

## Land Development Code

**ARTICLE I****GENERAL PROVISIONS****1.00.00 TITLE**

This Code shall be entitled the "Land Development Code" and may be referred to herein as the "Code."

**1.01.00 AUTHORITY**

This Land Development Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), the City of St. Marks' Charter effective 1961, and the general powers in Chapter 166/125, Florida Statutes (City/County Government).

**1.02.00 APPLICABILITY*****1.02.01 General Applicability***

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

***1.02.02 Exceptions*****A. Previously Issued Development Permits**

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

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

**B. Previously Approved Development Orders**

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

## **C. Consistency with the Comprehensive Plan**

Nothing in this Section shall be construed to authorize development that is inconsistent with the City of St. Marks' comprehensive plan.

### **ARTICLE II LAND USE: TYPE, DENSITY, INTENSITY**

#### **2.00.00 GENERALLY**

##### ***2.00.01 Purpose***

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

#### **2.01.00 LAND USE DISTRICTS**

##### ***2.01.01 Generally***

Land use districts for the City are established in the Comprehensive Plan, Future Land Use Element, including the Future Land Use Map. The land use districts and classifications defined in the Future Land Use Element of the City Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction. The definitions of each land use category are defined in the Future Land Use Element of the Comprehensive Plan. These definitions are also described in the Land Development Code consistent with the Comprehensive Plan.

2.01.02 Residential

2.01.03 Commercial

2.01.04 Industrial

2.01.05 Public Buildings/Grounds

2.01.06 Recreation/Conservation

2.01.07 Agricultural

2.01.08 Mixed Use

2.01.09 Riverfront Redevelopment

2.01.10 Coastal High Hazard Area

2.01.11 Community Redevelopment Area (CRA)

(LDC, § 2.01.01)

## **2.02.00 USES ALLOWED IN LAND USE DISTRICTS**

### ***2.02.01 Generally***

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

(LDC, § 2.02.01)

### ***2.02.02 Types Of Uses***

#### **A. Agricultural**

Description: Agricultural uses include croplands, pastures, forestry, aquaculture, feed lots, and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies. Residential use may be allowed; refer to the table of residential densities.

#### **B. Commercial**

Description: This group includes land area used for retail and wholesale sale, rental, and distribution of products, or performance of services. Examples include professional and office uses listed in SECTION 2.02.02D above, as well as the specific uses found in ARTICLE VI.

#### **C. Industrial**

This type of use includes land area used for manufacturing, assembly, processing, or storage of products. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors.

#### **D. Mixed Use**

Mixed Use land uses include land area consisting of a mixture of compatible, as identified in the land development regulations, residential and commercial activities. Residential activity is permitted up to 4 units per acre. Commercial activities include wholesale and retail sale activities, office activities, and service activities.

#### **E. Public Buildings and Grounds**

This type of use includes educational facilities (public or private), pre-school and day care facilities (public or private), churches, cemeteries without funeral homes, residential care facilities, halfway housing, nursing home facilities, and all other similar institutional uses.

#### **F. Recreational/Conservation**

These uses include land area used for neighborhood and community parks, spectator sport facilities, and certain pastoral open space areas; land area designated for the purpose of conserving or protecting natural resources or environmental quality; land area designated by a governmental entity as historically, architecturally, or

archaeologically significant. Areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, race tracks, and similar recreational or quasi-recreational activities inconsistent with the allowable outdoor recreational uses described.

## **G. Residential**

The category of residential uses includes land area used for housing purposes, including single family, duplex, multi-family structures and group quarters, owner or renter occupied, permanent or seasonal residents.

## **H. Riverfront Redevelopment**

The category of residential uses includes parcels along the St. Marks River and in the downtown mixed use core, which due to their limited size and or special circumstance may require site specific solutions. Existing parcels in this area must develop, with a minimum of two uses including open space, as a mixture of commercial and open space or residential and open space or a combination of all three. In ensuring a compatible mixture of development and promoting economic development within the Riverfront Redevelopment Area the non-residential uses shall consume a maximum of 65%, residential uses shall consume a minimum of 25%; and recreational and open space uses shall consume a minimum of 10%.

Open space uses shall consist of passive and active recreational areas. Active recreation areas include but are not limited to boat launching facilities and community meeting places and common areas. Passive areas include vegetative open space, picnic areas, wilderness and wetlands preserves, and scenic vistas. The FAR for open space shall not exceed 0.1. Residential use density ranges from a minimum of four (4) units per acre to a maximum of sixteen (16) units per acre. The Floor Area Ratio for commercial uses shall not exceed 0.5. The Impervious Surface Ratio for commercial uses shall not exceed 50%.



### 2.02.03 Allowable uses Within Each Land Use District

Allowable Uses Within Each Land Use District										
Land Use	Types of Uses									
	Residential	Institutional	Outdoor Recreational	Professional Service and Office	General Commercial	Public Service/Utility	Agricultural	Industrial		
Residential	X	X	X							
Commercial		X		X	X	X				
Industrial					X	X		X		
Public Buildings/Grounds		X	X			X				
Recreation/Conservation			X				X			
Agricultural	X						X			
Mixed	X	X	X	X	X					
Riverfront Redevelopment	See notes for these land uses below.									
Coastal High Hazard Area										
Community Redevelopment Area										

#### Notes for 2.02.03 Table

- 1) *Mixed land use* Commercial uses shall not exceed 65% of the land use category, residential uses shall consume at least 25% of the total category and open space and recreational uses shall consume a minimum of 10% of the development site.
- 2) *Riverfront Redevelopment* land use, includes parcels along the St. Marks River and in the downtown mixed use core, which due to their limited size and or special circumstance may require site specific solutions. Existing parcels in this area must develop, with a minimum of two uses including open space, as a mixture of commercial and open space or residential and open space or a combination of all three. In ensuring a compatible mixture of development and promoting economic development within the Riverfront Redevelopment Area the non-residential uses shall consume a maximum of 65%, residential uses shall consume a minimum of 25%; and recreational and open space uses shall consume a minimum of 10%.  
  
Open space uses shall consist of passive and active recreational areas. Active recreation areas include but are not limited to boat launching facilities and community meeting places and common areas. Passive areas include vegetative open space, picnic areas, wilderness and wetlands preserves, and scenic vistas.
- 3) *Coastal High Hazard Area* is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
- 4) *Community Redevelopment Area (CRA)* is the area within the City designated as high priority for redevelopment projects focused on eliminating and preventing the spread of slums and blight, the reduction or prevention of crime, the provision of affordable housing to residents of low or moderate income, including the elderly, the redevelopment, rehabilitation, conservation, and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or any

combination or part thereof, in accordance with the St. Marks Community Redevelopment Plan.

#### 2.02.04 Table of Density and Dwelling Unit Types for Residential Use

Density and Dwelling Unit Types for Residential Use				
Land Use/Districts	Gross Density	Housing Types		
		S-F	M-F	MH
Residential	4 DU/1 AC	X	X	X
Recreation/Conservation	1 DU/3 AC	X		X
Agricultural	1 DU/10 AC	X		
Mixed Use	4 DU/1 AC	X	X	
Riverfront Redevelopment	4 DU/1 AC - 16 DU/1 AC	X	X	

Notes for Table 2.02.04: Density and Dwelling Unit Types for Residential Use

"S-F" stands for single-family which includes site built homes and modular homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Standard Building Code.

"M-F" stands for multi-family as defined in this Code.

"MH" stands for manufactured housing not meeting the standards of the Florida Manufactured Building Act. Where indicated as being allowed, they are so allowed only if in a mobile home park designed exclusively for such houses.

#### Table of Floor Area Ratios

Floor Area Ratio (FAR) and Land Use Unit Intensity		
Land Use/Districts	Maximum FAR	Land Use Unit
Commercial		.5 AC/Unit
Industrial		1 AC/Unit
Mixed Use	0.50	
Riverfront Redevelopment		
Open Space	0.10	
Commercial*	0.50	

Notes for Table 2.02.04: Floor Area Ratio (FAR) and Land Use Unit Intensity

\*Commercial uses within the Riverfront Redevelopment Area shall not exceed 50% of Impervious Surface Ratio

#### 2.02.05 Floor Area Ratio

##### A. Generally

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

## B. Calculating Floor Area Ratio

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

$$\text{F.A.R.} = \frac{\text{Total building floor area}}{\text{Total lot area}}$$

**ARTICLE IV  
CONSISTENCY AND CONCURRENCY  
DETERMINATIONS**

**4.00.01 Purpose**

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects with the City Comprehensive Plan, including meeting the concurrency requirements of the Comprehensive Plan. Concurrency is defined as a condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

***Adopted Levels of Service Shall Not Be Degraded***

**A. General Rule**

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

**B. Exception**

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

**4.02.03 Determination of Available Capacity**

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

**A. Adding Together**

1. The total capacity of existing facilities operating at the required level of service; and
2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:
  - a. Construction of the new facilities is under way at the time of issuance of the final development order.
  - b. The new facilities are the subject of a binding executed contract for the construction

of the facilities or the provision of services at the time of issuance of the final development order.

- c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreement pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the City Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

## **B. Subtracting From That Number The Sum Of**

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

## **C. Action Upon Failure to Show Available Capacity**

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

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

### ***4.02.04 Burden Of Showing Compliance On Developer***

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

### ***4.02.05 Initial Determination Of Concurrency***

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

## **4.03.00 ADOPTED LEVELS OF SERVICE**

### ***4.03.01 Potable Water***

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

100 gallons per capita per day

**4.03.02 Wastewater**

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the City Comprehensive Plan:

100 gallons per capita per day

**4.03.03 Transportation System**

**A. Level of Service**

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

<u>Type of facility</u>	<u>Peak Hour Level of Service</u>
Arterials	<u>C</u>
Collectors	<u>C</u>
Other named roads	<u>C</u>

**4.03.04 Drainage Systems**

Development activities shall not be approved unless there is sufficient capacity available to sustain the following level of service for the drainage system as established in the Drainage Sub-element of the City Comprehensive Plan:

Stormwater rates and volume control shall be upon critical events having a duration of 24 hours and a return period of 25 years. The level of service for stormwater quality shall be in accordance with Chapter 62-40 , F.A.C., and the existing Environmental Resource Permitting regulations imposed within the area served by the Northwest Florida Water Management District C.

**4.03.05 Solid Waste**

Development activities shall not be approved unless there is sufficient capacity available to sustain the following level of service for the solid waste system as established in the Solid Waste Sub-element of the City Comprehensive Plan: 3.1 pounds per capita per day

**4.03.06 Recreation**

Development activities shall not be approved unless there is sufficient capacity available to sustain the following level of service for the recreation system as established in the Recreation and Open Space Element of the City Comprehensive Plan: 10 acres per 1,000 persons

## **ARTICLE V RESOURCE PROTECTION STANDARDS**

### **5.00.00 PURPOSE**

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

### **5.01.00 TREES**

#### **5.01.01 Definitions**

##### **Crown**

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

##### **DBH**

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

##### **Drip Line**

The outermost perimeter of the crown of a plant as projected vertically to the ground.

##### **Protected Tree**

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

##### **Remove**

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

##### **Tree Protection Zone**

A circular zone around each protected tree defined as follows:

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

#### **5.01.02 Exemptions**

##### **A. Single-Family Homes**

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

### **B. Nuisance Trees**

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

Brazilian Pepper  
Malaleuca  
Australian Pine

### **C. Utility Operations**

Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the City five (5) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

### **D. Surveyors**

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

### **E. Commercial Growers**

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

### **F. Emergencies**

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

## **5.01.03 Removal Of Trees**

### **A. Conditions Per Authorization To Remove Protected Trees**

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

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

#### **B. Replacement of Removed Trees**

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

#### **C. Historic and Specimen Trees**

1. A historic tree is one that has been designated by the City Commission as one of notable historical interest and value to the city because of its location or historical association with the community. A public hearing shall be held by the City Commission on the designation with due notice to the owner of the tree.
2. A specimen tree is one that has been officially designated by the City Commission, to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the City Commission with due notice to the owner of the tree.
3. No historic or specimen tree shall be removed without a finding by the City Commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail why the tree is a hazard or why it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The Manager shall make a presentation to the city the application and make a recommendation as to whether it should be approved or denied. The decision by the City on the application shall be made within 30 days of the date the application was filed.

### **5.01.04 Protection of Trees during Development Activities**

#### **A. Generally**

1. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
  - a. Mechanical injuries to roots, trunk, and branches;
  - b. Injuries by chemical poisoning;
  - c. Injuries by grade changes;
  - d. Injuries by excavations; and
  - e. Injuries by paving.
2. At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and

undertaken and shall not be construed as limiting the authority of the City Commission to impose additional reasonable requirements as may be necessary to preserve the health of protected trees in particular circumstances.

### **B. Avoiding Mechanical Injuries**

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

### **C. Avoiding Injuries Due To Chemical Poisoning**

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

### **D. Avoiding Injuries Due To Grade Changes**

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

1. When raising the grade, the following measures shall be taken:
  - a. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
  - b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
  - c. Porous, four-inch agriculture drain tiles shall be laid over the - soil to drain liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
  - d. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.
  - e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.

- f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60)-inch diameter well. For slow—growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the well at every point.
  - g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
  - h. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
  - i. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
  - j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
  - k. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
  - l. A layer of gravel shall be placed over the stones.
  - m. The fill shall be completed with a layer of porous soil.
2. When lowering the grade, the following measures shall be taken:
- a. Roots shall be cut cleanly and re-trimmed after excavation.
  - b. The canopy shall be pruned to aid in maintaining tree vigor.
  - c. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
    - (1) Terracing. The area within the tree protection zone is left at the original grade by terracing.
    - (2) Retaining wall. The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
    - (3) Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.
3. Minor Changes in Grade  
When the change in grade is minor, as determined by the City Manager, lesser protective measures than those described above may be taken. The City Manager shall approve the use of these methods where their use will not endanger the health of the protected tree.

#### **E. Avoiding Injuries Due To Excavations**

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

#### **F. Avoiding Injury By Paving Within The Drip Line**

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

### **5.01.05 Special Provisions For The Protection of Mangroves**

#### **A. Generally**

In addition to the foregoing tree protection requirements, the following special provisions shall apply to the removal or alteration of mangroves (black mangrove, *Avicennia germinans*; white mangrove, *Laguncularia racemosa*; red mangrove, *Rhizophora mangle*).

### **B. Replacement**

Mangroves may not be removed unless the developer replaces or relocates on the same development site at least an equal number of mangroves, necessary to re-vegetate a land area equal to or greater than the land area from which mangroves were removed. The developer shall provide a plan to be approved by the City Manager or other appropriate professional, to assure the survival of the replaced or relocated mangroves and to stabilize the shoreline from which mangroves were removed. The approved plan is an express condition of any permit. Failure to carry out any provision of the plan shall be a violation of this Code.

### **C. Other Protective Measures**

The following protective measures apply to all mangroves.

1. A permit shall be obtained from DEP for any alteration of mangroves in jurisdictional waters.
2. A permit shall be obtained from the city/county for any alteration of mangroves which are exempt from DEP permit requirements.
3. Standards for alteration of mangroves shall be those contained in rule 62-321 and 62-340, Mangrove Protection, of the Florida Administrative Code.

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

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

## **5.02.00 ENVIRONMENTALLY SENSITIVE LANDS**

### **5.02.01 General Provisions**

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

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

#### **B. Conservation Element Incorporated By Reference**

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

#### **C. Compliance When Subdividing Land**

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

### **5.02.02 Definitions**

#### **Accessory Use**

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

**Adjacent To A Protected Environmentally Sensitive Area**

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

**Adverse Effects**

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

**Associated Wetland**

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

**Beneficial Functions Of A protected Environmentally Sensitive Area**

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

**Clearing**

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

**Direct Hydrologic Connection**

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

**Pollutant**

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

**Protected Environmentally Sensitive Area**

An environmentally sensitive area designated for protection through coordination with the Florida Department of Environmental Protection.

**Significant Adverse Effect**

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

**Water or Waters**

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

**Water Body**

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

**Watercourse**

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

**Water's Edge and Wetland's Edge**

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

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

**5.02.03 Creation Of Protected Environmentally Sensitive Zones****A. Wetlands Protection Zone**

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

**B. Shoreline Protection Zone**

1. There is hereby created the "Shoreline Protection Zone" in which special restrictions on development apply.
2. The Shoreline Protection Zone extends from the point in waters where no emergent aquatic vegetation can grow landward to a point fifty (50) feet landward of the water's edge.

**C. Request For Determination Of Boundaries**

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

**5.02.04 Development Activities Within Protected Environmentally Sensitive Zones****A. Generally**

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

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

1. Certain activities are presumed to have an insignificant adverse affect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition in SECTION 5.02.04 A of this Part, these activities may be undertaken unless it is

shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.

2. The following uses and activities are presumed to have an insignificant adverse effect on wetlands protection zones:
  - a. Scenic, historic, wildlife, or scientific preserves.
  - b. Minor maintenance or emergency repair to existing structures or improved areas.
  - c. Cleared walking trails having no structural components.
  - d. Timber catwalks and docks four (4) feet or less in width.
  - e. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
  - f. Cultivating agricultural or horticultural products that occur naturally on the site.
  - g. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
  - h. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the City shall determine the feasibility of restoring the altered hydrology. If the wetland may be restored at a cost that is reasonable in relation to benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this Code.
  - i. Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapter 62, Florida Administrative Code.
  
3. The following uses and activities are presumed to have an insignificant adverse effect on shoreline protection zones:
  - a. Scenic, historic, wildlife, or scientific preserves.
  - b. Minor maintenance or emergency repair to existing structures or improved areas.
  - c. Clearing of shoreline vegetation waterward of the water's edge, so as to provide a corridor not to exceed fifteen (15) feet in width, of sufficient length from the shore to allow access for a boat or swimmer to reach open water, and landward of the water's edge so as to provide an open area not to exceed twenty-five (25) feet in width. [One additional such corridor may be cleared for every full one hundred (100) feet of frontage along the water's edge above and beyond the first one hundred (100) feet.]
  - d. Clearing of shoreline vegetation to create walking trails having no structural components, not to exceed four (4) feet in width.
  - e. Timber catwalks, docks, and trail bridges that are less than or equal to four (4) feet wide, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done, except limited filling and excavating necessary for the installation of pilings.
  - f. Commercial or recreational fishing, hunting or trapping, and creation and maintenance of temporary blinds.
  - g. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.

- h. Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapter 62, Florida Administrative Code.

## **C. Special Uses**

### **1. Water Dependent Activities**

#### **a. Generally**

Designated water dependent activities that are otherwise prohibited may be allowed if the developer shows:

- (1) The public benefits of the activity substantially outweigh the adverse environmental effects on a wetland area; and
- (2) No practicable alternative to placement in the protected environmentally sensitive zone exists.

#### **b. Permittable Water Dependent Activities**

The following are permittable water dependent activities:

- (1) Projects not exceeding 10,000 cubic yards of material placed in or removed from watercourses, water bodies or wetlands.
- (2) Dockage or marinas where dock length does not exceed twenty-five (25) percent of the width of the water body and containing less than one (1) slip per one hundred (100) feet of shoreline. All docks and slips shall be at least 100 feet from any federal navigation project.
- (3) New riprap or similar structures (not including seawalls, bulkheads or the like) not exceeding 50 feet of shoreline.
- (4) Installation of buoys, aids to navigation, signs, and fences.
- (5) Performance of maintenance dredging for 10 years from the date of the original permit. Thereafter, performance of maintenance dredging so long as less than 10,000 cubic yards of material is removed.
- (6) Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.
- (7) Construction of foot bridges and vehicular bridges.
- (8) Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.
- (9) Construction of artificial reefs.

#### **c. Minimization Of Impacts**

The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected environmentally sensitive zone.

## **D. Design Standards For Special Uses**

### **1. Generally**

In addition to the standards listed in SECTION 5.02.05 B of this Part, the following standards apply to special uses allowed in the Protected Environmentally Sensitive Zones.

**2. Special Uses Allowed In A Shoreline Protection Zone**

- a. The development shall be designed to:
  - (1) Allow the movement of aquatic life requiring shallow water;
  - (2) Maintain existing flood channel capacity;
  - (3) Assure stable shoreline embankments.
  
- b. Development that encroaches on the Shoreline Protection Zone shall not be located:
  - (1) on unstable shorelines where water depths are inadequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;
  - (2) In areas where there is inadequate water mixing and flushing;
  - (3) In areas which have been identified as hazardous due to high winds or flooding.
  
- c. Access roads, parking lots, and similar structures shall be located on upland sites.
- d. Non-developed portions of the Shoreline Protection Zone that are damaged during construction shall be restored or replaced through replanting of vegetation,, restocking of fish, shellfish, and wildlife, re-establishment of drainage patterns, and the like. To the maximum extent possible, the restored areas shall match their prior ecological functioning.
- e. Accessory uses shall be limited to those which are water-dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create usable land space for accessory uses.

**E. Mitigation**

**1. Generally**

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

**2. Wetlands**

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

- a. Swamp Hammock.....2.5: 1
- b. Hardwood Swamp.....2.5: 1
- c. Bayheads and Bogs.....2.5: 1
- d. Mangroves.....2.5: 1

e. Riverine Cypress.....	2.0: 1
f. Cypress Pond.....	2.0: 1
g. Wet Prairie.....	1.5: 1*
h. Freshwater Marsh.....	1.5: 1*
i. Salt Marsh.....	1.5: 1*

\*If the wetland creation proposed depends extensively on natural recolonization the ratio may be 3.0: 1—4.0: 1.

### **5.02.05 Restricted Development Zone**

#### **A. Generally**

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

#### **B. Development Activities Within Restricted Development Zone**

1. All development in a Restricted Development Zone shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent environmentally sensitive zone.
2. The acreage within a Protected Environmentally Sensitive Zone may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of such a zone. This development potential may be transferred from the Protected Environmentally Sensitive Zone to the Restricted Development Zone or beyond as provided for in the clustering and transferable development rights provisions in ARTICLE X. Allowable development potential may not, however, be transferred from without the area encompassed by the Restricted Development Zone and Protected Environmentally Sensitive Zone to within such area.
3. The following special design standards applying within Restricted Development Zones adjacent to Wetlands Protection Zones:
  - a. Wherever possible, natural buffers shall be retained between all development and all Protected Environmentally Sensitive Zones. If a natural buffer does not exist, an equivalent buffer shall be created. The size of the buffer shall be the minimum necessary to prevent significant adverse effects on the Protected Environmentally Sensitive Area. The factual basis of the decision as to the site of the buffer shall be stated as a finding in the written record.
  - b. The developer shall completely restore any portion of a Protected Environmentally Sensitive Zone damaged during construction. Complete restoration means that the damaged area shall, within five (5) years, be operating as effectively as the natural system did prior to being destroyed.
  - c. Other reasonable protective measures necessary to prevent significant adverse effects on a Protected Environmentally Sensitive Zone may be required. The factual basis of the decision to require the measure shall be stated as a finding in the written record. Protective measures may include, but are not limited to:
    - (1) Maintaining natural drainage patterns.
    - (2) Limiting the removal of vegetation to the minimum necessary to carry out the development activity.
    - (3) Expediently replanting denuded areas.
    - (4) Stabilizing banks and other unvegetated areas by siltation- and erosion-control measures.

- (5) Minimizing the amount of fill used in the development activity.
  - (6) Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
  - (7) Constructing channels at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and allow revegetation of banks.
  - (8) Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning, and other cycles and activities of wildlife.
  - (9) Designing, locating, constructing and maintaining all development in a manner that minimizes environmental damage.
  - (10) Prohibiting septic tanks or locating them away from high groundwater areas and peaty soils.
  - (11) Using deed restriction and other legal mechanisms to require the developer and successors to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.
4. The following special design standards applying within Restricted Development Zones adjacent to Shoreline Protection Zones:
    - a. All development shall be set back greater than or equal to twenty-five **(25)** feet from the landward boundary of the Shoreline Protection Zone.
    - b. Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools, and walkways is limited to 50 percent of the land area of the entire site.
    - c. The development shall leave a minimum of 25 percent of the site as trees, shrubs, or other natural vegetation, or replace existing trees at a (minimum) 2:1 ratio.
    - d. Point source and nonpoint source discharges are prohibited, except for stormwater, which may be discharged only if it meets the following minimum standard. Stormwater discharges shall include an additional level of treatment equal to fifty (50) percent of the treatment criteria.
    - e. Equilibrium shape to prevent slumping and erosion and to allow re-vegetation.
    - f. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
    - g. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.
    - h. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate.
    - i. Septic tanks shall not be located closer than one hundred fifty (150) feet from the boundary of the Shoreline Protection Zone. If septic tanks are allowed, there may be no more than two (2) septic tanks per acre of land.
    - j. Where wet moorage is offered for boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pump-out, holding, or treatment facilities shall be provided by the developer for sewage and other wastes, including bilge, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and vehicles.
    - k. If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the Shoreline Protection Zone. Buffers shall be a minimum of 25 feet wide and shall be composed of native plant species
    - l. Marinas and other appropriate developments shall post the following signs where they are readily visible to all users of the development:

- (1) Regulations pertaining to handling and disposal of waste, sewage, or toxic materials.
  - (2) Regulations prohibiting the use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.
  - (3) Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrap-fish, viscera, or unused bait in or near the development.
  - (4) Appropriate messages relating to local ecological concerns, e.g., manatee protection.
- m. A marina shall include boat launch facilities unless the applicant can demonstrate that providing such facilities is not feasible or it is determined that the ramp would be excessively damaging to the aquatic environment.
- n. Marinas shall have adequate restroom facilities in compliance with local Health Board regulations.
- o. Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

#### **5.02.06 Prohibited On-Going Activities**

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

##### **A. Point Source and Nonpoint Source Discharges**

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

##### **B. Clearing**

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

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

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

##### **D. Prohibited Uses**

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

##### **E. Fertilizers, Herbicides, or Pesticides**

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

##### **F. Spray Vehicles**

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

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

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

**5.04.00 HABITAT OF ENDANGERED OR THREATENED SPECIES**

**5.04.01 Generally**

**A. Purpose and Intent**

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

**B. Applicability**

Areas subject to the standards of this Part shall be those identified in the Conservation Element of the City Comprehensive Plan as habitat for rare and endangered species, threatened species, or species of special concern.

**5.04.02 Habitat Management Plan**

**A. When Required**

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

**B. Contents**

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

**C. Conformity of Final Development Plan**

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

**D. Preservation of Land**

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

**E. Fee in Lieu**

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

**5.05.00 FLOODPLAINS<sup>1</sup>**

**5.05.01 General Provisions**

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<sup>1</sup> 5.05.00 Floodplains

See City of St. Marks, Florida Flood Damage Prevention Ordinance, No. 79-4, as amended.

**A. Abrogation and Greater Restrictions**

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

**B. Warning and Disclaimer Of Liability**

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

**5.05.02 Definitions****Administrator**

The Federal Insurance Administrator.

**Appurtenant Structure**

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

**Area of Shallow flooding**

A designated AO, AH or VO zone on the Flood Insurance Rate Map.

**Area of Special Flood Hazard**

The Area of Special Flood Hazard shall include:

A. All areas designated on a Flood Hazard Boundary Map as Zone A or a Flood Insurance Rate Map as Zones A, AO, AH, A1-30, AE, A99, VO, or VI—30, VE, or V. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.

**Base Flood**

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

**Basement**

That portion of a building having its floor below ground level on all sides.

**Breakaway Wall**

A wall that is designed and constructed to collapse under specified lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Coastal High Hazard Area**

All areas designated on a Flood Insurance Rate Map as V1 - 30, VE or V.

**Flood or Flooding**

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

**Flood Hazard Boundary Map (FHBM)**

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

**Flood Insurance Rate Map (FIRM)**

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

**Floodplain**

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

**Flood Protection Elevation**

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

**Floodway**

The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

**Functionally Dependent Use**

A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking, loading and unloading of cargo or passengers, ship building and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

**Highest Adjacent Grade**

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

**Lowest Floor**

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

**Mangrove Stand**

An assemblage of one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora manale*), white mangrove (*Languncularia racemosa*) and buttonwood (*Conocarpus erecta*).

**Manufactured Home**

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

**Mean Sea Level**

The average height of the sea for all stages of the tide. For purposes of this Code the term is synonymous with National Geodetic Vertical Datum (NGVD).

**New Construction**

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

**Person**

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

**Regulatory Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

**Sand Dunes**

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Start of Construction**

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act.

**Structure**

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

**Substantial Improvement**

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

**5.05.03 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard****A. Generally**

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

**B. Anchoring**

All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Manufactured homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1, Florida Administrative Code.

**C. Construction Materials and Methods**

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

**D. Service Facilities and Utilities**

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

**E. Storage of Materials and Equipment**

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

**5.05.04 Additional Standards for Reducing Flood Hazards in Areas for Which Flood Insurance Rate Maps Have Been Prepared****A. Generally**

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

**B. Residential Structures**

1. All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the Flood Protection Elevation.
2. For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater. Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect, or meet or exceed the following minimum standards:
  - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - b. Place the bottom of all openings no higher than one foot above grade.
  - c. Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed area shall be the

- minimum necessary to allow for parking of vehicles (i.e. a garage door) or storing equipment used to maintain the premises (i.e. a standard exterior door), or entering the living area (i.e. a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.
3. Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

### **C. Nonresidential Structures**

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

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

### **D. Subdivisions**

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

#### **Flood Hazard Warning**

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

### **5.05.05 Standards for Reducing Flood Hazards in Certain Zones within the Area of Special Flood Hazard**

#### **A. Regulatory Floodways**

The following standards apply to Regulatory Floodways located within the Area of Special Flood Hazard:

1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies and demonstrates that the cumulative effect of the proposed development, when combined with all other a existing and anticipated development, will not result in any increase in flood levels during a base flood.
2. All new construction and substantial improvements of existing construction shall comply with all applicable flood damage prevention provisions of SECTIONS 5.05.03 and 5.05.04 of this Part.

## B. Coastal High Hazard Areas

In all areas designated as Coastal High Hazard Areas the following standards must be met:

1. All new construction and substantial improvements of existing construction shall be located 25 feet landward of the reach of the mean high tide.

### 2. Elevation

- a. All new construction shall be elevated so that the bottom of the lowest supporting horizontal member of the lowest floor (excluding pilings or columns) is located no lower than feet above the base flood elevation, with all construction below the lowest supporting member open so as not to impede the flow of water.
- b. No fill shall be used as structural support. Non-compacted fill may be used around the perimeter of a structure for landscaping or aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the structure free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist demonstrating that the foregoing criteria have been satisfied based upon the following considerations:
  - (1) The particle composition of the fill material does not have a tendency for excessive natural compaction.
  - (2) The volume and distribution of the fill will not cause wave deflection to adjacent properties.
  - (3) The slope of the fill will not cause wave run-up or ramping.
- c. The construction below the lowest floor shall be free of obstructions but may be enclosed with breakaway walls, open wood lattice or insect screening designed to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the structure or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of no less than ten (10) and no more than twenty (20) pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered engineer or architect certifies that the proposed design meets the following criteria:
  - (1) The breakaway wall will collapse under a water load less than the load imposed by the base flood; and
  - (2) The elevated portion of the structure and supporting foundation system will not collapse, be displaced, or suffer structural damage from wind and water loads acting simultaneously on all building components (structural and non-structural.) Wind and water loading values to be used in this determination shall not be less than those that have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- d. The space below the lowest floor shall be used only for parking of vehicles, building access, or storage of equipment used to maintain the premises.

### 3. Anchoring

- a. All structures shall be securely anchored on pilings or columns.
- b. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement caused by wind and water loads acting simultaneously

on all components of the structure. Wind and water loading values to be used in designing the anchor and support system shall not be less than those that have a one (1) percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

#### **4. Site Alteration**

Sand dunes and mangrove stands shall not be altered in a way that increases the potential for flood damage.

#### **5. Certification**

A registered professional engineer or architect shall certify that the design, specifications and plans for construction comply with the requirements of this section.

### **C. Standards For Areas Of Shallow Flooding**

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

#### **1. Residential Structures**

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

#### **2. Nonresidential Structures**

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

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

(COMMENT: These requirements are designed to maintain the flood water storage capacity of ponding areas or to prevent dumping of sheet flow flood waters.)

### **D. Standards For Streams Without Established Base Flood Elevations and/or Regulatory Floodways**

The following standards apply to small streams in the Area of Special Flood Hazard for which no Base Flood data or Regulatory Floodway have been provided.

#### **1. Encroachments**

No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to three times the width of the stream at the top of the bank, or 25 feet from the top of each bank, whichever is greater, unless a registered professional engineer demonstrates and certifies that the encroachments would not result in any increase in flood levels in a Base Flood.

#### **2. Elevation**

New construction of or substantial improvements to structures shall be elevated or flood-proofed to minimize risks of flooding reasonably to be expected based on the best available data.

## 5.05.06 Administration and Enforcement

### A. Generally

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

### B. Designation and Duties Of Local Administrator

The City Manager shall administer and implement the provisions of these flood damage prevention regulations. In addition to duties assigned elsewhere, the Manager shall:

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

### C. Certification of As-Built Elevations

1. For development activity which includes structures, and in areas where base flood elevations are available, the developer shall submit to the Director a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
2. The City Manager shall review submitted floor elevation survey data and inform the applicant of deficiencies within 10 working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Director. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
1. Upon submittal of certified elevations and/or a determination by the Director that the development meets all of the applicable requirements of these flood damage prevention regulations, the Director shall issue a Certificate of Compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

### D. Enforcement

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

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

**ARTICLE VI**

**DEVELOPMENT DESIGN STANDARDS  
AND ZONING DISTRICTS AND REGULATIONS**

**6.00.00 GENERAL PROVISIONS**

***6.00.01 Purpose***

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of St. Marks.

(LDC, § 6.00.01)

***6.00.02 Responsibility For Improvements***

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

(LDC, § 6.00.02)

***6.00.03 Principles of Development Design***

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

(LDC, § 6.00.03)

**6.01.00 LOT AREA, LOT COVERAGE, AND SETBACKS**

***6.01.01 Minimum Lot Area Requirements***

**A. Requirements for All Developments**

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

**B. Specific Requirements for Common Ownership Land**

Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.

**C. Table of Impervious Surface Ratios**

**Land Use District**

**Maximum Impervious  
Surface Ratio**

Residential	0.70
Commercial	0.70
Industrial	0.70
Public Buildings/Grounds	0.75
Recreation/Conservation	0.20
Agricultural	N/A
Mixed Use	0.70

(LDC, § 6.01.01)

**6.01.02 ZONING DISTRICTS AND DISTRICT REGULATIONS**

**A. General provisions.**

- (1) *Introduction.* The following sections in this chapter contain regulations governing the use of real property in the City and the buildings or structures located on that property.
- (2) *Content of district regulations.* The regulations for each district established in this chapter contain the following:
  - (a) The intent of each district.
  - (b) General requirements for each district, including:
    - 1. Principal uses allowed in such district.
    - 2. Conditional uses allowed in compliance with all applicable supplemental regulations in this Code.
    - 3. Minimum lot or site requirements, including minimum area, width and depth.
    - 4. Minimum building setbacks for the front, rear and side yards.
    - 5. Maximum building requirements, including maximum lot coverage, building height and density.
  - (c) Special requirements applying to uses or buildings in the district.
- (3) *Application.* The regulations for each district apply to all uses, buildings or structures within the geographical limits of the district, including all proposed uses, buildings and structures and, as provided in section 5-5, all existing uses, buildings or structures.

(Ord. No. 85-4, 7-23-85) Wakulla County

(LDC, § 6.01.02(A))

**B. Establishment of zoning districts.**

- (1) *Geographic division.* The geographic jurisdiction of the city commission is hereby divided into zoning districts commensurate with the future land use classification. The boundaries for those districts are designated in the official Future Land Use Map. Regulations to apply to development in each district as are set forth in Article II.
- (2) *Purpose.* The purpose of the establishment of these districts and regulations herein is

to implement the goals and objectives of the comprehensive plan and this Code, including the subdivision regulations.

- (3) *Reference official zoning atlas.* The geographic boundaries of each district are designated in the official Future Land Use Map. Reference to the Future Land Use Map shall determine the regulations for any property in the city by locating the parcel on the appropriate Future Land Use Map and examining the regulations for the district in which it is found.

(Ord. No. 85-4, 7-23-85) Wakulla County  
(LDC, § 6.01.02(B))

## 6.02.00 STANDARDS FOR SUBDIVISION IMPROVEMENTS

### 6.02.01 General Provisions

This section establishes minimum requirements applicable to Streets, Standards for Blocks and lots, Standards for water and sewer systems, storm water management, standards for flood areas, Reservation of Land for public uses and easements for utilities.

(LDC, § 6.02.01)

### 6.02.02 Streets

#### A. Street Classification System Established

1. Streets in the City of St. Marks are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards.
2. Private streets and streets that are to be dedicated to the city are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic.
3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.
4. The following streets hierarchy is established: residential, collector, and arterial. Each street type is divided into subcategories. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

(LDC, § 6.02.02(A))

#### B. Residential Streets

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

street types.

1. Residential access street.

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

2. Residential subcollector street

This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential subcollector streets shall have a design speed of twenty-five (25) miles per hour. Residential subcollector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to limited non-residential uses. Loop streets carrying more than five hundred (500) ADT must have two (2) intersections with higher order streets. Lots of less than forty (40) feet in width may not take access from a residential subcollector. Residential subcollector streets shall have a maximum ADT of one thousand (1,000).

3. Residential collector street

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

(LDC, § 6.02.02(B))

## C. Collector Roads

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

1. Minor Collector

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

three thousand (3,000).

## 2. Collector

Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterials or arterials and may give access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000).

## 3. Major Collector

These streets serve major community or regional facilities and carry through traffic. Major collector streets may take access from other major collectors, minor arterials, and arterials and may give access to any same or lower order street type. Major collectors shall have a design speed of thirty-five (35) miles per hour. Major collectors shall have a minimum ADT of seven thousand (7,000).

(LDC, § 6.02.02(C))

## D. Arterial Roads

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to fifty-five (55) miles per hour.

### 1. Minor Arterial

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

### 2. Arterials

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

(LDC, § 6.02.02(D))

## E. Special Purpose Streets

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

### 1. Alley

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

## 2. Marginal Access Street

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

## 3. Divided Streets

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

(LDC, § 6.02.02(E))

## F. Official Street Map

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

(LDC, § 6.02.02(F))

## G. Design standards for streets.

- (1) *Relation to adjoining street system.* Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the city commission for reasons of topography or design. Where, in the opinion of the city commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property.
- (2) *Half streets.* Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted. A half street or half alley is defined as a street or alley for which insufficient easement is obtained to allow for future upgrading to the full necessary right-of-way widths.
- (3) *Street widths.* The minimum width of proposed streets measured from lot line to lot line shall be shown on the street plan provided by the developer. The widths shall be not less than sixty (60) feet for all rights-of-way. Alleys serving business lots shall be at least twenty (20) feet in width.
- (4) *Conformance to topographic conditions and street grades.* Streets shall be planned to conform to existing topographic conditions. The maximum vertical grade on all streets may not exceed eight (8) percent except where, in the opinion of the planning commission, the best subdivision is thereby secured. Street grades along the edges shall not be less than one-half of one percent.

- (5) *Street intersections.* Insofar as practical, acute angles at intersections shall be avoided. Unaligned intersections shall be separated by a minimum of one hundred twenty-five (125) feet between center lines.
- (6) *Curves.* Where a deflection angle of more than ten (10) degrees in alignment of a street occurs, a curve of reasonably long radius shall be introduced. On all streets, except local service streets, the center line radius of curvature shall not be less than one hundred (100) feet.
- (7) *Dead-end streets.* Streets designed to have one end permanently closed (cul-de-sacs) shall provide at the closed end a turnaround with a minimum right-of-way radius of one hundred (100) feet, and a minimum driving surface radius of eighty (80) feet. A cul-de-sac shall not be used unless approved by the planning commission for specific reasons of topography or design.
- (8) *Street names.* Proposed streets obviously in alignment with existing named streets shall bear the names of existing streets. In no other case shall the names of the proposed streets duplicate existing street names, regardless of any suffix used to attempt to separate the names.
- (9) *Alleys.* Alleys shall be provided along the rear of all lots to be used for business purposes, unless otherwise approved by the City commission for specific reasons of topography or design.

(LDC, § 6.02.02(G))

#### **H. Construction standards for streets.**

- (1) *In general.* Streets shall be cleared, grubbed, graded, drained, stabilized and paved in any subdivision or subdivisions within which any one parcel is less than five (5) acres to the specifications established by the road superintendent and adopted pursuant to section 3-4. These specifications shall be based upon generally accepted engineering standards. All developers are required to warranty all paved roads in subdivisions for two (2) years after that subdivision is approved and recorded in the records. For any new improvement that will be dedicated to the City for ownership and maintenance a two-year warrantee is required. When said warrantee expires, the Wakulla County Road And Bridge Department shall examine said improvement for approval. Any deficiencies found in that review shall be corrected prior to final acceptance of the facility for county maintenance. The developer or homeowner's association shall then petition the county to accept maintenance of the facility.
- (2) *Certification of street improvements.* Street improvements shall be certified as constructed in accordance with accepted engineering principles by the City Engineer. This certification will be in writing and provided not later than ten (10) days after the City is notified in writing of completion of construction.
- (3) *Street signs.* Street name signs shall be installed at all street intersections. Street names as well as the design and placement of such signs shall be subject to approval by the road superintendent.
- (4) *Regulatory safety signs.* All necessary regulatory safety signs (traffic signs) shall be provided by the subdivider as recommended by the City Engineer. No final plat shall be approved unless and until all street signs have been installed, inspected and approved in writing, and the subdivider has agreed in writing to provide all additional

regulatory safety signs recommended. The developer of a proposed subdivision shall be responsible for the installation of all signs required on new roadway construction or reconstruction of existing facilities that are necessary for improved access to the proposed development. The developer shall be responsible for installing all pavement markings, including centerline, edge striping, and "stop bars" on new roadway construction or reconstruction of existing facilities that are necessary for improved access to the proposed development, except those roadways which are residential local roads only and will only be used by the residential subdivision residents. All pavement markings shall be thermoplastic material as identified in the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) or as described in the latest FDOT standards for road and bridge construction.

(LDC, § 6.02.02(H))

#### **6.02.02 Standards for blocks and lots.**

- (1) *Length.* Blocks shall not be so unduly long as to preclude easy access for residents and emergency vehicles.
- (2) *Lot lines.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (3) *Frontage on sixty-foot-wide street required.*
  - (a) Each lot in any subdivision in the county shall front upon a street not less than sixty (60) feet in width which is connected to the public street system.
  - (b) No residential lot in any subdivision in the county shall front upon any arterial or major collector street as established by the comprehensive plan or department of transportation designation.
- (4) *Minimum lot size.* The size and shape of residential and other lots shall be such as is established in 6.01.02 of this Code. However, in no case shall lot sizes and widths at the building line be less than the minimum standards established by law for health and safety.
- (5) *Corner lots.* Corner lots shall have extra width sufficient to permit establishment of a building line at least twenty (20) feet from the side street property line. The distance from the side street line shall be measured from the street right-of-way parallel to the long dimension of the lot.

(LDC, § 6.02.02)

#### **6.02.03 Standards for water and sewer systems.**

- (1) *In general.* Water and sewer systems shall meet any minimum specifications adopted by the City however, in any event, such systems shall meet the minimum standards established by local, state or federal law to protect the public health and safety.
- (2) *Fire hydrants.* Where the density or other characteristics of a proposed subdivision require that fire hydrants be installed to protect lives and property, as determined by the City commission upon recommendation of the City Engineer, water mains shall be installed of sufficient size, and carrying sufficient water pressure, to meet local utility requirements and applicable building and fire safety rules.

(LDC, § 6.02.03)

#### **6.02.04 Standards for storm water management systems.**

The storm water management or drainage system for any subdivision shall provide for drainage of lots, streets, roads and other public areas within the subdivision, as well as containing any runoff from adjacent areas that naturally flows into the subject area. Runoff coefficients shall be based on completed projects. All culverts, pipes or bridges installed shall have headwalls on both sides or ends of reinforced concrete or riprap at a 5:1 ratio in bags meeting Florida DOT standards for riprap. Developments of 1 acre or more are required to obtain a construction permit from FL DEP. DEP Document 62-621.300 (4)(a).

(LDC, § 6.02.04)

#### **Sec. 7-46. Standards for flood areas and use of fill.**

- (1) *Restrictions on subdivision.* Land subject to periodic flooding or other hazards to human life, health and safety shall not be subdivided, without the specific approval of FDEP.
- (2) *Restrictions on use of fill.* Natural storm water retention areas and areas subject to poor drainage or erosion shall not be altered through the use of fill operations without specific prior approval by the City commission.
- (3) *Use of fill in general.* Other lands within a proposed subdivision may be brought to minimum elevations. The type of fill shall meet standards established by the City Engineer. Soil tests of the fill and underlying material may be required in those specific areas in which public facilities, including streets, are to be located. The fill for the balance of the subdivision may be certified by an engineer as to type and method of placement.

(LDC, § 7-46)

#### **6.02.05 Reservation of land for public uses.**

Where a park, neighborhood, recreational open space area, school site, buffer zone or other area for public use is shown on an official map or on a plan or plat adopted by the planning commission, or is designated for such use in the comprehensive plan, the City commission shall seek to secure the reservation of the necessary land for such use.

(LDC, § 6.02.05)

#### **6.02.06 Easements for utilities.**

Except where proposed alleys provide areas for utility services, the owner or developer shall provide easements for poles, wires, conducts, storm and sanitary sewers, gas, water and heat mains, and other utility lines on each side of the common rear lot lines and along side lot lines.

(LDC, § 6.02.06)

### **6.04.00 UTILITIES**

#### ***6.04.01 Requirements for All Developments***

##### **A. Generally**

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

listed herein.

**B. Electricity**

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

**C. Telephone**

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

**D. Water and Sewer**

Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup by running a connecting line no more than 200 feet from the lot to such line. The Developer shall be responsible for the installation of sewer and water lines.

**E. Illumination**

All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the standards of the Technical Construction Standards Manual or as otherwise required by the City Engineer.

**F. Fire Hydrants**

All developments served by a central water system shall include a system of fire hydrants consistent with the standards of the Technical Construction Standards Manual or as otherwise required by the City Engineer.

**G. Placement of Utilities Underground**

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

(LDC, § 6.04.01)

**6.04.02 Design Standards**

(RESERVED)

**6.04.03 Utility Easements**

When a developer installs or causes the installation of water, sewer, electrical power,

telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

(LDC, § 6.04.03)

## **6.05.00 STORMWATER MANAGEMENT**

(RESERVED)

### **6.05.01 Definitions**

(RESERVED)

### **6.05.02**

(RESERVED)

### **6.05.03 Exemptions**

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

- A. The construction of a single family or duplex residential dwelling unit and accessory structures on a single parcel of land.
- B. Any development within a subdivision if each of the following conditions have been met:
  1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
  2. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

(LDC, § 6.05.03)

### **6.05.04 Stormwater Management Requirements**

#### **A. Performance Standards**

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

1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first inch of stormwater runoff shall be treated in an off line retention system or according to other best management practices as described in the Stormwater Management Manual adopted pursuant to this Code.
2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 62-3, Florida Administrative Code.

(LDC, § 6.05.04(A))

#### **B. Design Standards**

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

1. Detention and retention systems shall be designed to comply with the Stormwater Management Manual adopted by the City pursuant to this Code.
2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
5. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this Code by a professional engineer registered in the State of Florida.
6. No surface water may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
8. The banks of detention and retention areas should be sloped to accommodate, and should be planted with appropriate vegetation.
9. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
10. Natural surface waters shall not be used as sediment traps during or after development.
11. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight.
12. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
13. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
14. In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.
15. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

(LDC, § 6.05.04(B))

**6.05.05***(RESERVED)***6.05.06 Dedication or Maintenance of Stormwater Management Systems****A. Dedication**

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

**B. Maintenance by an Acceptable Entity**

1. All stormwater management systems that are not dedicated to the county shall be operated and maintained by one of the following entities:
  - a. A local governmental unit including a county, municipality, or Municipal Service Taxing Unit, special district or other governmental unit.
  - b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant to Chapter 190 Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
  - c. A state or federal agency.
  - d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
  - e. The property owner or developer if:
    - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs 1-4 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
    - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
  - f. For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
    - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the county affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
    - (2) The Association has sufficient powers reflected in its organizational or operational documents to:
      - (a) Operate and maintain the stormwater management system as permitted by the county.

- (b) Establish rules and regulations.
- (c) Assess members.
- (d) Contract for services.
- (e) Exist perpetually, with the Articles of Incorporation providing that if the Association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

(LDC, § 6.05.04(B))

## **6.06.00 LANDSCAPING**

### ***6.06.01 Exemption***

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

(LDC, § 6.06.01)

### ***6.06.02 Required Landscaping***

#### **A. Vehicle Use Areas**

1. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.
2. All vehicle use areas containing more than one thousand (1000) square feet shall be landscaped in accord with FIGURE 6.06.02 A and FIGURE 6.06.02 B. FIGURE 6.06.02 C identifies the areas of landscaping that may be counted towards fulfilling the vehicle use area landscaping requirement.

### PLANT KEY

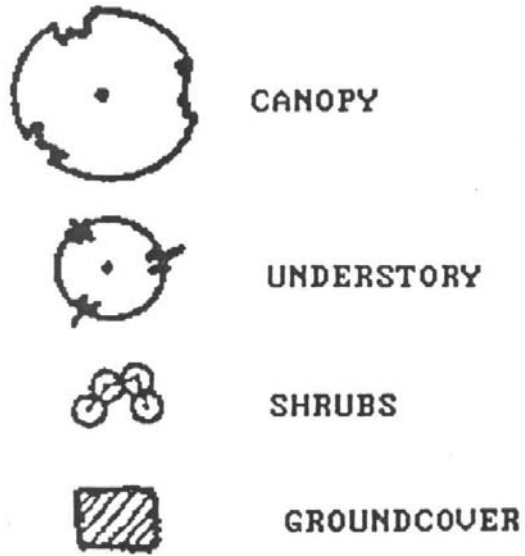


Figure 6.06.02-A Plant Key for Vehicle Use Area Landscaping Standards

### VEHICLE USE AREA LANDSCAPING

1500 SQUARE FEET OF  
PLANTING AREA

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

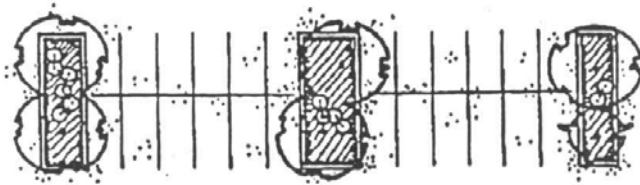
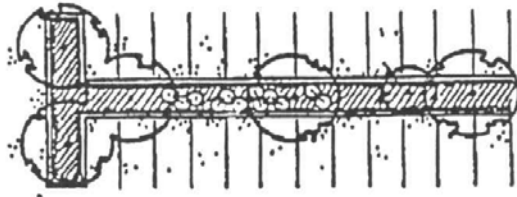


Figure 6.06.02-B Landscaping Standard

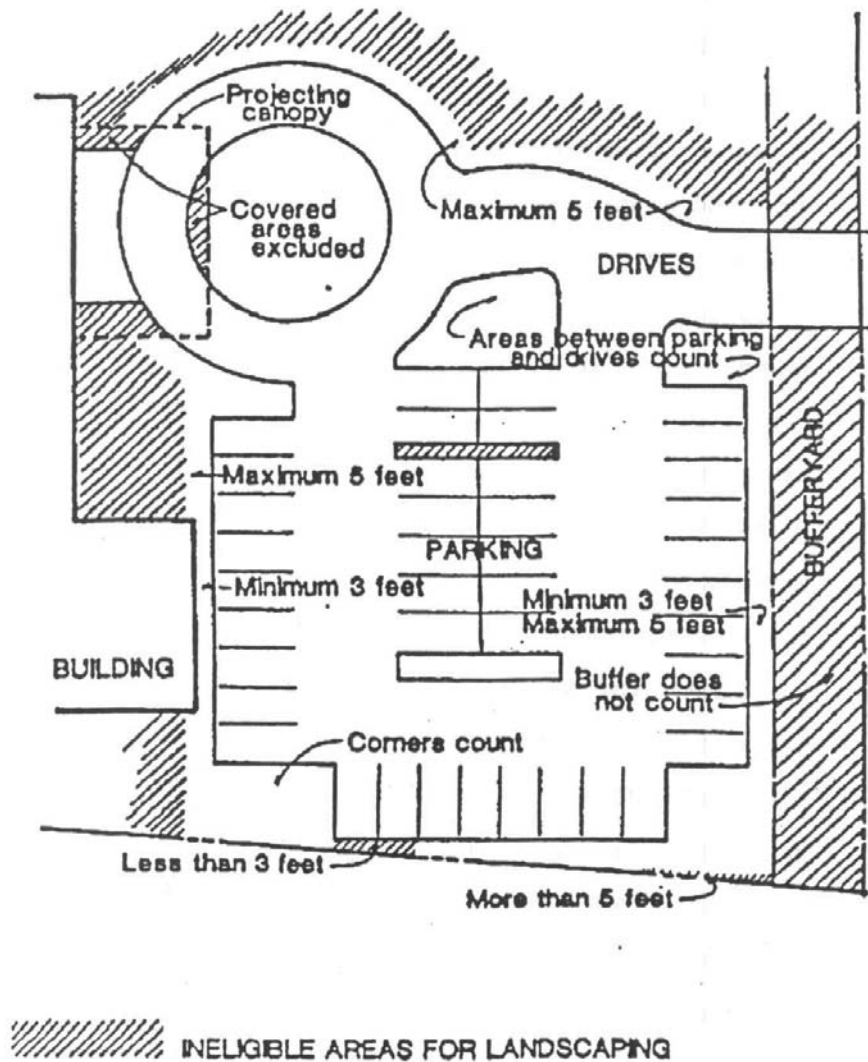


Figure 6.06.02-C Areas Eligible To Be Counted To Meet Vehicle Use Area Landscaping Requirements

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

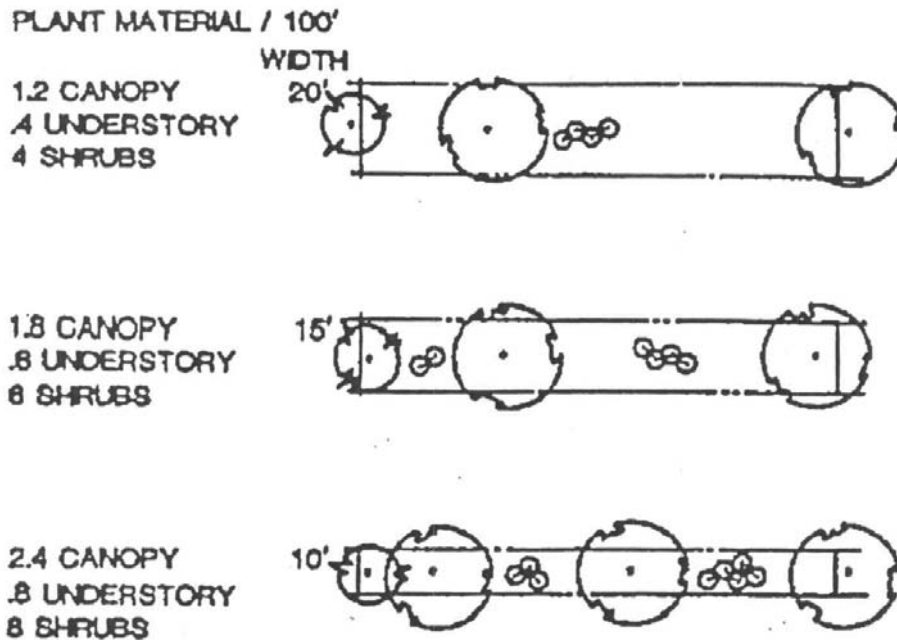
## B. Buffer Zones

1. A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted

to mean that parcels within a planned mixed use development must meet these requirements.

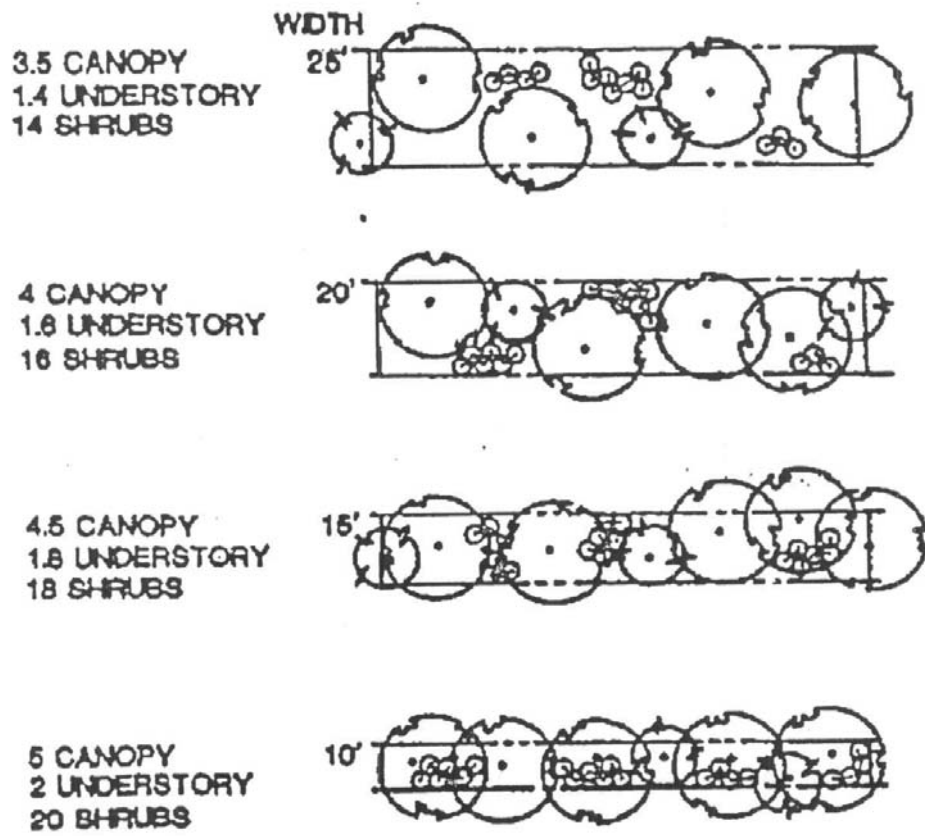
2. The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of SUBSECTIONS 3 AND 4 below prescribe the required width and landscaping of all buffer zones.
3. The standards for buffer zones are set out in the following illustrations that specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.

All below figures are in hard copy form only



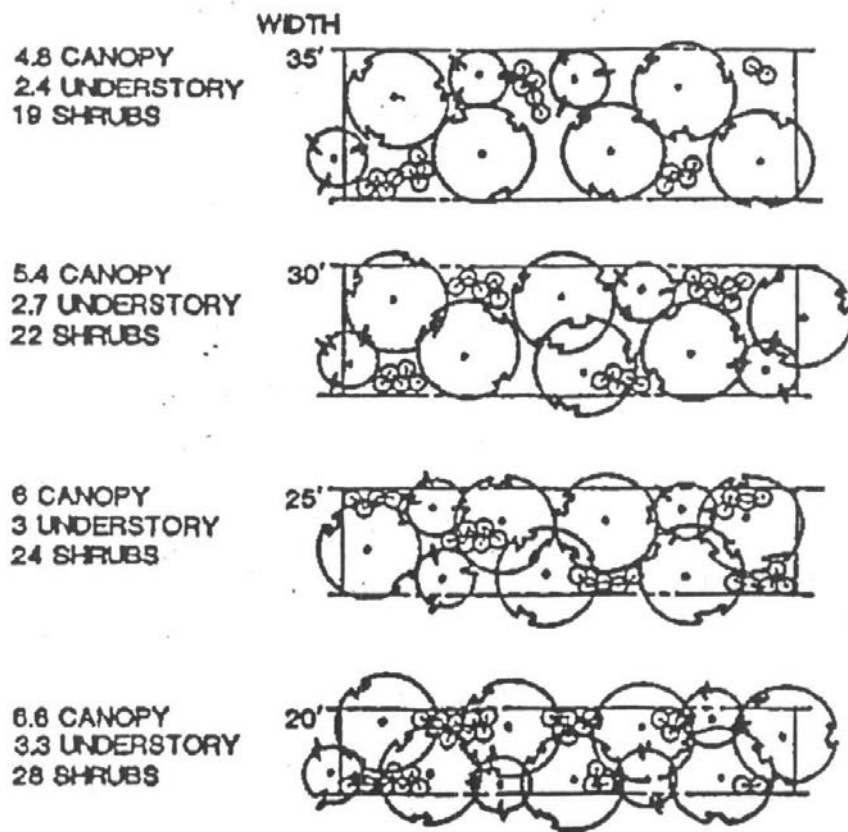
LANDSCAPE STANDARD "A"

PLANT MATERIAL / 100'



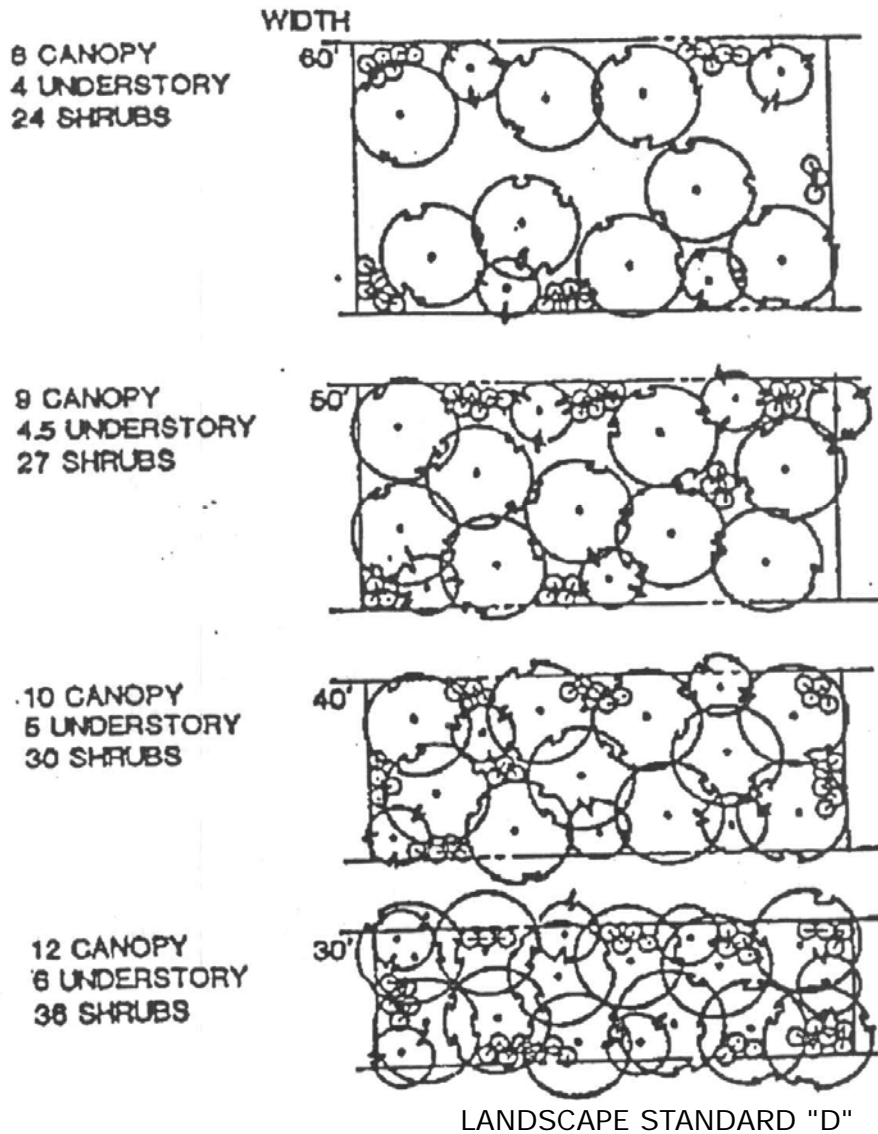
LANDSCAPE STANDARD "B"

PLANT MATERIAL / 100'



LANDSCAPE STANDARD "C"

PLANT MATERIAL / 100'



4. The foregoing standards shall be applied between abutting parcels as follows:

<u>Proposed Use</u>	Residential	Riverfront Redevelopment	Recreation\Conservation	Mixed Use	Commercial	Public Buildings\Grounds	Industrial
<u>Abutting or Adjacent Use</u>							
Residential	A	B	A	B	C	C	D
Riverfront Redevelopment	B	B	A	B	C	C	D
Recreation\Conservation	A	A	A	A	A	A	A
Mixed Use	B	A	A	A	A	B	C
Commercial	C	A	A	A	A	A	B
Public Service/Utility	B	B	A	B	B	A	A
Industrial	D	D	D	D	C	C	A

N = No Buffer Required

5. The foregoing standards shall be applied along abutting thoroughfares as follows:

Proposed Use	Abutting Thoroughfare		
	Arterial	Collector	Residential
Agriculture	N	N	N
Recreation/conservation	N	N	N
Residential	C	B	A
Commercial	C	B	A
Public Buildings / Grounds	C	B	A
Mixed Use / Riverfront Redevelopment	C	B	A
Industrial	D	D	D

"N" = No buffer required.

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

Proposed Use of Principal Structure	Standard
Agriculture	N
Recreation/conservation	N
Residential	N
Commercial	A
Public Buildings/Grounds	A
Mixed Use/Riverfront Redevelopment	A
Industrial	A

"N" = No buffer required.

7. Buffering for mixed used developments shall be based on the more intense use in the building or cluster of buildings.
8. The use of existing native vegetation in buffer zones is preferred. (See PART 5.01.00 of this Code for Tree Protection requirements.) If a developer proposes to landscape a buffer zone with existing native vegetation, the Staff Forester may recommend, and the Development Review Board may allow, a variance from the strict planting

requirements of this section if:

- a. The variance is necessary to prevent harm to the existing native vegetation; and
- b. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.

#### 9. Responsibility for Buffer Zones

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

#### C. Street Trees

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

Existing trees and native tree species that need less water and maintenance are preferred.

#### D. Use of Required Areas

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

### 6.06.03 Landscape Design and Materials

#### A. Design Principles

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

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

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

#### **B. Installation of Plants**

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

#### **C. Use of Native Plants**

At a minimum, forty (40) percent of the total number of individual plants selected from each of the categories (canopy, understory, shrub, and groundcover) and used to satisfy the requirements of this Code shall be of a native species. (See PART 5.01.00 of this Code for Tree Protection requirements.)

**E. Prohibited Plants**

The following plants shall not be installed as landscape material:  
(to be developed)

**F. Irrigation**

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

**G. Non-Living Materials**

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

**H. Maintenance And Replacement Of Plants**

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

**6.07.00 SUPPLEMENTAL STANDARDS**

***6.07.01 Generally***

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

**(LDC, § 6.07.01)**

***6.07.02 RESERVED***

**ARTICLE VII  
ACCESSORY STRUCTURES  
AND USES**

**7.00.00 PURPOSE**

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

(LDC, § 7.00.00)

**7.01.00 ACCESSORY STRUCTURES**

***7.01.01 General Standards And Requirements***

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

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

(LDC, § 7.01.01)

***7.01.02 Storage Buildings, Utility Buildings, Greenhouses***

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

**(LDC, § 7.01.03)****7.01.03 Swimming Pools, Hot Tubs, and Similar Structures**

- A. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

**(LDC, § 7.01.04)****7.01.04 Fences**

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

**(LDC, § 7.01.05)****7.02.00 ACCESSORY USES**

### **7.02.01 Accessory Apartments**

#### **A. Purpose**

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

#### **B. Standards**

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

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

(LDC, § 7.02.01)

### **7.02.02 Home Occupations**

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

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence.
- D. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.

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

(LDC, § 7.02.02)

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

#### **A. Generally**

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

#### **B. Dining Rooms/Cafeterias/Snack Shops, Etc.**

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

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

#### **C. Community Centers/Recreation Centers**

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

1. Such facilities shall not include health clubs, gyms, and the like offering services to the general public.
2. There shall be no identification signs, other than directional signs pursuant to ARTICLE VIII of this Code.

**D. Employee Fitness Centers**

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

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

(LDC, § 7.02.03)

## ARTICLE VIII

### SIGNS

#### 8.00.00 GENERAL PROVISIONS

##### ***8.00.01 Relationship to Building and Electrical Codes***

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

(LDC, § 8.00.01)

##### ***8.00.02 No Defense to Nuisance Action***

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

(LDC, § 8.00.02)

##### ***8.00.03 Maintenance***

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

(LDC, § 8.00.03)

##### ***8.00.04 Definitions***

###### **Accessory Sign**

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

###### **Advertising**

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

###### **Building Sign**

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

###### **Commercially Developed Parcel**

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

###### **Copy**

The linguistic or graphic content of a sign.

### **Electric Sign**

Any sign containing electric wiring.

### **Erect a Sign**

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

### **Frontage**

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

### **Ground Sign**

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

### **Harmful to Minors**

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

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

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

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

### **Illuminated Sign**

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

### **Marquee**

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

### **Multiple Occupancy Complex**

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

### **Occupant (Occupancy)**

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

### **Outdoor Advertising Sign**

A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

### **Parcel**

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

### **Permanent**

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

### **Portable Sign**

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

### **Roof Line**

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

### **Roof Sign**

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

### **Sign**

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

### **Sign Face**

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

**Sign Face Area**

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

**Sign Structure**

Any construction used or designed to support a sign.

**Street**

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

**Temporary**

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

**Unit**

That part of a multiple occupancy complex housing one occupant.

**Vehicle Sign**

Any sign affixed to a vehicle.

(LDC, § 8.00.04)

**8.01.00 EXEMPT SIGNS**

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

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

- F. Holiday lights and decorations.
- G. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.
- H. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- I. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- J. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- K. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- L. Works of art that do not constitute advertising.
- M. Signs carried by a person.
- N. Religious displays.  
(LDC, § 8.01.00)

## **8.02.00 PROHIBITED SIGNS**

### ***8.02.01 Generally***

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

(LDC, § 8.02.01)

### ***8.02.02 Specifically***

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

- A. Signs that are in violation of the building code or electrical code adopted by the city.
- B. Any sign that, in the opinion of the Manager, does or will constitute a safety hazard.
- C. Blank temporary signs.
- D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.

- F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- G. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- H. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- I. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- J. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- K. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the city.
- L. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- M. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- N. Non-governmental signs that use the words "stop," "look," "danger", or any similar word, phrase, or symbol.
- O. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
- P. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Q. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- R. Searchlights used to advertise or promote a business or to attract customers to a property.
- S. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- T. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to §337.408, Florida Statutes.
- U. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes

[and signs authorized in writing pursuant to §337.408, Florida Statutes.]

- V. Signs erected over or across any public street except as may otherwise be expressly authorized by this Code, and except governmental signs erected by or on the order of a public officer.
- W. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
  - 1. is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right of way;
  - 2. is visible from the street right of way that the vehicle is within one hundred (100) feet of; and
  - 3. is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- X. Signs displaying copy that is harmful to minors as defined by this Code.
- Y. Portable signs as defined by this Code.  
(LDC, § 8.02.02)

**8.03.00 PERMITTED TEMPORARY SIGNS**

***8.03.01 Where Allowed***

Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this Code.  
(LDC, § 8.03.01)

***8.03.02 Sign Types Allowed***

A temporary sign may be a ground or building sign, but may not be an electric sign.  
(LDC, § 8.03.02)

***8.03.03 Removal of Illegal Temporary Signs***

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.  
(LDC, § 8.03.03)

***8.03.04 Restrictions on Content of Temporary Signs***

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

- A. Harmful to minors as defined by this Code.
- B. Advertising as defined by this Code, except that advertising for the following purposes may be displayed:

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

(LDC, § 8.03.04)

### ***8.03.05 Permissible Size, Height And Number Of Temporary Signs***

#### **A. One-Family and Two-Family Residences**

A parcel on which is located a single one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.

#### **B. Three-Family and Four-Family Residences**

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

#### **C. On All Other Parcels**

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

(LDC, § 8.03.05)

### **8.04.00 PERMITTED PERMANENT ACCESSORY SIGNS**

### **8.04.01 Sign Types Allowed**

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

(LDC, § 8.04.01)

### **8.04.02 Content**

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

(LDC, § 8.04.02)

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

#### **A. Ground Signs**

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text. If located on a thoroughfare with a speed limit of forty-five (45) miles per hour or less:

<b>Ground Sign Regulations</b>				
<b>Frontage on Public ROW in FT</b>	<b>Number of signs allowed</b>	<b>Total Sign Area allowed/Max Sign Area for Individual sign in SQFT</b>	<b>Min. Distance from any side property line/other permanent ground sign on the same site in FT</b>	<b>Max. Height in FT</b>
Less than 50	1	24/24	10/NA	18
At least 50 but less than 100	1	32/32	15/NA	18
At least 100 but less than 200	1	48/48	20/NA	18
At least 200 but less than 300	1	64/64	50/NA	18
At least 300 but less than 400	2	72/72	50/100	18
400 or more	3	96/96	50/100	18

#### **B. Building Signs**

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

feet, whichever is smaller.

4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area (See PART 8.06.00, Measurement Determinations) of the building side or two hundred (200) square feet, whichever is smaller.

(LDC, § 8.04.03)

#### **8.04.04**

(RESERVED)

#### **8.04.05 Directional Signs**

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

(LDC, § 8.04.05)

#### **8.04.06 Signs At Entrances to Residential Developments, Farms, and Ranches**

##### **A. Generally**

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

##### **B. Restrictions**

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

(LDC, § 8.04.06)

#### **8.04.08 Utility Signs**

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

one half (1/2) square foot.  
(LDC, § 8.04.08) **8.05.00**  
(RESERVED)

**8.06.00**  
(RESERVED)

**8.06.01**  
(RESERVED)

**8.06.02**  
(RESERVED)

***8.06.03 Sign Area***

**A. Generally**

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

**B. Special Situations**

1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
2. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (3) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
3. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.
4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

(LDC, § 8.06.03)

***8.06.04 Number of Signs***

**A. Generally**

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

(LDC, § 8.06.04)

### **8.06.05 Sign Height**

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

(LDC, § 8.06.05)

## **8.07.00 DESIGN, CONSTRUCTION, AND LOCATION STANDARDS**

### **8.07.01 Generally**

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

(LDC, § 8.07.01)

### **8.07.02 Compliance with Building and Electrical Codes Required**

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

(LDC, § 8.07.02)

### **8.07.03 Illumination Standards**

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

(LDC, § 8.07.03)

### **8.07.04 Placement Standards**

#### **A. Near Street and Driveway Intersections**

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

*Signs in excess of two (2) feet in height and located within a clear visibility triangle must conform to the following:*

1. *The bottom of the sign must be at least eight (8) feet above the highest crown of any adjacent street.*
2. *The sign must be supported by a single structure that does not exceed eight (8) inches in diameter.*

#### **B. In Right Of Way**

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

### **C. Over Right of Way**

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

### **D. Blocking Exits, Fire Escapes, Etc.**

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

(LDC, § 8.07.04)

### ***8.07.05 Clearance Standards***

#### **A. Over Pedestrian Ways**

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

#### **B. Over Vehicular Ways**

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

(LDC, § 8.07.05)

### ***8.07.06 Relationship to Building Features***

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

#### **B. Special Situations**

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

(LDC, § 8.07.06)

### ***8.07.07 Maximum Projection***

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

(LDC, § 8.07.07)

### ***8.07.08 Maximum Window Coverage***

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

(LDC, § 8.07.08)

**8.07.09**

*(RESERVED)*

***8.07.10 Signs Required To Be Certified By A Registered Engineer***

The following signs shall be designed and certified by a Florida registered engineer:

- A. Building signs that project perpendicularly from the surface to which it is attached and that are more than twenty-four square feet in area.
- B. Ground signs of more than ten feet in height and one hundred square feet in area.

**(LDC, § 8.07.10)**

## ARTICLE IX

### OPERATIONAL PERFORMANCE STANDARDS

#### 9.00.00 GENERALLY

##### *9.00.01 Purpose and Intent*

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout the city. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health and welfare.

(LDC, § 9.00.01)

##### *9.00.02 Applicability*

These standards shall apply to all lands within the city jurisdiction.

(LDC, § 9.00.02)

##### *9.00.03 Standard Manuals and Measuring Devices*

#### A. Devices and Instruments

The following devices and instruments shall be used:

#### B. References

The following references are cited in this Article:

40CFR	Code of Federal Regulations, Title 40, "Protection of Environment"
FAC62-2	Chapter 62-2, Florida Administrative Code, "Air Pollution"
APAM	"Air Pollution Abatement Manual" of the Manufacturing Chemist Association
PHR47	U.S. Public Health Report 47, No. 12, "Measurement of Density Mineral Dust"
ICR12	Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor
CFR10	Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation"
ANSI	American National Standards Institute - Applicable Standards

(LDC, § 9.00.03)

#### 9.01.00 NOISE

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor

body.  
 (LDC, § 9.01.00)

*9.01.01 Instrumentation*

Instrumentation used in making sound level measurements shall meet the following requirements:

Noise may be measured with a sound level meter meeting the standards of the American National Standards Institute, with measurements conducted in accordance with the American Standard Method for the Physical Measurement of Sound.  
 (LDC, § 9.01.01)

**9.01.02 Maximum Permissible Sound Levels By Receiving Land Use**

**A. Maximum Sustained Sound**

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below.

**SOUND LEVELS BY RECEIVING LAND**

Receiving Land Use Category	Time	Sound Level Limit dBA
Residential	7 a.m. - 10 p.m.	60
	10 p.m. - 7 a.m.	55
Commercial	7 a.m. - 10 p.m.	65
	10 p.m. - 7 a.m.	60
Manufacturing, Industrial or Agricultural	At All Times	75

**B. Limitations of Applicability**

These maximum permissible sound levels are subject to Sections 9.01.03 through 9.01.05.

(LDC, § 9.01.02)

**9.01.03 Exemptions**

The following activities or sources are exempt from these noise standards:

- A. Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
- B. The unamplified human voice.
- C. Railway locomotives and cars.

- D. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona-fide agricultural operation.
- E. Aircraft operations.
- F. Construction, testing and maintenance between the hours of 7 a.m. and 10 p.m.
- G. Houses of worship bells or chimes.
- H. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(LDC, § 9.01.03)

**9.01.04 Notice of Violation**

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the Manager.

(LDC, § 9.01.04)

**9.01.05 Pre-Existing Uses Not in Conformance**

The maximum permissible sound levels of this Code shall apply to established industry and commercial business only to the extent that the sound levels from such sources exceed those which have occurred from those sources in similar circumstances prior to its adoption. Following the adoption of this code, where an industry or commercial business establishes its use away from other incompatible uses and subsequently, through the encroachment of development, finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

(LDC, § 9.01.05)

**9.02.00**

(RESERVED)

**9.03.00 AIR POLLUTION**

**A. Standard**

To protect and enhance the air quality of the city, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations Title 40) and the Florida Department of Environmental Protection (Florida Administrative Code, Chapter 62-200, et seq.) No Person shall operate a regulated source of air pollution without a valid noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

(LDC, § 9.03.00)

**B. Testing**

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Protection and

submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

(LDC, § 9.03.00)

#### **9.04.00**

(RESERVED)

#### **9.05.00 FIRE AND EXPLOSIVE HAZARDS**

##### **A. Standards**

In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

1. Storage and utilization of solid materials or products which are incombustible, or which in themselves support combustion and are consumed slowly as they burn, is permitted.
2. Storage, utilization, or manufacture of solid materials or products including free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having noncombustible and protected throughout by an automatic fire extinguishing system. The requirements for an automatic fire extinguishing system may be waived by the Director of Development Review in those cases where the introduction of water to a burning substance would cause additional hazard.
3. Outdoor storage of coal and other solid fuels is permitted provided storage is in conformance with the "Fire Protection Handbook" 2008 Edition, printed by the National Fire Protection Association.
4. Storage, utilization or manufacture of flammable and combustible liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with National Fire Code #30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.
5. The following classifications of liquids are unrestricted, provided that storage, handling, and use shall be in accordance with National Fire Protection Association, "Flammable and Combustible Liquids" Code #30.

#### **CLASSIFICATION OF LIQUIDS**

Class I Shall include those having flash points below 100 degrees Fahrenheit (37.8 degrees Celsius) and may be subdivided as follows:

Class I-A Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point below 100 degrees Fahrenheit (37.8 degrees Celsius).

Class I-B Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point at or above 100 degrees Fahrenheit (37.8 degrees Celsius).

Class I-C Shall include those having flash points at or above 73 degrees Fahrenheit (22.8

degrees Celsius) and below 100 degrees Fahrenheit (37.8 degrees Celsius).

Class II Shall include those having flash points at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).

Class III Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and may be subdivided as follows:

Class III-A Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).

Class III-B Shall include those having flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

(LDC, § 9.05.00)

### **9.06.00 ELECTROMAGNETIC INTERFERENCE**

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

(LDC, § 9.06.00)

## ARTICLE XII

### ADMINISTRATION AND ENFORCEMENT

#### **12.00.00 GENERALLY**

##### **12.00.01 Purpose**

This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

(LDC, § 12.00.01)

##### **12.00.02 Withdrawal Of Applications**

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

(LDC, § 12.00.02)

##### **12.00.03 Definitions**

###### **Abut**

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

###### **Adversely Affected Person**

Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

###### **Developer**

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

###### **Development or Development Activity**

Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.

5. Erection of a permanent sign unless expressly exempted by ARTICLE VIII of this Code.
6. Alteration of a historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

### **Development Order**

An order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit. See subparagraphs below.

#### **Preliminary Development Order**

Any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

#### **Final Development Order**

The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

#### **Development Permit**

For purposes of this Code a development permit is that official city document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

#### **Dwelling Unit**

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

#### **Gross Density or Density**

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

## **Gross Floor Area**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

## **Impervious Surface**

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

## **Improvement**

Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

## **Minor Replat**

The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

## **Owner**

A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

## **Parcel**

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

## **Vehicle Use Area**

An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

(LDC, § 12.00.03)

## **12.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

### ***12.01.01 Generally***

No development activity may be undertaken unless the activity is authorized by a development permit.

(LDC, § 12.01.01)

**12.01.02 Prerequisites to Issuance of Development Permit**

Except as provided in SECTION 12.01.03 below, a development permit may not be issued unless the proposed development activity:

- A. Is authorized by a Final Development Order issued pursuant to this Code; and
- B. Conforms to the Technical Construction Standards Manual adopted by reference

(LDC, § 12.01.02)

**12.01.03 Exceptions to Requirement of a Final Development Order**

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code and the Technical Construction Standards Manual.

- A. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Replat granted pursuant to the procedures in PART 12.03.00 of this Article.

(LDC, § 12.01.03)

**12.01.04 Post-Permit Changes**

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the City.

(LDC, § 12.01.04)

**12.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS**

**12.02.01 Pre-Application Conference.**

Prior to filing for development plan review, the developer shall meet with the Development

Review Coordinator to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(LDC, § 12.02.01)

### ***12.02.02 Designation of Plans as Minor or Major Developments***

#### **A. Generally**

For purposes of these review procedures, all development plans shall be designated by the Manager as either Minor Development or Major Development according to the criteria below. Before submitting a development plan for review, the developer shall provide the Manager with sufficient information to make this determination. The Manager's determination shall be supported by written findings.

#### **B. Major Development**

A development plan shall be designated as a Major Development if it satisfies one or more of the following criteria:

1. The activity involves combined land and water area of which exceeds ten (10) acres.
2. The development is a residential project of ten (10) or more dwelling units per acre of land and water area, or of hundred (100) or more dwelling units.
3. The development involves more than twenty thousand (20,000) square feet of non-residential floor space.
4. Any development that the Manager designates as a Major Development project because:
  - a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of 1, 2, or 3 above; or
  - b. The proposed development should be more thoroughly and publicly review because of its complexity, hazardousness, or location.
  - c. The proposed development is one which is likely to be controversial despite its small size, and should thus be more thoroughly and publicly reviewed.

#### **C. Minor Development**

A development plan shall be designated as a Minor Development if it is neither a Major Development nor a development exempt under SECTION 12.01.03 of this Article from the requirement of a development plan.

(LDC, § 12.02.02)

### ***12.02.03 Review of Concept Plans***

- A. All Major Developments must be submitted to Concept Review. Minor Developments need

not be submitted to Concept Review, but this review is recommended to Developers for proposals that may be controversial.

- B. The developer shall file a completed application and a Concept Plan as a prerequisite to obtaining Concept Review.
- C. Within five (5) working days of receipt of an application and Concept Plan, the Manager shall:
  - 1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may submit an amended application within thirty (30) working days without payment of a re-application fee, but, if more than thirty (30) working days have elapsed, must thereafter re-initiate the application and pay an additional fee; or,
  - 2. Determine that the submittals are complete and proceed with the following procedures.
- D. The proposal shall be placed on the agenda of the next meeting of the City Commission that allows the giving of required notice.
- E. Notice of Concept Review shall be mailed by the City to the developer and all persons who, according to the most recent tax rolls, own property within four hundred (400) feet of the property proposed for development. The notice shall be mailed at least fifteen (15) days before Concept Review. The expense of this mailing shall be borne by the developer.
- F. A copy of the Concept Plan and notice of the time and date of the Concept Review shall be delivered to each member of the City Commission
- G. The City Commission shall consider:
  - 1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
  - 2. Whether the concurrency requirements of ARTICLE IV of this Code could be met if the development were built.
  - 3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
  - 4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
  - 5. Applicable regulations, review procedures, and submission requirements.
  - 6. Concerns and desires of surrounding landowners and other affected persons.
  - 7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

- H. The City Commission shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

(LDC, § 12.02.03)

#### ***12.02.04 Review of Preliminary and Final Development Plans for Minor Developments***

##### **A. Option**

1. The Developer of a proposed Minor Development may choose to submit the proposed development to both a preliminary and final review, or to a single final review.
2. If the developer chooses to submit to both a preliminary and final review, the procedures in B and C below shall be followed.
3. If the developer chooses to submit to a single final review, only the procedures of B below shall be followed.

##### **B. General Procedures**

1. The developer of a proposed Minor Development shall submit a Preliminary Development Plan or a Final Development Plan to the City
2. Within five (5) working days of receipt of a Plan, the City shall:
  - a. Determine that the Plan is complete and proceed with the procedures below; or
  - b. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Plan within thirty (30) working days without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee.
4. The City shall review the Plan and determine whether the proposal complies with the requirements of this Code.
5. Within ten (10) working days of the meeting, the City shall:
  - a. Issue a Preliminary Development Order complying with SECTION 12.02.07 below if it was a Preliminary Development Plan that was reviewed;
  - b. Issue a Final Development Order complying with SECTION 12.02.08 below if it was a final development plan that was reviewed; or
  - c. Refuse to issue a Preliminary or Final Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

##### **C. Approval of Final Development Plans**

1. If the Developer chose to submit a Preliminary Development Plan for review, a Final Development Plan shall be submitted within six (6) months of approval of the Preliminary Plan. If this deadline is not met, the Preliminary Development Order expires.
2. Within fifteen (15) working days the City shall determine whether the Final Development Plan should be approved or denied based on whether the plan conforms to the approved Preliminary Plan and the conditions, if any, imposed during preliminary review. The City shall:
  - a. Issue a Final Development Order complying with SECTION 12.02.08 below; or
  - b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary Development Order.

(LDC, § 12.02.04)

### ***12.02.05 Review of Preliminary and Final Development Plans For Major Developments***

#### **A. Review of Preliminary Development Plans**

1. The developer shall, within six (6) months after completion of Concept Review, submit a Preliminary Development Plan to the City. If more than six (6) months elapse, the developer must re-submit the plan for Concept Review.
2. Within five (5) working days of receipt of a Preliminary Development Plan, the City shall:
  - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) working days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
  - b. Determine that the plan is complete and proceed with the following procedures.
3. The City Manger shall send a copy of the Preliminary Development Plan to each member of the City Commission and shall place the plan on the agenda of the next Commission meeting that allows giving, for at least fifteen (15) days, the following notices:
  - a. Mailed notice to the developer; and
  - b. Posted notice on the development site.
4. Interested persons shall be given a reasonable opportunity to comment orally or in writing.
5. Within ten (10) working days after the Commission meets to consider the plan and comments, the Manager shall issue a written report setting forth findings and conclusions supporting the recommendation that the City Commission:

- a. Issue a Preliminary Development Order complying with SECTION 12.02.07 below; or
- b. Refuse to issue a Preliminary Development Order based it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

## **B. Review Of Final Development Plans**

1. The developer shall submit a Final Development Plan for review within the time period in which the Preliminary Development Order is valid.
2. Within twenty (20) working days the City shall determine whether the Final Development Plan should be approved or denied based on whether the Plan conforms to the Preliminary Development Order.
3. The City shall:
  - a. Issue a Final Development Order complying with SECTION 12.02.07 below; or
  - b. Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary Development Order.

(LDC, § 12.02.05)

### ***12.02.06 Project Phasing***

A Master Plan for the entire development site must be approved for a Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Development Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Plan for the first phase. A Preliminary and Final Development Plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

(LDC, § 12.02.06)

### ***12.02.07 Required And Optional Contents Of Preliminary Development Orders***

#### **A. Required Contents**

A Preliminary Development Order shall contain the following:

1. An approved Preliminary Development Plan (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the Preliminary Development Plan that must be made, in order for a Final Development Order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.

3. A listing of federal, state, and regional permits that must be obtained in order for a Final Development Order to be issued.
4. With regard to the concurrency management requirements in Article IV:
  - a. The initial determination of concurrency.
  - b. The time period for which the preliminary development order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a final development order is submitted prior to the expiration date of the preliminary development order.
  - c. Notice that the Preliminary development order does not constitute a Final Development Order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a Final Development Order.
  - d. Notice that issuance of a Preliminary Development Order is not binding with regard to decisions to approve or deny a Final Development Order, and that it does not constitute a binding commitment for capacity of a facility or service.

## **B. Optional Contents**

A Preliminary Development Order may include one or more of the following as conditions of approval:

1. Agreement by the Developer in a recordable written instrument running with the land that no Final Development Order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
2. Commitment by the Developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
3. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
4. Such other conditions as may be required by the City to ensure the concurrency will be met for all applicable facilities and services.

(LDC, § 12.02.07)

### ***12.02.08 Required And Optional Contents Of Final Development Orders***

#### **A. Required Contents**

A Final Development Order shall contain the following:

1. A determination that, where one was required, a valid Preliminary Development Order exists for the requested development.
2. An approved Final Development Plan with findings and conclusions.

3. A determination that all conditions of the Preliminary Development Order have been met.
4. If modifications must be made to the development plan before a Final Development Order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A Final Development Order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
6. A commitment by city commit to the following:
  - a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject final development order expires or is rescinded prior to the issuance of a certificate of occupancy.
  - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

**B. Optional Contents**

A Final Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
3. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
4. A bond in the amount of 110% of the cost of services or facilities that the applicant is required to construct, contract for construction, or otherwise provide.
5. Such other conditions as may be required to ensure compliance with the concurrency requirement.

(LDC, § 12.02.08)

**12.02.09 Notice**

Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this Code shall be obtained from the records of the County Tax Collector. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements of this Code.

(LDC, § 12.02.09)

**12.02.10 Administrative Hearing**

Each administrative hearing shall conform to the following procedures, as supplemented by law, rule or decision.

### **A. Burden And Nature Of Proof**

The applicant for any development permit must prove by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.

### **B. Order Of Proceedings**

1. The City Commission shall:
  - a. Determine whether it has jurisdiction over the matter.
  - b. Determine whether any member must abstain or is disqualified.
2. The City may take official notice of known information related to the issue, including:
  - a. State law and applicable ordinances, resolutions, rules and official policies of the city/county.
  - b. Other public records and facts judicially noticeable by law.
3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The Commission may take notice without prompting or suggestion of matters listed in paragraph 2 above and shall state all matters officially noticed for the record.
4. Commission members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the view in the record.
5. Staff, the developer, and interested persons may present information. The City may approve or deny a request from a person attending the hearing to ask a question. Unless the City specifies otherwise, if the request to ask a question is approved, the City will direct the question to the person submitting testimony.
6. Before the hearing has concluded, the City shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.

### **C. Findings And Order**

Unless the City and the developer agree to an extension, the City shall, within ten (10) working days of the hearing, prepare an order including:

1. A statement of the applicable criteria and standards against which the proposal was tested.
2. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.

3. The reasons for a conclusion to approve, conditionally approve, or deny.

#### **D. Record Of Proceedings**

1. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the City.
2. The City shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.
3. The findings and order shall be included in the record.

(LDC, § 12.02.10)

#### **12.02.11 Submittals**

##### **A. Application**

Applications for development review shall be available from the City Manager. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

(LDC, § 12.02.11(A))

##### **B. General Plan Requirements**

All Preliminary and Final Development Plans submitted pursuant to this Code shall conform to the following standards:

1. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the City Manager determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The trim line sheet size shall be twenty-four (24) inches by thirty-six (36) inches. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
  - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.

- b. A complete legal description of the property.
  - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
  - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
  - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
  - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
  - g. The area of the property shown in square feet and acres.
5. Two (2) copies of the submittal shall be required.
6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

(LDC, § 12.02.11(B))

### **C. Concept Plan**

Each Concept Plan shall show:

- 1. Existing Conditions
  - a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
  - b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
  - c. Contour lines at two (2) foot intervals.
  - d. All water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types and vegetative cover.
  - e. The approximate location of Protected Environmentally Sensitive Zones and Restricted Development Zones as established in ARTICLE V of this Code.
  - f. Existing land use of the parcel.
  - g. A depiction of the abutting property within four hundred (400) feet of the proposal, not including public right of way in the measurement, showing:

- (1) Land uses and locations of principal structures and major landscape features.
- (2) Densities of residential use.
- (3) Traffic circulation systems.
- h. Location of proposed development in relation to any established urban service areas.

2. Proposed Development Activities And Design

- a. The approximate location and intensity or density of the proposed development.
- b. A general parking and circulation plan.
- c. Points of ingress to and egress from the site vis a vis existing or planned public or private road rights-of-way, pedestrian ways, or bicycle paths, and proposed access points to existing or planned public transportation facilities.
- d. Existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public water management systems.
- e. Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
- f. Proposed open space areas on the development site and types of activities proposed to be permitted on them.
- g. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
- h. A description of how the plan mitigates or avoids potential conflicts between land uses.
- i. Preliminary architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.

(LDC, § 12.02.11(C))

**D. Preliminary Development Plan**

A Preliminary Development Plan shall include the information required in a Concept Plan plus the following additional or more detailed information:

1. Existing Conditions

- a. A recent (taken not more than three years before the date of application) aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one inch equals 800 feet.
- b. A soils map of the site (existing U. S. Soil Conservation Service maps are acceptable).

- c. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number noted. This information shall be summarized in tabular form on the plan.
  - d. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.
  - e. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
  - f. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.
  - g. A map showing the locations of any soil borings or percolation tests as may be required by this Code. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or exfiltration (detention with filtration) designs.
  - h. A depiction of the site, and all land within four hundred (400) feet of any property line of the site, showing the locations of Protected Environmentally Sensitive Zones and Restricted Development Zones.
  - i. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
  - j. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.
  - k. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.
  - l. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
2. Proposed Development Activities And Design
- a. Generally
    - (1) Area and percentage of total site area to be covered by an impervious surface.
    - (2) Grading plans specifically including perimeter grading.
    - (3) Construction phase lines.
  - b. Buildings And Other Structures

- (1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
- (2) Front, rear and side architectural elevations of all buildings.
- (3) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
- (4) Minimum floor elevations of buildings within any 100-year floodplain.
- (5) The location, dimensions, type, composition, and intended use of all other structures.

c. Potable Water And Wastewater Systems

- (1) Proposed location and sizing of potable water and waste water facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
- (2) The boundaries of proposed utility easements.
- (3) Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
- (4) Exact locations of onsite and nearby existing and proposed fire hydrants.

d. Streets, Parking And Loading

- (1) The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
- (2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on site traffic flow.
- (3) The location of all exterior lighting.
- (4) The location and specifications of any proposed garbage dumpsters.
- (5) Cross sections and specifications of all proposed pavement.
- (6) Typical and special roadway and drainage sections and summary of quantities.

e. Tree Removal And Protection

- (1) All protected trees to be removed and a statement of why they are to be removed.
- (2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

(3) A statement of the measures to be taken to protect the trees to be retained.

(4) A statement of tree relocations and replacements proposed.

f. Landscaping

(1) Location and dimensions of proposed buffer zones and landscaped areas.

(2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

g. Stormwater Management

(1) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.

(2) A description of the proposed stormwater management system, including:

(a) Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.

(b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.

(c) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.

(d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.

(e) Linkages with existing or planned stormwater management systems.

(f) On- and off-site right-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.

(g) The entity or agency responsible for the operation and maintenance of the Stormwater Management System.

(3) The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

(4) Runoff calculations shall be in accord with the stormwater management manual.

h. Environmentally Sensitive Lands

- (1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Protected Environmentally Sensitive Zone or Restricted Development Zone.
- (2) Detailed statement or other materials showing the following:
  - (a) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
  - (b) The distances between development activities and the boundaries of the Protected Environmentally Sensitive Zones.
- (3) The manner in which habitats of endangered and threatened species are protected.

i. Signs

- (1) Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the building official by a licensed sign contractor for standard signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by the city. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.
- (2) For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
  - (a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
  - (b) All regulated trees that will be damaged or removed for the construction and display of the sign.
  - (c) The speed limit on adjacent streets.
- (3) For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
  - (a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
  - (b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex

shall not be required to delineated the signs of other business units.

- (c) A building elevation or other documentation indicating the building dimensions.

j. Subdivision

Proposed number, minimum area and location of lots, if development involves a subdivision of land.

k. Land Use And Dedications

- (1) Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.
- (2) Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.
- (3) The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.
- (4) Location of proposed development in relation to any established urban service areas.

l. Wellfield Protection

Location of onsite wells, and wells within one thousand (1,000) feet of any property line, exceeding 100,000 gallons per day.

m. Historic And Archaeological Sites

The manner in which historic and archaeological sites on the site, or within one thousand (1,000) feet of any boundary of the site, will be protected.

(LDC, § 12.02.11(D))

**E. Final Development Plan**

A Final Development Plan shall include the information required in a Preliminary Development Plan plus the following additional or more detailed information:

- 1. A metes and bounds description of lands to be subdivided, from which and without reference to the plat, the starting point and boundary can be determined.
- 2. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit," "replat," "amended," and the like. The name of the development shall be indicated on every page.

3. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout several additions.
4. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."
5. All contiguous properties shall be identified by development title, plat book, and page, or if the land is unplatted, it shall be so designated. If a subdivision to be platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. All abutting existing easements and rights-of-way must be indicated. The abutting existing rights-of-way must be indicated to the center line.
6. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.
7. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the city or any other public agency.
8. All man-made lakes, ponds, and other man-made bodies of water excluding retention/detention areas shown on the final development plan shall be made a part of adjacent private lot(s) as shown on the final plat. The ownership of these bodies of water shall not be dedicated to the public unless approved by the city.

(LDC, § 12.02.11(E))

#### **F. Master Plan**

A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:

1. A Concept Plan for the entire Master Plan area.
2. A Development Plan for the first phase or phases for which approval is sought.
3. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
4. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
5. Number, height and type of residential units.
6. Floor area, height and types of office, commercial, industrial and other proposed uses.
7. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.

8. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
9. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
10. A vicinity map of the area within one (1) mile surrounding the site showing:
  - a. Land use designations and boundaries.
  - b. Traffic circulation systems.
  - c. Major public facilities.
  - d. Municipal boundary lines.
  - e. Urban service area boundaries.
11. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Manager.

(LDC, § 12.02.11(F))

### ***12.02.12 Platting***

#### **A. Generally**

Where proposed Minor or Major development includes the subdivision of land, the final approval of the development plan shall be made by the City/County Commission of a plat conforming to the development plan.

#### **B. Filing With City**

After receiving plat-contingent final development plan approval, the developer shall submit to the City a plat conforming to the development plan and the requirements of Chapter 177, Florida Statutes. Alternatively, the developer may submit a plat at any point in the development review process.

#### **D. Review By City Commission**

Review of the plat by the City Commission shall be strictly limited to whether the plat conforms to the requirements of Chapter 177, Florida Statutes. A conforming plat shall be approved and the City shall forthwith issue the development order allowing development to proceed. The City Commission shall return nonconforming plats to the developer with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

(LDC, § 12.01.12)

### ***12.02.13 Guarantees And Sureties***

#### **A. Applicability**

1. The provisions of this section apply to all proposed developments in the city including private road subdivisions.
2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article IV of this Code.
3. This section does not modify existing agreements between a developer and the city for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

## **B. Improvements Agreements Required**

The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
  - a. Estimate prepared and provided by the applicant's engineer.
  - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the city.

## **C. Amount And Type Of Security**

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the City.
2. Security requirements may be met by but are not limited to the following:

- a. Cashier's check
  - b. Certified check
  - c. Developer/Lender/City Agreement
  - d. Interest Bearing Certificate of Deposit
  - e. Irrevocable Letters of Credit
  - f. Surety Bond
3. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commiserate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.
  4. Standard forms are available from the City Manager office and approved by the City Commission.

#### **D. Completion of Improvements**

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the City Manager. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.
2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 12.02.13.C.3 above.

#### **E. Maintenance of Improvements**

1. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer according to the following requirements:
  - a. The period of maintenance shall be a minimum of three (3) years.
  - b. The maintenance period shall begin with the acceptance by the city of the construction of the improvements.
  - c. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.
  - d. The original agreement shall be maintained by the Manager.
2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the city a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or

improvements.

- a. When the proposed development is to be organized as a condominium under the provisions of Ch. 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
  - b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
  - c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the City Attorney.
3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

(LDC, § 12.02.13)

## **12.03.00 PROCEDURE FOR OBTAINING A MINOR REPLAT**

### ***12.03.01 Review by City***

#### **A. Generally**

The City may approve a Minor Replat that conforms to the requirements of this Part.

#### **B. Submittals**

The City shall consider a proposed Minor Replat upon the submittal of the following materials:

1. An application form provided by the Department accompanied;
2. Paper copies of the proposed Minor Replat for each entity reviewing the plan;
3. A statement indicating whether water and/or sanitary sewer service is available to the property; and
4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

#### **C. Review Procedure**

If the proposed Minor Replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the shall approve the Minor Replat by signing the application form.

#### **D. Recordation**

Upon approval of the Minor Replat, record the replat on the appropriate maps and documents, and, at the developer's expense, record the replat in the official county records.

(LDC, § 12.03.01)

### **12.03.02 Standards and Restrictions**

#### **A. Standards**

All Minor Replat shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot width for the zoning district/category where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

#### **B. Restriction**

No further division of an approved Minor Replat is permitted under this section, unless a development plan is prepared and submitted in accordance with this Article.

(LDC, § 12.03.02)

### **12.04.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS**

#### **12.04.01 Application**

Application for a Development Permit shall be made to the City Commission on a form provided by the City and may be acted upon by the without public hearing or notice.

(LDC, § 12.04.01)

#### **12.04.02 Review and Issuance by City**

### **Definitions**

#### **2.00.02 Definitions**

##### **Abut**

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

##### **Accessory Use**

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

##### **Adult Congregate Living Facility (ACLF)**

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

**Agricultural Activity**

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

**Density or Gross Density**

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

**Dwelling Unit**

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Junkyard**

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

**Lot**

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

**Manufactured Housing**

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

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

**Multi-Family Dwelling**

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

**Parcel**

A unit of land within legally established property lines.

### **Recreation Vehicle**

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

### **Single-Family Dwelling**

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

(LDC, § 2.00.02)