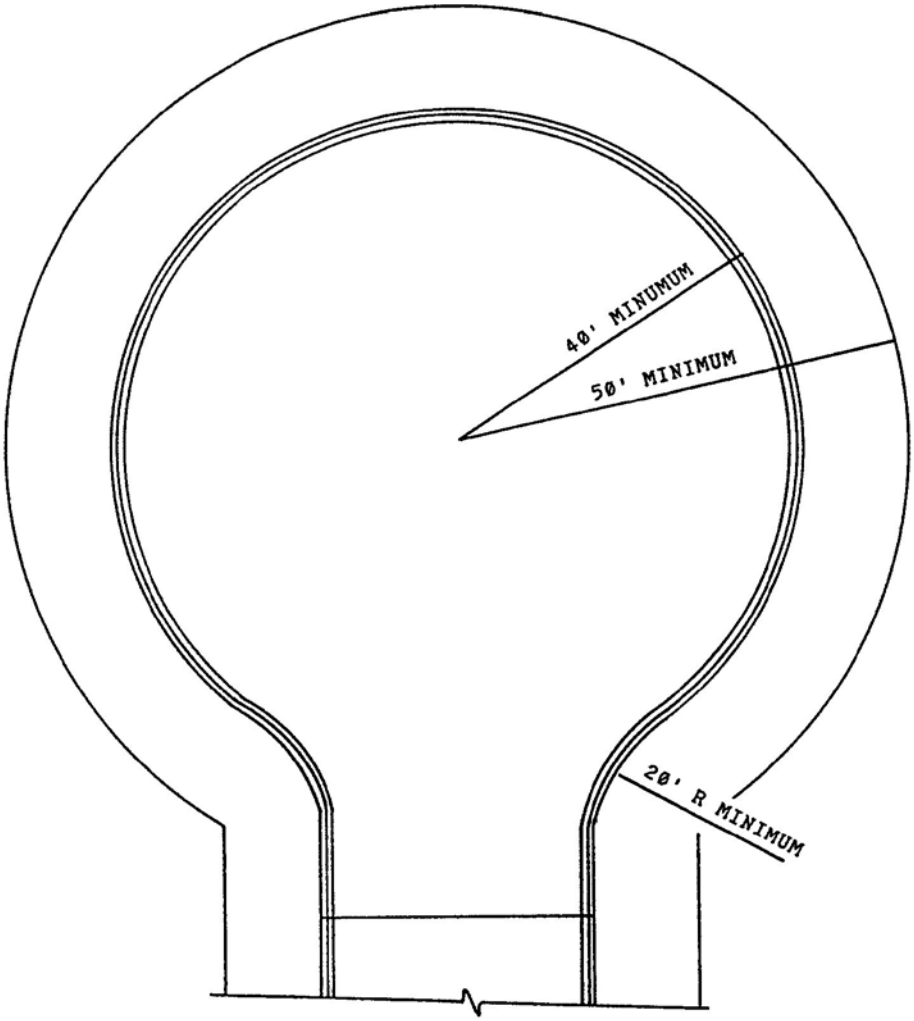


TYPE F CURB AND GUTTER

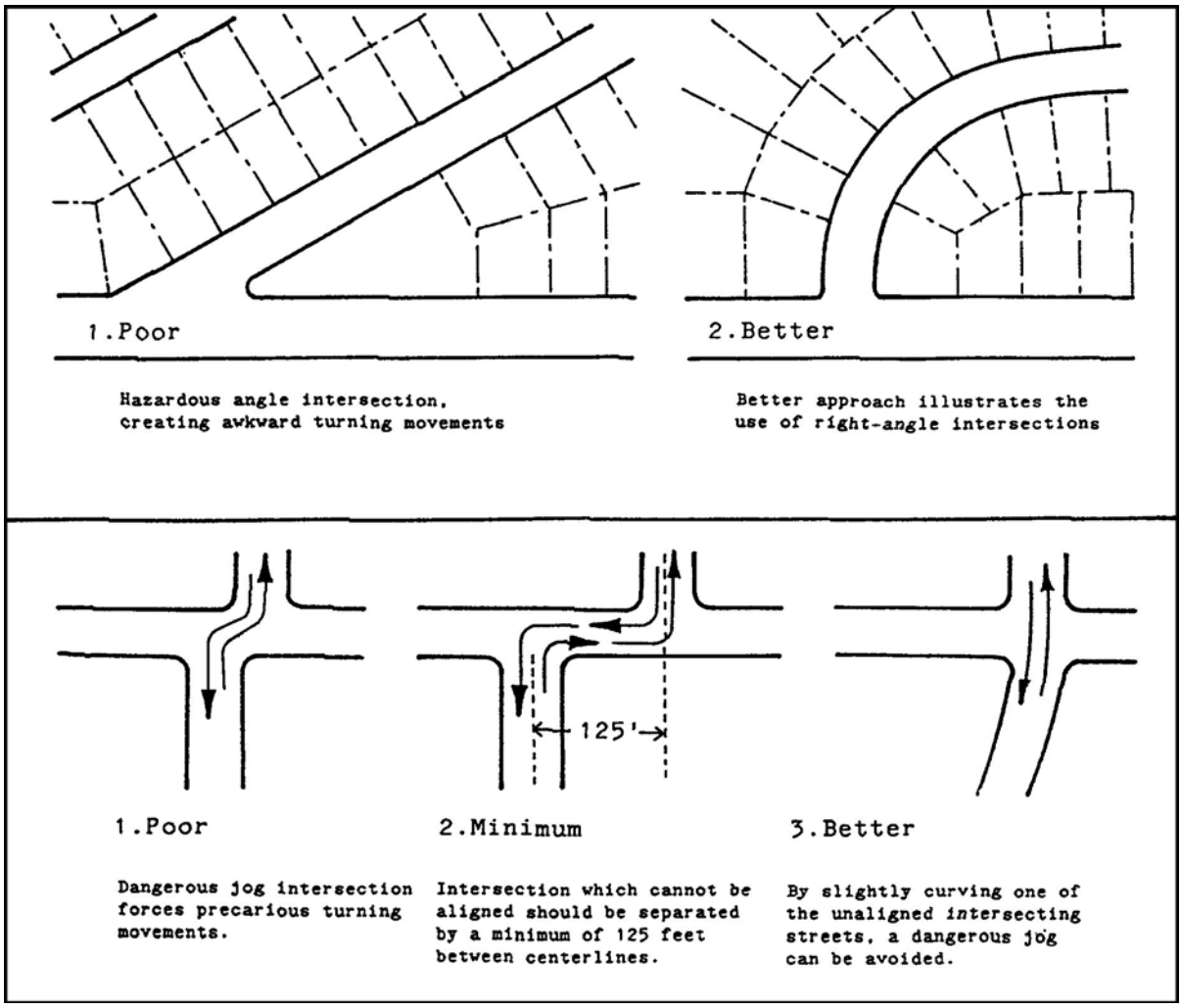
ALTERNATE CURB SECTIONS

NOTE: CURB AND SIDEWALKS SHALL BE CAST OF 2,500 P.S.I. CONCRETE

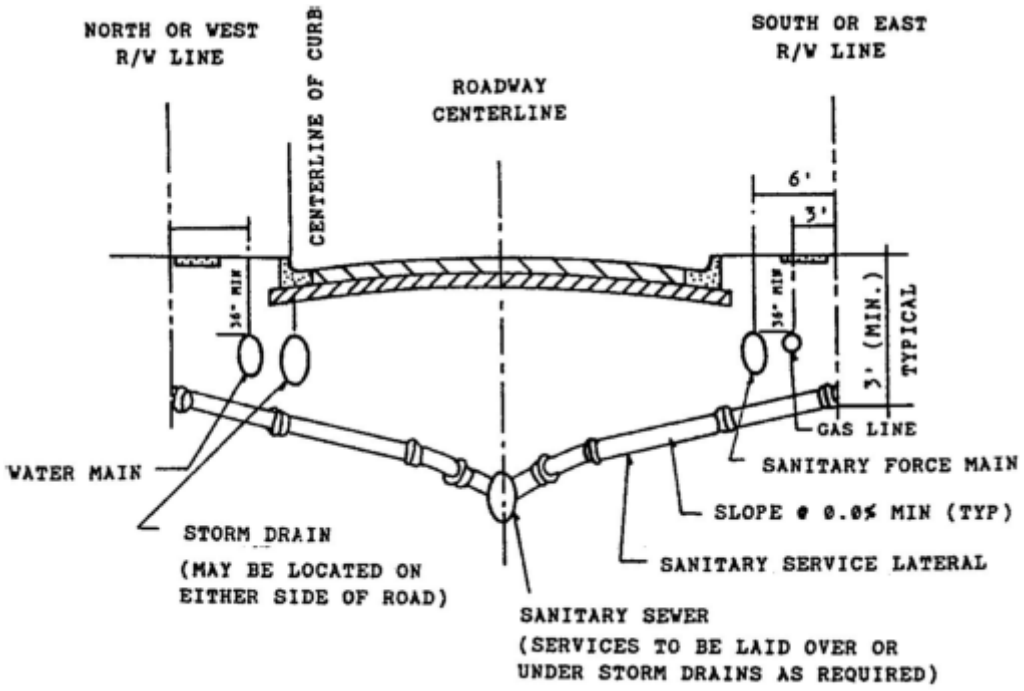
CUL-DE-SAC DETAIL



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 _____, Madison 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 City Commission of the City of Madison, 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 CITY OF MADISON, FLORIDA

Examined on _____

AND

Approved as to Legal Form and Sufficiency by _____.
City Attorney

CERTIFICATE OF APPROVAL BY THE CITY COMMISSION OF
THE CITY OF MADISON, FLORIDA

THIS IS TO CERTIFY that on the foregoing plat was approved by the City Commission for the City of Madison, Florida.

_____
Mayor

Attest:

_____ Filed for record on:_____
City Clerk

By_____
City 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 $_____.

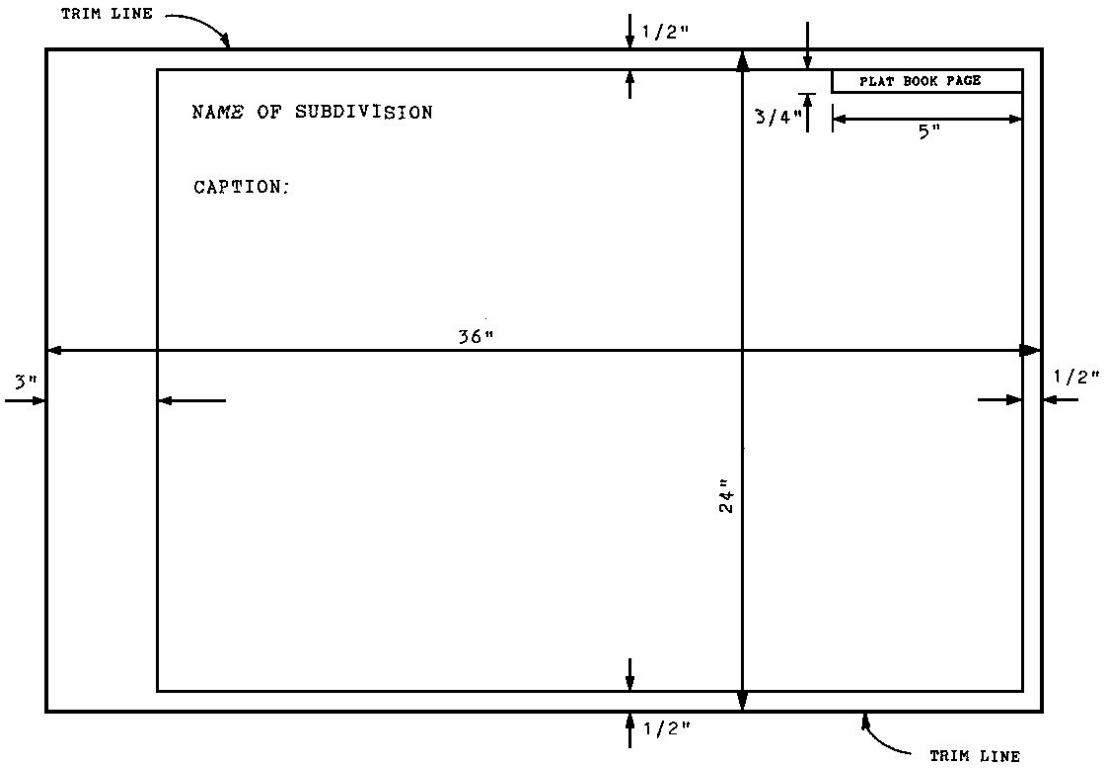
_____ (SEAL)
Registered Florida Engineer

CERTIFICATE OF TAX COLLECTOR

THIS IS TO CERTIFY that all payable ad valorem taxes have been paid and all tax sales against the land included within this plat have been redeemed.

_____
Tax Collector

PRELIMINARY AND FINAL PLAT SIZE SPECIFICATIONS



SIZE OF SHEET FOR RECORD PLAT

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NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT PROGRAMS

STAFF

Scott R. Koons, AICP, Executive Director

Sandra Joseph, Senior Planner

Lauren Yeatter, AICP, Senior Planner, Geographic Information Systems

Carmelita Franco, Administrative Planning Assistant