CITY OF
LIVE OAK

LAND DEVELOPMENT REGULATIONS

Adopted

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CITY OF LIVE OAK

LAND DEVELOPMENT REGULATIONS

Prepared for

City of Live Oak City Council

Prepared by

City of Live Oak Local Planning Agency

With Assistance from:

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PART III LAND DEVELOPMENT REGULATIONS*

***State law references:** Land development regulations, F.S. § 163.2202.

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Certificate of Approval by City Council of the City of Live Oak, Florida
Certificate of Estimated Cost
Preliminary and Final Plat Size Specifications
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LDR Codification Record			
Ordinance No.	Date Adopted	Section(s) Amended	Section Title
817	8/11/1992	New LDR	Repealed and replaced all previous LDRs
847	6/14/1994	14.10 3.1.4.5 3.1.4.6	Special Permits for Temporary Uses Deleted Renumbered to 3.1.4.5
850	8/9/1994	Article 11 14.10	Historic Sites and Structures Preservation Regulations Special Permits for Temporary Uses
870	2/13/1996	13.4	Notice of Hearing of LDRs
907	1/13/1998	4.12.5 4.14.5	Special Exceptions C-G – Car Washes Special Exceptions C-CBD – Auto Leasing & Rentals
937	4/11/2000	Article 8	Flood Damage Prevention Regulations
944	10/10/2000	4.4.4 4.5.4 4.6.4 4.7.4 4.8.4	Prohibited Uses and Structures RSF Prohibited Uses and Structures RSF/MH Prohibited Uses and Structures RMH Prohibited Uses and Structures RMH-P Prohibited Uses and Structures RMF
968	7/10/2001	2.1 14.11	Definitions 'General' to add 'Tower', 'Tower Site'; Essential Services - Telecommunications Towers location criteria
969	7/10/2001	5.26.2 5.26.4	Street Improvement Schedule Design Standards
1003	**Not Adopted**	**5.26.3.14**	**Concrete Sidewalks**
1013	3/11/2003	4.16.2 4.16.11	Permitted Principal Uses and Structures ILW Minimum Off-Street Parking Requirements ILW
1044	4/13/2004	4.15.5 4.15.11	Special Exceptions CSC Minimum Off-Street Parking Requirements CSC
1063	9/14/2004	4.13.2	Permitted Principal Uses and Structures C-I
1069	11/9/2004	4.15.2 4.15.4 4.15.5 4.15.11	Permitted Principal Uses and Structures CSC Prohibited Uses CSC Special Exceptions CSC Min Off-Street Parking CSC
1077	3/29/2005	14.15	Authorization to Adopt Development Agreements
1094	9/13/2005	5.26	Streets
1124	5/9/2006	14.11.2(g)	Design and Construction of Essential Services
1125	5/9/2006	14.12.8 14.13.8 14.14.8 14.15.8	Max Height of Structures C-G Max Height of Structures C-I Max Height of Structures C-CBD Max Height of Structures CSC
1128	8/8/2006	4.18.1	PRD Districts Intent and Relation to the Comp Plan
1129	8/8/2006	5.26.3	Streets - Standard Improvement
1130	8/8/2006	4.4.5	RSF - Special Exceptions (Guest House / Cottage)
1143	12/12/2006	14.16	Proportionate Fair-Share Transportation Program
1156	2/13/2007	4.3.5 4.4.5 4.5.5 4.8.5 4.9.5 4.19.35	B&B as Special Exception in (A-1), (RSF-1,2,3), (RSF/MH-1,2,3), (RMF-1,2), (R-O); Bed and Breakfast Inn Requirements
1187	**Not Adopted**	**14.10.1(9)**	**Special Permits for Temporary Uses in CSC, C-G, C-CBD**
1207	11/13/2007	4.11.4 4.12.4 4.13.4 4.14.4 4.15.4	Prohibited Uses and Structures C-N, C-G, C-I, C-CBD, CSC

1219	3/11/2008	4.3.6	Ag. A-1 - Minimum Lot Requirements
1247	3/10/2009	2.1 4.19.20	Definitions – Sign Related New (replacement) Sign Regulations
1252	4/14/2009	4.11	Commercial – Neighborhood C-N
1253	4/14/2009	4.1.1 4.1.6 4.4.(1-11)	Establishment of Districts Groupings of Districts Res. Unconventional and Residential Infill - RSFU & RSFI
1254	4/14/2009	Article 6	Prime Natural Groundwater Aquifer Recharge and Potable Water Well-Field Regulations
1262	7/28/2009	2.1 4.19.20.3 4.19.20.5 4.19.20.6	Definitions Applicability of other code or regulatory requirements Permit Requirements for Signs General Regulations
1268	11/10/2009	2.1; 4.3.5; 4.8.5; 4.9.5; 4.10.5; 4.11.5; 4.12.5; 4.13.5; 4.19.28; 4.19.36	Definitions, Special Exceptions A-1, Special Exceptions RMF, Special Exceptions R-O, Special Exceptions O, Special Exceptions C-N, Special Exceptions C-G, Special Exceptions C-I, Special Community Residential Home Requirements, Hospital, Long-Term Care Facility, Group Living Facility, etc.
1277	6/15/2010	Article 1 Article 2 Article 3 Articles: 11, 12, 13, 14 (portion), & 16 4.19.20.8(14) & (A)	General Provisions. Definitions, Lots Divided by District Lines, Nonconforming. Administrative Mechanisms and Procedures. (Combined into Article 3). (Combined into Article 3). Signs Not Requiring a Sign Permit (Exempt Signs).
1335	5/14/2013	4.19.20	New (replacement) Sign Regulations.
1342	8/13/2013	1.2; 1.5; 1.7; 2.1; 2.2; 2.3; 2.4; 3.2; 3.3; 3.4; 3.5; 3.7; 3.8; 3.9; 3.10; 3.12; 3.13; 3.14; 4.1; 4.1.2 – 4.1.7	Portions of Article 1, 2, 3 & 4.
1360	6/10/2014	2.1; 4.12; 4.13; 4.19	Portions of Article 2, 4 and 4.19.
1363	6/24/2014	2.1; 4.1.6.4; 4.4.5; 4.4.11	Portions of Article 2 and 4.
1374	1/13/2015	2.1; 3.7; 4.19.2; 4.19.3; 4.19.7; 4.19.11; 4.19.12; 4.19.13; 4.19.15; 4.19.26; 4.19.30; 4.19.31; Article 9; 14.10	Definitions, Special impact permits, Accessibility for the physically disabled or handicapped, Access control, Erection of more than one principal structure, Landscaped buffer areas, Minimum living area, Mobile home - replacement of existing mobile homes, Off-street parking and loading, Yard encroachments, Special septic tank requirements, Special requirements for public uses, Minimum housing regulations, and Special permits for temporary uses.
1383	11/10/2015	2.1; 3.7; 3.9; 3.12; 4.1.6.1; 4.2; 4.3; 4.6; 4.7; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.17; 4.19.21; 4.19.22; 4.19.28; 4.19.36	Definitions, Special impact permits, Special exceptions, Site and development plan review, Nonconforming lots of record, Zoning districts: CSV, A, RMH, RMH-P, C-N, C-G, C-I, C-CBD/C-D, CSC, ILW, I, Distance buffer area separation requirements, Travel trailer parks and campgrounds, and Special community residential home requirements.
1388	5/10/2016	2.1; 4.3; 4.4; 4.5; 4.7; 4.8; 4.9; 4.10; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.18; 4.19.12; 4.19.22; 9.4	Definitions, Zoning districts: A, RSF, RSF/MH, RMH-P, RMF, R-O, O-I, C-N, C-G, C-I, C-D, CSC, ILW, I, PRD, CRA development standards, Travel trailer parks and campgrounds, and Housing regulations and code.
1389	6/14/2016	2.1; 4.3; 4.4; 4.5; 4.7; 4.8; 4.9; 4.10; 4.11; 4.12; 4.13; 4.14; 4.15; 4.16; 4.18; 4.19.12; 4.19.22; 9.4; 14.10	Definitions, Zoning districts: A, RSF, RSF/MH, RMH-P, RMF, R-O, O-I, C-N, C-G, C-I, C-D, CSC, ILW, I, PRD, CRA development standards, Travel trailer parks and campgrounds, Housing regulations and code, and Special use permits for temporary uses.
1419	6/12/2018	1.3; 1.7; 3.1	Jurisdiction, Pro-Business and Growth Declaration, Administrative Bodies.

1445	8/11/2020	4.8	Multiple sections of RMF – Residential Multiple Family Zoning Code

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ARTICLE ONE: GENERAL PROVISIONS

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Sec. 1.5. Relationship to the Comprehensive Plan
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Sec. 1.9. Severability
Sec. 1.10. Computation of time
Sec. 1.11. Repeal of conflicting ordinances

Sec. 1.1. Short Title.

The rules and regulations hereby adopted shall be known and cited as the "Land Development Regulations for the City of Live Oak, Florida", and abbreviated as “LDR”.

Sec. 1.2. Authority.

These Land Development Regulations are adopted and amended pursuant to the authority contained in F.S. Ch. 163, Part II, Growth Policy; County and Municipal Planning; Land Development Regulation, and F.A.C. Department 73: Department of Economic Opportunity, Div. No. 73C, Division of Community Development, as amended. Where a provision of these Land Development Regulations refers to or cites a section of Florida Statutes or Florida Administrative Code and that section is later amended or superseded, these Land Development Regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Sec. 1.3. Jurisdiction.

These land development regulations shall apply to the entire incorporated area of the city; and all lands annexed into the City of Live Oak, when pursuant to Florida Statute 171.062, the municipality has adopted a comprehensive plan map amendment that includes the annexed area. Upon written request and notarized authorization of any property owner of previously annexed lands, the City may initiate and undertake an application to amend the Official Zoning Atlas for a like-kind re-zoning map amendment consistent with the comprehensive plan map amendment which was adopted. While this re-zoning process is taking place, development plans may be submitted for initial review, pending the final adoption of the amendment to bring the zoning into compliance with these LDR.

Sec. 1.4. Relationship to Existing Land Development Ordinances.

To the extent that the provisions of these land development regulations are the same in substance as any previously adopted provisions that they replace, change title to or otherwise reorganize, in the various ordinances of the city, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, any situation previously identified as legally nonconforming, and/or that which did not constitute a lawful, nonconforming situation, under the previously adopted land development regulations, shall continue to be legally nonconforming, and/or

shall not achieve lawful nonconforming status as the case may be, under these regulations, merely by the repeal or amendment of the previous land development regulation ordinances.

Sec. 1.5. Relationship to the Comprehensive Plan.

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

Sec. 1.6. Conformity with Land Development Regulation Provisions.

1.6.1. Subject to any section of these land development regulations pertaining to nonconforming situations, no person may use, occupy, develop or redevelop any such land or buildings, or authorize or permit the use, occupancy, development or redevelopment of any such land or buildings under his or her control, except in accordance with the applicable provisions of these land development regulations.

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

Sec. 1.7. Pro-Business and Growth Declaration

Effective the date an ordinance is adopted to create this sub-section, The Live Oak Planning and Zoning Board serving as the Local Planning Agency, and the Live Oak City Council, does hereby find that there is a justification and need to evaluate and update various sections of these Land Development Regulations in order to promote and facilitate viable economic development, growth and business activity in the City.

As such and until such time as updates to these regulations and related documents can be completed and adopted: the Land Development Regulation Administrator, collectively and on a case-by-case basis, when in agreement with the City Manager and City Building Official, and not otherwise in conflict with state statute, in the carrying out of his or her duties, may utilize best planning practices and creative planning solutions.

The goal being to provide flexibility with unconventional application and 12, 24 and 36 month multi-year phasing development agreement allowances and possibilities for underutilized and nonconforming sites, so that commercial business establishment, expansion and redevelopment can commence with as minimal delay and start-up expense as possible. Where not in conflict with adopted housing standards, similar practices may be utilized for residential development. Additionally, certain non-life-safety enforcement actions may be abated while code and map revisions and updates are in process, to address certain related criteria.

Sec. 1.8. Fees.

1.8.1. It is the intent of the City that the City shall not be required to bear any or all development related costs, including the cost of advertising, petitions, appeals or applications, made by or to benefit or accommodate private entities or for private gain, under the Comprehensive Plan or Land Development Regulations. And that funding to comply with any required element of the Comprehensive Plan and/or LDR, including concurrency standards for new development, be funded from a financially feasible funding source, namely at the expense of the applicant, developer or sub-divider. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for: Zoning Permits; Sign Permits; Special Use and/or Special Impact Permits; Special Exceptions; Variances; Appeals and Interpretations; Subdivision Plat Review and Approvals; Comprehensive Plan, Future Land Use Plan Map, Land Development Regulation and/or Official Zoning Atlas Map Amendments; Site and Development Plan Review and Approval; and other administrative procedural relief to include meeting concurrency standards, as outlined herein or on the applicable fee resolution. The amount of all fees charged shall be as established by resolution of the City Council and filed in the office of the City Clerk.

1.8.2. Fees established in accordance with Section 1.8.1 shall be paid upon submission of required documents, a signed application, a notice of appeal, and as otherwise required in the LDR, or as may be applicable in the City of Live Oak Planning and Zoning – Official Fee Schedule, adopted and amended by City Council resolution.

Sec. 1.9. Severability.

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

Sec. 1.10. Computation of Time.

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

1.10.2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her, and the notice or paper is served by mail, three days shall be added to the prescribed period.

Sec. 1.11. Repeal of Conflicting Ordinances.

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

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ARTICLE TWO: DEFINITIONS

Sec. 2.1. Definitions.

(a) Rules of Interpretation.

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular; words used in the masculine gender include the feminine and are intended to be gender-neutral; words not capitalized are as official as their capitalized equals.
3. The word "shall" is always mandatory; the word "may" is permissive.
4. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".
5. The word "lot" includes the words "plot", "parcel", "tract", or "site".
6. The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. Among other things, structures include walls, buildings, fences, signs, covered or raised decks, accessory or storage sheds, and swimming pools.
7. The word "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "moved", or "placed".
8. The word "land" includes the words "water", "marsh", or "swamp".
9. The word "abut" does not include lands which are located directly across a public street from each other.
10. The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
11. The word or term "LDR" and "Regulations" shall mean the City of Live Oak Land Development Regulations, as amended and adopted; and "contained herein" or "herein" shall mean as found in a related Section within these Land Development Regulations.
12. The words "City Council" means the City Council of the City of Live Oak, Florida, and the term "board" means the respective elected or appointed body which is the subject of the section within which it is found.
13. The word "city" or "City" means the incorporated City of Live Oak, Florida.
14. The word "application" and the word "petition" are interchangeable and represent official forms of the city to include required documents as stated on the forms.
15. Unless indicated otherwise, reference to zoning districts refer to the most recent amended version of the "Official Zoning Atlas Map of the City of Live Oak, Florida", as defined herein, and the applicable zoning criteria as found herein.
16. The term "comprehensive plan" and/or "plan" means the Comprehensive Plan of the City of Live Oak, Florida, as amended and adopted, including all text, maps and data.

(b) Rules of Precedence.

The following rules set forth the order of precedence that determines which definition applies in a specific instance within the provisions of the LDR:

1. When definitions are provided within an individual Chapter, Article, or Section of the LDR, those definitions are to be applied within said Chapter, Article, or Section; and if not defined elsewhere, may be applied to other sections when deemed appropriate by the Land

Development Regulation Administrator. If the same term or phrase is also defined in this Section, the definition in subsection (d) of this Section shall not apply in that instance, except to supplement the definition with additional related information.

2. When no definitions are provided within an individual Chapter, Article, or Section of the LDR, words and phrases used in the LDR shall have the meaning established by the definitions provided in subsection (d) of this Section, supplemented by, or where in conflict, replaced by, definitions found in the Florida Statutes and Florida Building Code.
3. For words and phrases listed in the Table of Uses with NAICS (North American Industry Classification) code and not defined in subsection (d) of this Section, the NAICS definition shall be the legal definition. Said NAICS definitions, as amended, are hereby incorporated by this reference to the extent utilized in the LDR.
4. All remaining words used in the LDR are intended to have the commonly accepted definitions contained in the Webster's New World College Dictionary, Fifth Edition.

(c) Rules of Application.

It shall be the duty of the Land Development Regulation Administrator to utilize any and all applicable definitions in the carrying out of his or her duties, and in the implementation of the standards and codes, whether in the plan review stage, or in the actual built or existing environment.

When a standard, code, chart, diagram or illustration contains reference to a specific term for which a specific definition and associated criteria has been established, any deviation from the activity, details, design, etc. specified shall result in the instance being found to be a violation of the LDR, and subject to enforcement as provided, unless otherwise determined to be allowable under existing nonconforming provisions. Definitions with sub-uses stated herein may also be sub-categorized within use tables, to specify which use under a term applies.

Any modifications, alterations or changes of uses, or re-establishment of uses, which would cause any aspect of a location or improvements thereon to be defined as something different or more intense than what was previously there, or any loss of the ability to continue a nonconforming use, shall require those modifications, alterations or uses to be first found in compliance with all aspects of the Land Development Regulations, or if found to be contrary and not permitted, shall require compliance with standards or enforcement for compliance as provided.

Definitions are intended to clarify and supplement the administration of the Land Development Regulations. Where a definition contains specific criteria - that shall be as applicable to the implementation and enforcement of the code, just as if listed elsewhere. Where there is specific criteria listed elsewhere in the LDR Articles, the absence of a reference to any related section within any definition, shall not cause that other criteria to be superseded or otherwise made non-applicable.

(d) Definitions.

A

Abandoned motor vehicle. One that is in a state of disrepair and incapable of being moved under its own power and/or one which does not have a current vehicle registration certificate and/or current tag.

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

Any property which is separated from an adjacent property by: a platted alley, an unimproved platted street ROW, or by an improved Local Street ROW, shall still be considered abutting to that property for the purposes of these LDR.

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

Accessory use or structure. A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, is located on the same premises. "On the same premises" with respect to accessory uses and structures shall mean on the same lot or on a contiguous lot in the same ownership, serving the exact same use, and located in the same zoning district as the principal use. Where a building or structure is attached to the principal building, it is considered a part thereof and not an accessory building. Ownership means the individual has the full ability to mortgage, sell or otherwise act on the property without restriction.

Addition. An extension or increase in use, floor area or height of a building or structure.

Administrator. (see Land Development Regulation Administrator).

Adult day care center. A non-residential facility that provides a variety of health, social and related support services in a protective setting during part of the day, to three or more aged, infirm or disabled adults who reside elsewhere.

Adverse effect. Increases in flood elevations on adjacent properties, attributed to physical changes in the characteristics of the official 100-year flood area, due to development.

Advertise. To inform; to notify; to announce; or to attract public attention, in order to arouse desire to attend, purchase, receive services or invest.

Advertising device. Any structure or device situated upon, attached or maintained to, on, or over real property, which is erected or intended for the purpose of advertising.

Air and gas-filled device. Any sign, using either wholly or in part, forced, compressed or contained air or other gas, as a means for supporting or bolstering its structure.

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

Alteration. Any change, addition or modification in construction, size, shape, character, use or type of occupancy to a building or structure; any change in the structural members of a building, such as load

bearing: walls, partitions, columns, beams, girders, joists, trusses, doors, windows; changes to the means of ingress or egress; or any enlargement to, conversion of, or diminution of a building or structure, whether horizontally or vertically, or the moving of a building from one location to another.

Alter or alteration of a storm-water management system. Work done which alters said system, other than that necessary to maintain the system's original design and function.

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

Area of shallow flooding. A designated AO zone on the city's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. Land so designated on the city's flood hazard boundary map or the flood insurance rate map.

Arterial streets. State maintained DOT streets (roads) which conduct large volumes of traffic over long distances and are functionally classified as such on the applicable Federal Highway Administration (FHWA) federal functional classification designations, Florida Department of Transportation Current Highway Functional Classification and Systems map for the city, as amended, and identified as such in the city's comprehensive plan map series.

Attention getting device. Any pennant, valance, propeller, spinner, ribbon, streamer, search light, balloon, or similar display, device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public.

Automobile wrecking or automobile wrecking yard. Refers to the dismantling or disassembling of used motor vehicles or trailers, or to the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles for recycling or for their parts.

Automotive car wash, automated. A commercial service use located and licensed at a physical storefront property which contains one or more tunnel unit structures which provide for the washing of one or more occupied and running vehicles, in a tandem arrangement, while moving through the structure; may also include vacuuming and air compressor tire inflation equipment.

Automotive car wash, mobile. A licensed commercial service accessory use activity conducted that involves the washing, by any means, of automobiles, trucks, motorcycles, recreational vehicles, or any other vehicle, and which activity is self-contained and moved from one location to another, such as to serve customers at their residences or other allowable locations as permitted under Article 4. Mobile automotive car washing shall not include setting up at any residential location in order to conduct related activities for owners or operators of vehicles who do not have residency at said location.

Automotive car wash, hand. A principal commercial service use located and licensed at a physical storefront property which contains an area for the washing, waxing, vacuuming and detailing of passenger vehicles by hand; may also include a vehicle window tinting or graphics application service, and air compressor tire inflation equipment. Hand washing as a secondary use in conjunction with vehicle sales or rental lots shall be considered an accessory use to the principal use at those establishments.

Automotive car wash, self-service. A commercial service use located and licensed at a physical storefront property which contains an un-manned area or structure for the self-service washing and vacuuming of passenger vehicles; may also include air compressor tire inflation equipment.

Automotive fuel station. An establishment whose business provides for the dispensing of motor fuel primarily for automobiles where motor fuel pumps are erected, and underground storage tanks are installed, unless approved for above ground storage, for dispensing motor fuel at retail or to governmental entities.

Other consumer related items may be sold only at retail, IE a convenience store with fuel pumps. Retail sales of LP Gas as a secondary use shall be considered an accessory use to the principal use at these establishments.

Where such motor fuel pumps are erected as a principal use, or in conjunction with any other use, each use is considered as a separate use and, as such, each shall meet the applicable requirements of these LDR. A compressed natural gas fueling station or facility shall also be considered an automotive fuel station.

Unless otherwise provided, any wholesale, distribution or private fuel or flammable liquids or gasses storage and/or dispensing stations proposed with above or below ground tanks, shall be deemed to be bulk storage yards.

Automotive repair garage. A service related establishment, not considered a fuel station, whose principal or when permitted, accessory business includes automobile servicing, repair, restoration, customization, glass, paint and body work, steam cleaning, tire repair and replacement, temporary storage of automobiles not in operating condition (within enclosed buildings or when approved, in outdoor storage yards), or other work, including but not limited to, those producing noise, glare, fumes, smoke, etc.

Also includes a service or oil changing bay, a body shop, stereo and accessory installation shop, commercial vehicle truck stop, or a combination thereof.

Such garages may also be proposed in conjunction with establishments hiring, renting, or selling of motor vehicles. Said establishments may also propose a fuel station or retail component. Retail sales of LP Gas as a secondary use shall be considered an accessory use to the principle use at these establishments. Automobile repair and restoration of lot inventory, not including paint and body work, may be proposed as an accessory use in conjunction with vehicle sales or rental lots, in those districts which do not allow an automotive repair garage as a primary use.

Automotive servicing, light. A service related establishment, not considered a fuel station or repair garage. To meet this definition, said establishment shall conduct all automotive servicing within a completely enclosed building. Said servicing activities shall be limited to: auto glass repair or replacement, tire and rim repair or replacement – including rotation and balancing, oil changing bays, stereo and accessory installation shop, A/C system inspection and recharge, air filter inspection and replacement, battery maintenance and replacement, brake fluid, pad/shoe and rotor system inspection and replacement, coolant/antifreeze flush and fill, differential and transmission fluid removal and replacement, engine code diagnostic services, fuel system/filter cleaning and replacement, emissions and inspection services, wiper blade and washer fluid, power steering fluid replacement, alignment services, shocks and struts. Unless otherwise provided for, all sales, service, storage and display shall be within a completely enclosed building.

Awning. A sheltering screen, usually of canvas fabric or some other lightweight flexible material, supported and stiffened by a rigid frame, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protection against sunlight, or the weather.

B

Banner. A sign of lightweight fabric, plastic or similar material, generally mounted at two or more edges to a wall, poles or other structure. Flags and pennants shall not be considered banners.

Bar. A bar, also called a: pub, tavern, saloon, beer garden, taproom, lounge, [social club] is any public or private establishment, or designated area within a related use, devoted primarily to the retail sale, service and on-premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell and allow consumption on premises, of alcoholic beverages. Bars provide stools or chairs for their patrons along tables or raised counters. Some bars also have an entertainment stage, a floor show or a dance floor area. Bottle clubs as defined by Florida Statute, reception halls and other establishments which provide a building or space, public or private, for on-premise consumption are not defined as a bar.

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

Basement. That portion of a building between floor and ceiling which is partly below grade and so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling; provided, however, that the distance from the grade to the ceiling is at least four feet six inches (see also Cellar).

Beacon light. See Search Light.

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

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

Board of Adjustment. The currently appointed board of adjustment of the city, as provided for within these LDR.

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

Buffer, transitional. Includes the term “buffer”, “buffering”, “buffer area” and “land buffer”, and is that portion of a lot set aside for open space, landscaping, fencing and other visual screening purposes, pursuant to applicable provisions herein, to separate different use districts, or to separate uses on one property which differ from uses on another abutting property, which said uses are deemed to require screening in order to be compatible.

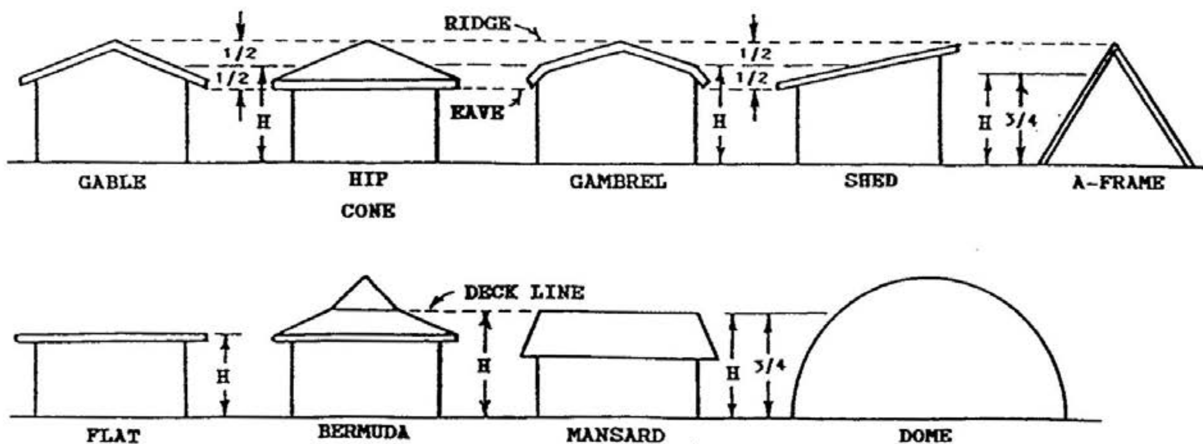
Buildable area. That portion of a lot remaining after the required minimum or maximum yards and/or buffer space have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percent of lot which may be covered by buildings may require open space to be left within the buildable area.

Building. A permanent, pre-fabricated or portable structure, which required a permit to construct or establish, and/or which otherwise has been reviewed and approved in writing by applicable City Departments, having a roof impervious to weather and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition may include dining cars, mobile/manufactured homes, sheds, garages, carports, covered porches or covered screened enclosures, animal kennels, or storerooms, so long as permitted as required, and/or otherwise reviewed and approved in writing by applicable City Departments.

Temporary or movable structures, such as tents, trailers, refrigerated storage units, pods, and similar structures, when allowed by zoning, may require permits or review, however shall not be considered a building for the purposes of the LDR.

Building front yard setback line. The rear edge of a required minimum or maximum front yard as specified within these LDR.

Building, height of. The vertical distance measured from the established grade at the center of a front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to three-quarters of the highest point of a dome or A-frame roof and to the mean height level between eaves and ridge of gable, hip, cone, shed and gambrel roofs.



Building line. The inward edge of a required minimum or maximum front yard or other required yard setback line. Except as specifically provided by these LDR, buildings or structures are not to be erected or extended to occupy a portion of a lot beyond the building line and into a required yard area.

Building, Non-residential Modular. A manufactured building, which otherwise meets the definition of "dwelling, modular single-family", however which insignia and data plate certifies that it was originally designed and constructed by the manufacturer for non-residential occupancy, rated and certified exclusively by the manufacturer/factory, for the intended use and occupancy. To be included in this definition, when specified as a listed use in various associated zoning districts for non-residential occupancy purposes, said building shall be affixed and installed to a permanent foundation (e.g., engineered and poured: slab or stem-walls and piers with footers).

Building official. The official designated by the city council for the administration of the Florida Building Codes, including permit issuance, inspection and issuance of certificate of occupancy, subject to prior review and approval of said proposed or actual improvements or uses, by all applicable city department heads, and the Land Development Regulation Administrator.

C

Campground. See Recreational vehicle parks and campgrounds.

Canopy. A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike an awning, a canopy is rigid and is generally supported by vertical elements rising from the ground at two or more corners.

Capital budget. The portion of the city's annual budget which reflects capital improvements scheduled for a fiscal year. The city may have a capital improvements program which is not related to required scheduling for capital improvements, part of existing or projected deficiencies for concurrency standards.

Capital improvements. Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of these LDR, physical assets which have been identified as having existing or projected needs in the individual comprehensive plan elements, are considered capital improvements part of the Capital Improvement Element for meeting concurrency standards.

Cellar. That portion of a building, the ceiling of which is entirely below grade or less than four feet, six inches above grade (see also Basement).

Certificate of LDR compliance. Also known as a Certificate of Zoning Compliance, is an official document issued by the Land Development Regulation Administrator stating that a current, changed or proposed: occupancy, use, building, business or development, currently or as proposed, meets all aspects and requirements of the LDR, including the Official Zoning Atlas.

Said certificate is also to be utilized, in conjunction with other applicable city department review and approval, to approve any: Business Tax Receipt, Building Permit and/or a Certificate of Occupancy to be issued by the applicable city official.

If discovered otherwise, any occupancy, use, building, business or development which is deemed in violation, shall be issued a certificate, once compliance has been met.

Child care facility. Per Florida Statutes, includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. This includes but is not limited to any facility so designated as a provider as evidenced by records of the Florida Department of Children and Families. The term includes: day nurseries; Head-Start programs; kindergartens; day care services; nursery schools; or play schools. Facilities not designated by the Florida Department of Children and Families as a 'Family Day Care Home' or 'Large Family Child Care Home' shall be considered a Child Care Center. Hours of operations and time frames for the care of children, as well as other governing criteria, is as required by Florida Statutes. Site development criteria is as required by the applicable sections of these LDR.

City. Means of, pertaining to, or by the official and incorporated City of Live Oak, Florida.

Clinics or offices, medical or dental. An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the healing arts including medical doctors, chiropractors, osteopaths, dentists, massage therapists, chiropodists, naturopaths, optometrists, or a similar profession, the practice of which is regulated by the State of Florida.

Club, private. A non-commercial establishment organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws. The term "private club" does not include casinos, night [social] clubs, bingo, community or reception halls [centers], internet cafés, bottle clubs, bars or other similar establishments.

Code enforcement officer. Any designated employee or agent of the municipality whose duty it is to enforce codes and ordinances enacted by the municipality, including those contained herein.

Collector streets. Streets (roads), which may or may not be State maintained DOT streets, which serve as the connecting link between local streets and arterials, and which provide for intra-neighborhood transportation, and are so designated on the applicable Federal Highway Administration (FHWA) functional classification designations. The traffic characteristics generally consist of medium trip lengths with moderate speeds and volumes. Collector roads are identified in the city's comprehensive plan map series. Said designation in no way affords a premise for eligibility for amendment of a parcel to a higher intensity land use or zoning classification or district as many collectors front areas only appropriate for residential land uses.

Commercial message. Any wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.

Commercial center or office center. A single parcel of land, or abutting parcels under a single ownership, containing two (2) or more businesses or establishments, including all forms of retail, wholesale, and services.

Commercial project. A land development or redevelopment project which establishes, expands or alters any commercial, industrial, service or office business use, and/or including any multi-family development of three or more dwelling units, attached or unattached, on a parcel or abutting parcels of land, which are under management or ownership control, also including public or private improvements and site work to serve or facilitate said development or subdivision.

Communication antenna. An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission.

Communication tower. A tower greater than 75 feet in height (including antenna) which supports communication equipment for either transmission or receiving. The term "communication tower" shall not include amateur radio operator's equipment, including citizen's band, Very High Frequency and Ultra High Frequency Aircraft/Marine, and other similar operators. Design examples of communication towers are described as follows:

1. Self-supporting lattice;
2. Guyed; and,
3. Monopole.

Community residential home. A dwelling unit licensed to serve residents, as defined herein, who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. "Resident" means any of the following: a frail elder as defined in F.S. 429.65; a physically disabled or handicapped person as defined in F.S. 760.22(7)(a); a developmentally disabled person as defined in F.S. 393.063; a non-dangerous mentally ill person as defined in F.S. 394.455(18); or a child who is found to be dependent as defined in F.S. 39.01 or F.S. 984.03, or a child in need of services as defined in F.S. 984.03 or F.S. 985.03., all Florida Statutes (F.S.) referenced, as amended. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances.

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

Completion. Shall mean the date by which a previously reviewed, approved and permitted development or building is granted a Certificate of Occupancy by the City Building Official, additionally, instances where improvements have been installed which are to be formally accepted by the City Council, as required herein, and thereby dedicated to the public use and ownership, shall mean the date that said improvements, after inspection and approval by the City and/or third-party designee of the City, are accepted by the City Council in a public hearing, either by method of acceptance of a subdivision plat, or in the case of a non-subdivision development, by resolution, as required herein.

Cone of influence. An area around one or more major water-wells, the boundary of which is determined by the city council based on groundwater travel or drawdown depth.

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

Copy. The text or graphics on a sign surface in either permanent, removable or electronic form.

County health department. The Health Department of Suwannee County.

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

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

Curb cut. See Curb Break.

Customer entrance. The portion of a structure which is the point of ingress or egress, for the public, from or to a parking lot, sidewalk, boardwalk, covered breezeway or covered porch into or out of the establishment.

D

Day care center or nursery. See Child care facility.

Demolition. For the purposes of permit issuance, code enforcement/Magistrate order, or other related actions by property owners, City officials or related parties; shall mean the complete removal of all building components, that there is nothing preserved for reuse in place and the improved construction area is to look as if nothing was ever there, once demolition is complete.

Density, gross residential. The number of residential dwelling units permitted per gross acre of land, determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including dedicated rights-of-way and except as otherwise provided in these LDR. In determining the number of residential units permitted on a specific parcel of land, a fractional unit is rounded down to the nearest whole unit.

Developer. A person, including a governmental agency, undertaking development as defined in F.S. ch. 163, part II and F.S. § 380.031, as amended.

Development. As defined in F.S. ch. 163, part II and F.S. § 380.04, as amended.

Development order. Per Florida Statutes, is an order granting, denying, or granting with conditions an application for a development permit.

Display, Major Retail. An open-air area on private property, as specifically allowed for in Article 4, which is not 'Minor', which provides for display of cars, boats, golf-carts, portable buildings, manufactured homes, recreational vehicles, utility trailers, rental vehicles and equipment, farm and lawn maintenance equipment and other similar as determined by the LDR Administrator. Any such area which is improved with rock, asphalt, and cement or similar, shall be considered a vehicular use area, as well as included in determining lot coverage standards.

Display, Minor Retail. An open-air or partly enclosed area on private property, which is not completely enclosed within a building, as specifically allowed for in Article 4, which provides for display of retail goods offered by the licensed establishment at that location. To be considered minor, it is limited to 10% of the area of the associated building which contains the licensed establishment.

Distance. The shortest spatial separation between two points, or objects, measured horizontally in miles, feet, or inches along a straight line, unless otherwise specified in the LDR.

District, zoning. Also pertains to 'district', means the current zoning assignment to a lot, or portion thereof, as evidenced by data on the city's Official Zoning Atlas.

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

Drainage basin. The area defined by topographic boundaries which contributes storm-water to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage detention structure. A structure which collects and temporarily stores storm-water for its gradual release. The storm-water may receive prior purpose treatment through physical, chemical, or biological processes with subsequent gradual release of the storm-water.

Drainage facilities. A system of manmade structures designed to collect, convey, hold, divert or discharge storm-water and includes storm-water sewers, canals, detention structures, and retention structures.

Drainage retention structure. A structure designed to collect and prevent the release of a given volume of storm-water by complete on-site storage.

Dumpster. A portable container, used for temporary storage of garbage, trash, or other refuse or receptacle material, that has a capacity of one cubic yard or more.

Dwelling unit (D.U./Dwelling). A single unit providing complete, independent living facilities for one or more persons, constituting a primary, separate, independent housekeeping establishment, limited to being occupied by one family (as defined), and, in the case of a two-family or multiple-family arrangement, physically separated from other rooms or dwelling units which may be in the same structure. Said unit shall contain a dedicated entrance from the outside, as well as permanent provisions for living, sleeping, kitchen/ cooking facilities, and bathroom/ sanitary facilities and areas with a flush toilet, lavatory and tub or shower bath, with plumbing and electrical connections provided for attachment to outside systems. Shall not include buildings licensed, inspected and approved for transient use such as hotels and motels, or those which are designed or occupied as Group Living Facilities. (See applicable Sections contained herein).

Dwelling, accessory. An ancillary secondary dwelling unit, as provided for herein, established in conjunction with, and clearly subordinate to, a primary dwelling unit on the same lot, whether a part of the same structure as the primary dwelling unit or in a detached structure on the same lot. One not constructed or utilized as a guest house or guest cottage, shall be considered as a ‘Type Other’, and shall be as provided for herein, and in conjunction with F.S. 163.31771, as amended.

Dwelling, conventional single-family. A site-built, stick-built, or off-frame (without a chassis) residential modular dwelling (as defined herein) affixed and installed to a permanent foundation (e.g., engineered and poured: slab or stem-walls and piers with footers) containing only one dwelling unit and structurally connected to no other dwelling unit, or not sharing a single parcel of record with another such primary dwelling unit. For regulatory purposes the term is not to be construed as including mobile or manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, guest house or guest cottage. An accessory dwelling, intended for intermittent or temporary occupancy by a nonpaying guest; provided, however, that such quarters have no cooking facilities, are not rented, and have no separate utility meters.

Dwelling, live-work. A dwelling unit established in an existing nonresidential building or a new mixed-use building.

Dwelling, manufactured home single-family. A home fabricated on or after June 15, 1976, in an offsite manufacturing facility, which is then transported in one or more matching sections, for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act. A travel trailer is not a mobile or manufactured home.

Dwelling, Type I manufactured home single-family. A manufactured home built on or after June 15, 1976 and before July 13, 1994. Also referenced as Early Code Manufactured Homes in related FEMA manufactured home documents.

Dwelling, Type II manufactured home single-family. A manufactured home built on or after July 13, 1994, according to the amended HUD Manufactured Housing Construction and Safety Standards.

For regulatory purposes, a modular single-family dwelling which otherwise meets the related definition herein, which is produced with "on-frame" construction, and transported on wheels and axles to the site, and installed on foundation pads, dry stacked blocks and tie-downs, rather than constructed without a chassis to be affixed and installed on permanent foundations (e.g., engineered and poured: slab or stem-walls and piers with footers), shall fall under this defined term, when specified as a listed permitted use in various associated zoning districts; however, installation of such modular dwelling shall be done by a licensed contractor and not a mobile home installer, as required by Florida Statutes.

Dwelling, mobile home. A non H.U.D. home constructed prior to June 15, 1976. Also referenced as Pre-Code Manufactured Homes in related FEMA manufactured home documents.

Dwelling, modular single-family. A structure which is or was originally designed and constructed for residential occupancy in accordance with the State of Florida that is, either wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassemble, damage to, or destruction thereof.

A modular dwelling under this definition shall have been built under and to the Florida Building Code and in compliance with Chapter 553, Florida Statutes; often referred to as a "DCA Home", and shall have a Department of Community Affairs (DCA) or Department of Economic Opportunity (DEO) insignia on the inside cover of the electrical panel containing: the words "Department of Community Affairs" or "Department of Economic Opportunity", the State of Florida Seal, Occupancy, and a MB number. There also shall be affixed a manufacturer data plate containing: manufacture's name, date of manufacture, serial number, occupancy, construction type, wind velocity, floor load, etc. This definition shall not include any manufactured building constructed prior to March 1, 2002, which was produced under the old Standard Building Code, and not the Florida Building Code, nor does it include, for dwelling occupancy purposes, any such building not originally designed, constructed and certified for residential occupancy.

Dwelling, multiple or multiple-family. A conventionally built or constructed building or group of buildings, on a single parcel of record, originally designed and constructed for three or more adjoining primary dwelling units, with each dwelling unit having a separate entrance and a party wall and/or party floor or ceiling connecting it with at least one other dwelling unit. Also applies to a series of separate single-family or multi-family buildings all located on a single parcel of record. Said dwelling units may be in part owner occupied and/or intended to be leased or rented and maintained under central ownership and management. A multiple dwelling in which dwelling units are available for rental for periods of less than one week is considered a tourist home, a motel, motor hotel, or hotel as the case may be.

Dwelling, park model single-family. Used interchangeably with "park trailer" as found in Chapter 320, Florida Statutes, is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI

A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards.

Dwelling, single family. One building under one roof, on a single parcel or lot of record with its own property parcel number, containing only one dwelling unit, and occupied and utilized as and by only one family, as defined. It may be either: a single-family conventional or unconventional dwelling, modular or a manufactured home dwelling, depending on various single family zoning allowances.

Additionally, occupancy, or alteration for occupancy, of a single family dwelling unit residence located in a single family zoning district, in a manner to divide up rooms with undocumented or unpermitted alterations including but not limited to additional partition walls/doors, or interior doors which are individually padlocked or dead bolted from the exterior/hall side of the door, or having separate rental payment agreements for multiple occupants, or not meeting minimum Florida Building or Fire Code standards for room dimensions, windows, light, and others which may apply, or the occupancy of said residence by related or unrelated persons, in excess of the occupancy policy established by the Department of Housing and Urban Development, shall constitute said residence being classified as two-family, multiple-family, or as a Group Living Facility, and shall result in the instance being found to be a violation of the LDR, and subject to enforcement as provided, unless otherwise determined to be allowable under existing nonconforming provisions.

Dwelling, two-family or duplex. One conventionally built or constructed building under one roof, on a single parcel of record, originally designed and constructed to contain only two dwelling units, each serving as a primary use. A modular style duplex, which otherwise meets the criteria under the definition of Dwelling, conventional single-family, shall also be included in this definition.

Dwelling, unconventional single-family. A building containing one primary dwelling unit, on a single parcel of record, and structurally connected to one or more dwelling units. For regulatory purposes the term is not to be construed as including manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing.

E

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

Electronic LED or LED display sign. See Sign, Variable Message Board.

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

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

Engineer. A professional engineer registered to practice engineering by the State of Florida and who is in good standing with the Florida Board of Engineer Examiners and Land Surveyors.

Erect. To build, construct, attach, hang, place, suspend, paint, or affix.

Essential services. See applicable LDR Sections.

Establish. To cause to occupy a lot, building, or portions thereof, with a new or differing use, or to re-occupy a lot or building which no longer has a qualifying status as legal nonconforming.

Establishment. A commercial, industrial, institutional, educational, office, business, or financial establishment, including all forms of retail, wholesale, and services.

Expansion. The act of expanding; to increase the size, volume, quantity, scope or use of; enlarge; or spread out.

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

F

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

Family. To protect health, safety, traditional family life and preserving the atmosphere of the neighborhood, by preventing unsafe occupancy, overcrowding and excessive traffic, one or more persons occupying a single dwelling unit as a family or the functional equivalency of a traditional family, as those which:

1. Share the entire dwelling unit under one or more presiding heads of the household;
2. Reside and cook or warm food together as a single/common housekeeping unit;
3. Share expenses for food, utilities or other household expenses;
4. The head of the household pays an all-inclusive mortgage or rent payment, if applicable, on behalf of the family unit;
5. All members are related by blood, adoption, marriage, or foster care or the group contains no more than three unrelated persons; and
6. Are part of a permanent, stable, non-transient household.

Provided that, no more than one roomer or boarder may occupy the dwelling unit (for two or more roomers or borders, see Group living facility).

Fence. A constructed vertical barrier of any material or combination of materials erected to enclose, screen, or separate areas.

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

Flag. Any outdoor display or device made of fabric and used to convey a message or attract attention. A flag is typically larger that a pennant and differs from a banner because a flag is typically attached along only one side to a pole or hung from only one side beneath a beam or other overhead structure.

Flashing sign. See Sign, Animated.

Flood. The unusual and rapid accumulation or runoff of surface water of any source.

Flood elevation of record. The maximum flood elevation for which historical records exist.

Flood hazard boundary map (FHBM). The flood hazard boundary map (FHBM), issued by the Federal Emergency Management Agency and defining as zone A the boundaries of areas of special flood hazard, is the official such map of the city.

Flood insurance rate map (FIRM). The flood insurance rate map (FIRM), issued by the Federal Emergency Management Agency and delineating areas of special flood hazard and zones of risk premium applicable to the city, is the official such map of the city.

Flood insurance study. A flood insurance study, provided by the Federal Emergency Management Agency and containing flood profiles as well as the flood boundary floodway map and the water surface elevation of the base flood, is the official such report for the city.

Floodplain. An area inundated during a 100-year flood event or identified by the Federal Emergency Management Agency as an A zone on flood insurance rate maps or flood hazard boundary maps.

Floodway. The channel of a river or other watercourse and the adjacent land areas that are reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area. Except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating, heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than 48 inches above the general finished and graded level of the adjacent part of the lot.

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

Foster family home. A home, otherwise located in a zoning district which permits single-family residential units, providing parental care for three or fewer total minor children for which reimbursement or fee is received for any one or more of the children in return for such services. This use must comply with statutory licensing requirements.

Foster group home. A home or facility, child caring institution, or group home, that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance,

protection and guidance, providing parental care for four or more total minor children for which reimbursement or fee is received for any one or more of the children in return for such services, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. This use must comply with statutory licensing requirements.

Frontage, Building or Tenant. The length of an outside building wall, from corner to corner or tenant wall to tenant wall, which contains a public customer entrance.

Frontage, Street or Road. For the purposes of the Sign Regulations, the length of the lot line of any one parcel, in linear feet, where it abuts and runs parallel to the right-of-way of any public street, which along its length, contains a curb cut or curb break to allow vehicular traffic ingress or egress, as opposed to a Bordering Street. Any wall of a building which is parallel to such a street is considered a wall which fronts the street right-of-way.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water such as a docking facility necessary for the loading or unloading of cargo or passengers, boat building, boat repair, or fishery processing facilities. The term does not include long term storage, manufacture, sales or service facilities.

Fundraising activity. An activity, otherwise allowed by law, ordinance or code, conducted by a Non-Profit organization (NPO), or a non-commercial organization which is operating under the administration of a verified, recognized, bonifide governmental, fraternal, educaional, recreational or charitable entity, which is temporary in nature and at a specific location, and for the purpose of raising funds to benefit and futher the objectives, goals and mission for said organization. Including, but not limited to, car washes, prepared food plates, cook-offs, auctions, yard markets and sales, ‘bail-outs’, ‘a-thons’, and similar type events. Also may include an activity conducted by said entities provided as an outreach or ministry to the public. Pursuant to Section 14.10, said activity may require the application for and issuance of a zoning special permit for temporary uses, for the location, unless conducted at a recognized public event location, IE: fairgrounds, stadium, school, city park, etc. with approval by the assoicated entity which has ownership or authority over said recognised public event location.

Future land use plan map of the comprehensive plan. Shall mean the current and up to date data found on the GIS based mapping computer software maintained by the land development regulation administrator, superseded only on a parcel by parcel basis, by any legally adopted ordinance, and subsequent acceptance and certification by the Florida Department of Community Affairs, of a land use classification district amendment, in which said change has not yet been updated and reflected on said GIS based map.

G

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

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

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

Grade. A reference plane representing the average finished ground surface level immediately adjacent to the exterior walls of a building or a sign structure.

Groundwater. Water in saturated zones or stratum beneath the surface of land or water, whether or not it is relatively stationary or flowing through channels.

Group living facility. An establishment where lodging is provided:

1. For four or more persons who are not a family or for two or more roomers or boarders;
2. For residents rather than transients;
3. On a weekly or longer basis; and,
4. In which residents may share common sleeping or kitchen facilities.

The term "group living facility" includes: dormitories; fraternities and sororities; rooming facilities/houses or boarding facilities/houses; half-way houses; foster group home; convents or monasteries; communal living facilities in conjunction with a non-profit organization or religious sect, society or group of collective associated individuals; orphanages; labor-force and agricultural-force housing or camps located at said commercial, industrial or agricultural based entities. For purposes of these LDR one-, two-, or multiple-family dwellings which constitute separate housekeeping establishments for individual families are not considered group living facilities. This definition also does not pertain to Long Term Care Facilities, Retirement Communities or Facilities, Community Residential Homes or institutions which house incarcerated individuals sentenced by a judicial authority to confinement in a controlled setting.

H

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

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

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

Height, Sign. The vertical distance in feet from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure, whichever is higher.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation. An occupation conducted entirely within a dwelling unit in accordance with home occupation criteria herein.

Hospice. A centrally administered corporation providing a continuum of palliative and supportive care for the terminally ill patient and his or her family.

Hospice residential unit. A homelike living facility, other than a facility licensed under other parts of Chapter 400, 395, or 429, Florida Statutes, as amended, that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence.

Hotel, motel, motor hotel, motor lodge, tourist court. A building or group of buildings in which sleeping accommodations are offered primarily for rental to transients with a daily charge, as distinguished from multiple family dwellings and group living facilities where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients.

HUD Label Display. A HUD label certifying that it was built in accordance with the Federal Manufactured Housing Construction and Safety Standards, and as described further in the Florida Highway Safety and Motor Vehicles Mobile/Manufactured Home Construction Standards document.

I

Improvements. Includes, but is not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, road and street signs, landscaping, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by the subdivision regulations, otherwise, improved areas shall be considered any changes to unimproved areas of land, including but not limited to new: driveways, parking, walkways, buildings, structures, or other changes to land which are impervious in nature or which increase the intensity of use of the area in question.

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

Internet café. Also includes Cyber Café, Cyber Center, Internet Center or Parlor, Gaming Center or Sweepstakes Café or Center. A place where people can get connected to the Internet, where food or drink may be available, while using a publicly accessible computer. While the main activity in the cyber cafe is the Internet, such as email, newsgroup and web site surfing, other applications usually available are office suite to type document, spreadsheet, games, such as online games and other utilities such as printing service, scanning and digital photo/CD/DVD service or repair services. Some internet cafes also sell computer accessories and computer related stuffs. People may have their food and drink at the computer table or at separate tables provide by the cafe. Modern cyber cafe also have wireless connection in their local area networking (LAN), where people can bring their own lap top and get connected to the Internet by paying a small fee. People can play online games or network games. Customers may buy Internet time or purchase phone cards. With the Internet time, a person can search the Web, etc. and the Internet time and phone cards may also allow the purchasers to play the sweepstakes games that come with them.

J

Junkyard. A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., is brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition does not include automobile wrecking or automobile wrecking yards nor does it include establishments for the sale, purchase, or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which are usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

L

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

LDR. Regulations pertaining to and adopted by the City of Live Oak, Florida, which, according to the Florida Statutes, address the use of: land and water, subdivision of land, drainage and storm-water management, protection of environmentally sensitive areas, sign control, standards for public facilities and services, existing housing quality, on-site traffic flow and parking and any other regulation contained herein and so adopted by the city council.

Land development regulation administrator. The primary official designated by the City Council for the administration of the City of Live Oak comprehensive plan and the LDR, also known as the Development Manager. Certain activities and administration of the LDR is vested with other city officials, including but not limited to: the Building Official, Floodplain Administrator, and Code Enforcement Officer. When acting in their applicable capacities, these officials shall be considered to be acting as the LDR Administrator, as a designee of, but distinctly separate from, the Development Manager.

Landmark. A building or structure which has been designated as such within the comprehensive plan.

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

Landscaped areas / Landscaping requirements. For the purposes of these LDR, and specifically pertaining to off-street parking areas, as defined herein, shall mean required green-space areas located within the development area of new, changed or expanded uses, where off-street parking is provided (expanded or installed), said areas to be located not only around the periphery of a parking lot, but shall also be located within the interior of the off-street parking lot area, in a manner which serves to divide and break up any expanse of parking and driveway areas;

said areas which are not only grassed, sodded or otherwise covered with ground vegetation, but which also contain a certain number of trees, as required, and for each tree to also be supplemented by a proportionate number of small and medium sized plants and shrubs, planted in proximity to said trees;

said areas to contain no commercial displays, except for signage as allowed;

said percentage of landscaping to be determined using the total area of all parking, loading, private streets and driveways, firelanes, and all other impervious or rocked area, which is to serve the development complex and/or primary or accessory structures, or such areas which are located or proposed to be located on said parcel or tract of land in the incorporated City of Live Oak;

said areas to be maintained as required herein.

LED (Light Emitting Diode) light. A light source or device that relies on passing electricity through and exciting a chemical compound rather than the heating of a filament.

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

Licensed. Where found within these LDR, this term refers to the applicable licensing as issued from a licensing entity authorized and charged to oversee their respective area. It may mean federal or state agency, division, bureau or department. It may also be used interchangeably with the terms registered and/or tagged, IE: Licensed Vehicle.

The City does not issue licenses. Businesses generally apply for a Business Tax Receipt (BTR), therefore where applicable, said term shall reference the BTR, and associated inspections and approvals tied to said BTR.

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

Loading space, Off-street. A dedicated space in addition to customer parking areas logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled as required herein, expected to be used, and accessible to such delivery or service related vehicles.

Local Planning Agency. The agency designated by the city council under the provisions of F.S. ch. 163, part II, as amended.

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

Long-Term care facility. A nursing home facility, assisted living facility, adult family-care home, board and care facility, hospice care facility, home for special services as defined in Florida Statutes, intermediate care facilities, transitional living facility, prescribed pediatric extended care facilities, personal care facility, supervised living facility, or any other similar residential adult healthcare facility.

The term “Facility” within the context of this type of establishment and/or service means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care services, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, disability, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill.

A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. This definition shall not pertain to a Hospital, Group Living Facilities, Retirement Communities or Facilities, or any institutions which house incarcerated individuals sentenced by a judicial authority to confinement in a controlled setting.

Long-Term care facility resident. An individual 60 years of age or older, or who otherwise qualifies for services rendered by the facility, who resides in a long-term care facility.

Lot. A lot or lot of record is a recorded portion of a subdivision, or any parcel of land of record, recorded in the office of the county clerk or other governing property records authority, which contains frontage on a public right-of-way, intended as a unit for building development or for transfer of ownership or both. For purposes of these LDR, a lot is of at least sufficient size to: (a) meet minimum zoning requirements for use, coverage, and area, and (b) provide the yards and open spaces as are herein required; provided, however, that certain existing nonconforming lots of record (Sec. 4.1.6) may be exempted from certain provisions of these LDR as provided herein. May also be a parcel of land described by metes and bounds; provided that in no case of division or combination, shall a residual lot or parcel be created, which does not meet the requirements of these LDR.

Lot access. The method of ingress and/or egress to a non-conforming lot of record which does not currently front a public street right-of-way.

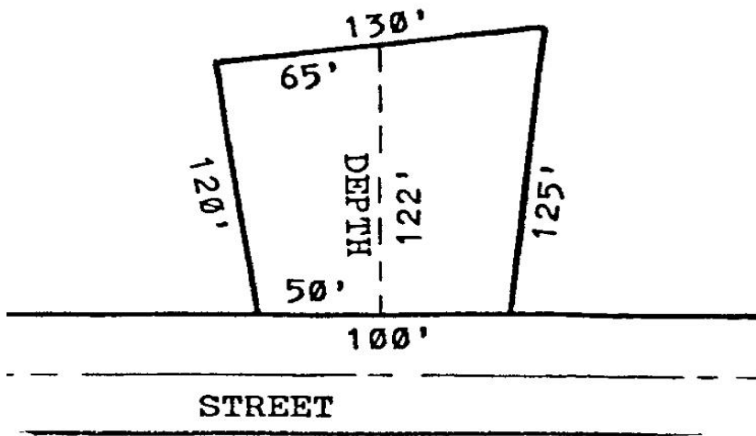
Lot area. The total horizontal area included within lot lines.

Lot coverage. That percentage of lot area covered or occupied by buildings, including accessory buildings.

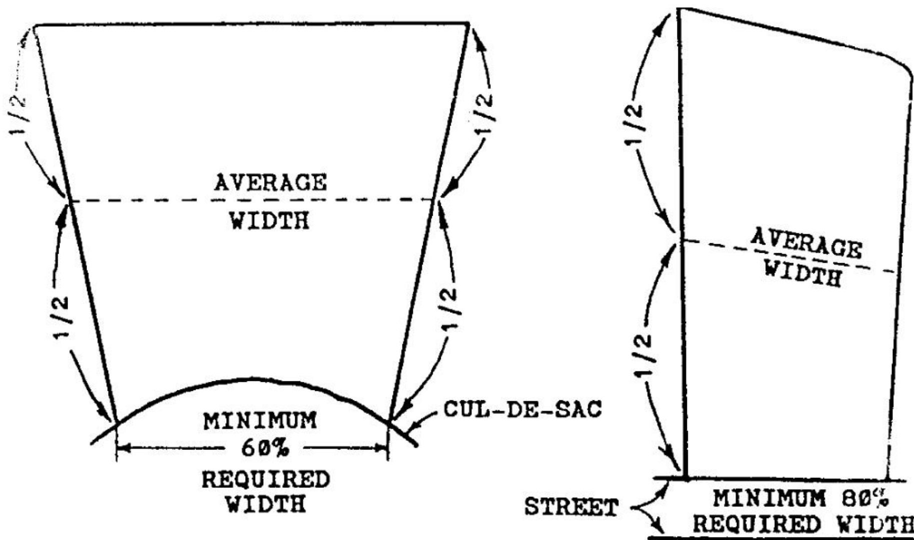
Lot frontage. The portion of a lot abutting a public street.

Lot line. The ownership lines bounding a lot.

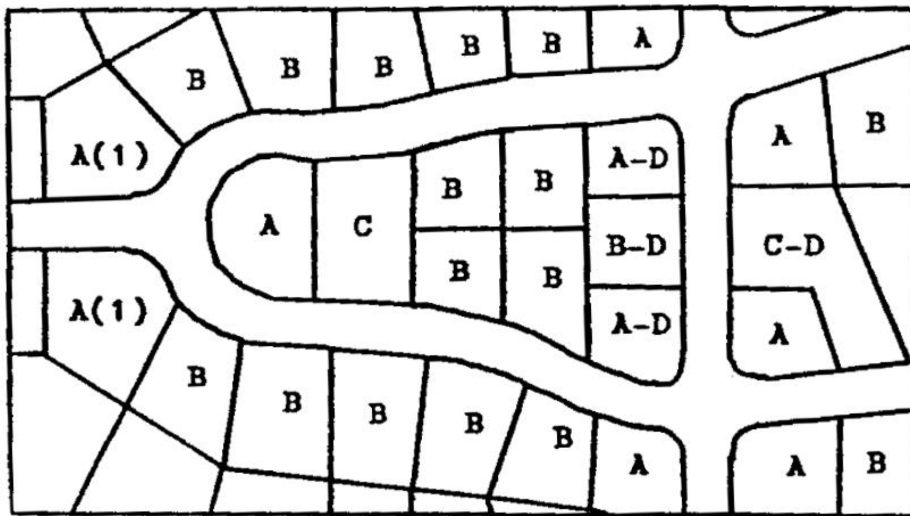
Lot measurement, depth. Depth measurement of a lot is considered to be the distance between the midpoints of straight lines connecting the foremost points on the side lot lines in front and the rearmost points of the side lot lines in the rear.



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



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



In the diagram:

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

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

C = Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets are also referred to as double frontage lots; and

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

M

Mansard or Mansard roof. In architecture or building design, it refers to a style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water.

Marginal access street. A street, parallel and adjacent to an existing street, providing access to abutting lots.

Major recreational equipment. Includes boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Mini-storage facility. A building or series of buildings operated as one enterprise accessible either during posted hours of operation or self-accessible at any time, and providing completely enclosed individual storage compartments or units which are separated by permanent partitions, and offered to the public for rent for storage of personal goods only none of which shall be explosive, flammable, or illegal. An area within a building may also be included to provide office space and required sanitary facilities for use by the owner(s) of the facility or their employee(s) only and only for the purpose of operating the mini-storage facility.

Mobile home. See Dwelling, mobile or manufactured home.

Manufactured home park. A parcel of land under single ownership or management which is operated as a business engaged in providing for the parking or leasing of manufactured homes, for nontransient living or sleeping purposes, and where lots or dwelling units are offered only for rent or lease, and including customary accessory uses such as owners' and managers' living quarters, laundry facilities, and facilities for parks and recreation. Does not include areas for recreational vehicles, travel trailers or campers.

Manufactured home stand. One or more designated areas within a lot or parcel, designated for the accommodation of not more than one manufactured home, such area which provides connections for electric, potable water, and sanitary sewer.

Manufactured home subdivision. A residential subdivision where individual lots, not stands, are offered for sale for use exclusively by manufactured homes.

Mobile or semi-permanent food truck, trailer or cart vendors. A licensed motorized vehicle, trailer or cart unit where food items may be prepared or provided, and are available for sale to the general public.

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

Mobile service related activity, Commercial. A licensed commercial service accessory use activity conducted to provide a variety of services at non-residential locations, by a business entity licensed to conduct business in the City, where the owner or employees of said service business, upon being solicited to do so, temporarily travels to the location and performs a specific scope of work for the owner or manager of the establishment, including to make estimates, conduct repairs, alterations, handy-man and construction, installation, building interior and exterior cleaning, concrete and asphalt maintenance and installation, lawn care and landscaping, decorating, catering and similar, however does not include any activities to vehicles as enumerated under automobile repair garage, vehicle washing, etc. Subject to any additional standards as apply in Article 4, to the subject property location.

Mobile service related activity, Residential. A licensed commercial service accessory use activity conducted to provide a variety of services at residential locations, by a business entity licensed to conduct business in the City, where the owner or employees of said service business, upon being solicited to do so, temporarily travels to the location and performs a specific scope of work for the owner or resident of the property, including to make estimates, conduct repairs, alterations, handy-man and construction, installation, building interior and exterior cleaning, concrete and asphalt maintenance and installation, lawn care and landscaping, decorating, catering and similar, however does not include any activities to

vehicles as enumerated under automobile repair garage, vehicle washing, etc. Subject to any additional standards as apply in Article 4, to the subject property location.

Motel, motor hotel, or motor lodge. See Hotel.

Moving sign. See Sign, Animated.

N

National Geodetic Vertical Datum (NGVD). The NGVD, as corrected in 1929, is a vertical control used as a reference for establishing and varying elevations within the floodplain.

Natural drainage features. The naturally occurring features of an area which accommodates the flow of storm-water such as streams, rivers, lakes, and wetlands.

Neighborhood Community Center. A public or privately held building or group of buildings and associated site in which members of a community may gather for recreational, social, educational, or cultural activities, subject to additional criteria as specified herein, or implemented by Board of Adjustment condition, as applicable, and see also Chapter 18 of Live Oak Code of Ordinances, under Banquet Hall, as applicable.

New construction. Structures for which the "start of construction" commenced on or after the effective date of these LDR.

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

Nonconforming lots, uses of land, structures, characteristics of use, and use of structures and premises. As provided for herein.

Non-Profit organization (NPO). An organization that does not distribute its surplus funds to owners or shareholders, but instead uses them to help pursue its goals. Examples include charities (i.e. charitable organizations), trade unions, public arts organizations and entities who have meet the requirement for an IRS 501(c) designation. Organizations purported to be non-profit must produce satisfactory third party documentation to utilize the provisions contained herein.

Non-Residential location. Any parcel of land located in a zoning district, according to the Official Zoning Atlas of the City of Live Oak, as amended, which is not zoned: RSF; RSF/MH; RMH; RMH-P; or RMF along with the associated 1, 2 or 3 as may be applicable; or any use or establishment which legally exists in such a district, which is not currently utilized in a residential manner.

Nuisance. The following are defined as nuisances:

1. A public nuisance known at common law or in equity jurisprudence;
2. A attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound

fences or structures; or lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
3. Whatever is dangerous to human life or is detrimental to health, as determined by the county health officer;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewerage or plumbing facilities;
7. Uncleanliness, as determined by the county health officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the county health officer.

Nursery school. See Child care facility.

Nursing home and Nursing home facility. A long-term care facility which provides nursing services as defined in Part I of chapter 464, Florida Statutes, as amended, and which is licensed according to this part.

O

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

Office, Professional. A professional office is for the use of a person or persons generally classified as professional service such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including boarding of animals on the premises, except as part of treatment and then only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally to an offering of consultative services.

100-year flood area. The 100-year flood area means those area within the scope of these LDR that have a land elevation less than the official 100-year flood elevations.

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

Official 100-year flood map. The official 100-year flood map means the map issued by the Federal Emergency Management Agency that delineates areas having ground elevations less than the official 100-year flood elevations.

Official Zoning Atlas of the land development regulations. Shall mean the current and up to date data found on the GIS based mapping computer software maintained by the land development regulation administrator, superseded only on a parcel by parcel basis, by any legally adopted ordinance of zoning district amendment, in which said change has not yet been updated and reflected on said GIS based map.

Opaque. Not transparent or translucent; impenetrable to light; not allowing light to pass through.

Opaque fence. Any fence which serves as a solid barrier to separate, protect, or buffer one area from another. When required, an opaque fence shall be a natural stained or white painted wooden privacy type with abutting board edges, a solid white vinyl type, or a solid masonry wall pained a solid, neutral color.

Outdoor storage yards and above ground fuel bulk storage and dispensing facilities and yards may propose a colored chain link fence with colored privacy inserts or other permanently maintained screening to meet the opaque fence requirement. See also fence regulations and requirements in the City Code of Ordinances. When determined appropriate by the LDR Administrator, other colors may be allowable, when deemed to compliment and not conflict with the surrounding landscape or built environment.

The required height shall be measured from the highest portion of the nearest adjacent grade of dirt or landscaped area.

<u>Openable area</u>. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

<u>Open spaces</u>. Undeveloped lands suitable for passive recreation or conservation uses.

<u>Operator</u>. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

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

1. Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Has charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person firm, or corporation in control of a building; or their duly authorized agents. A person representing the actual owner is considered to be bound to comply with the provisions of these LDR to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of reported infractions of these LDR pertaining to the property and which apply to the owner.

P

<u>Package store</u>. A place where alcoholic beverages are dispersed or sold in containers for consumption off the premises, as licensed by the State of Florida.

<u>Park, Private</u>. An area contained within and wholly on provate property, which is designated and available only to residents of apartments, institutions or homes within a private complex area.

<u>Park, Public</u>. An area under governmental control, and open to the public, providing open space and/or ammenities which offer opportunities for exercise and recreation.

<u>Parking space, Handicapped</u>. An off-street parking space reserved for persons who are physically disabled or handicapped.

<u>Parking Area, Off-Street</u>. Consists of any area on private property which meets the parking requirements herein, together with any related driveway and curb-cut access to a public street or alley and internal maneuvering driveway aisles.

Shall also mean all vehicular use areas (VUA), including but not limited to loading and storage areas, as well as any area dedicated or utilized for outside display purposes.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire, or string, often in a series, designed to move in the wind, and to act as an attention getting device.

Performance bond. See Surety device.

Permanent control point (PCP). A secondary horizontal control monument which is either a metal marker with the point of reference marked thereon or a four-inch by four-inch concrete monument a minimum of 24 inches long with the point of reference marked thereon. PCP's bear the registration number of the surveyor filing the plat of record.

Permanent reference monument (PRM). A metal rod a minimum of 24 inches long or a 1 1/2-inch minimum diameter metal pipe a minimum of 20 inches long, either of which is encased in a solid block of concrete or set in natural bedrock, a minimum of six inches in diameter, and extending a minimum of 18 inches below the top of the monument, or a concrete monument four inches by four inches, a minimum of 24 inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, bears the registration number of the surveyor certifying the plat of record with the letters "PRM" placed in the top of the monument.

Personal care services. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication by a licensed person or the assistance with or supervision of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence or who needs assistance to manage the person’s personal lift, regardless of whether a guardian has been appointed for the person.

Planning and Zoning Board. The currently appointed planning and zoning board of the city as provided for herein within these LDR.

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

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

Plot. See Lot.

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

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

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

Principal Building. The building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings, however, storage

buildings, garages, and other clearly accessory structures or uses within such structures shall not be considered principal buildings.

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

Property, Abutting. For the purposes of the Sign Regulations, property that is immediately contiguous at any point or along a common side, boundary or lot line to the subject parcel of property. Two pieces of property that are separated by a street or right of way are adjacent, but not abutting.

Property, Adjacent. For the purposes of the Sign Regulations, property that is either abutting or on the opposite side of a common street, right of way, or easement that separates it from the subject property. In order for the parcels on opposite sides of the easement or ROW to be adjacent, it must be possible for the projected lot line of one parcel to cross the street and intersect the lot line of the adjacent parcel. Properties separated by a railroad track or freeway are not abutting or adjacent.

Public areas. Unoccupied open space adjoining a building and on the same property that is permanently maintained accessible to the fire department and free of encumbrances that might interfere with its use by the fire department.

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

Publically owned. Property parcels wholly owned and maintained by a public entity, including: Federal, State and Local Governing Bodies, Schools, Public Utility Facilities and similar governmental uses and governmental installations.

R

Reader board sign. See Sign, Variable Message Board or Sign, Changeable Copy, as applicable.

Recreation facility (commercial). A privately held building or portion of a building or lot designed and equipped for the conduct of sports, exercise, leisure time activities or other recreational activities, operated for a profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Recreational uses. Activities within areas where recreation occurs.

Recreational vehicle parks and campgrounds. Any area, as provided for herein, that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers or tents, as temporary living quarters for recreation, education or vacation purposes and is open to the public. Any similar establishment who allows for living arrangements for greater than 30 calendar days shall be defined as multi-family dwellings.

Regulated materials. Regulated materials include the following:

1. Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products. This term does not include liquefied petroleum gas, American Society for Testing and Materials grade number 5 and number 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils;
2. Substances listed by the Secretary of the Florida Department of Labor and Employment Security pursuant to F.S. ch. 442, as amended (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in F.A.C. ch. 38F-41, as amended;
3. Substances listed by the administrator of the United States Environmental Protection Agency pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification, as amended (40 CFR 302);
4. Substances listed by the administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986, as amended. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification, as amended (40 CFR 355);
5. Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations, as amended (49 CFR 172);
6. The following elemental metals, if they are stored in a easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc;
7. Mixtures containing the above materials if they contain one percent or more by volume or if they are wastes;
8. A material not included above which may present similar or more severe risks to human health or the environment as determined by the land development regulation administrator or county health official based upon competent testing or other objective means with conclusions which indicate that the material may pose a significant potential or actual hazard.

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

Residential buildings. Buildings in which families or households live or in which sleeping accommodations are provided and dormitories used for residential occupancy. Such buildings include, among others, dwellings, multiple dwelling houses and rooming houses (see also Dwelling Unit).

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

Residentially zoned. Any location which, according to the Official Zoning Atlas of the City of Live Oak, as amended, is zoned: RSF; RSF/MH; RMH; RMH-P; or RMF along with the associated 1, 2 or 3 as may be applicable.

Residentially utilized. Any use or establishment which legally exists in a residential or non-residential district, which is currently utilized in a residential manner.

Restaurant. An establishment where meals or prepared (on or off-site) food, including beverages and confections, are served to customers where consumption may take place on the premises, and at least one seat, bench, table or counter is provided on the licensed premises which is available for the purposes of such consumption. The term "restaurant" includes cafes, coffee shops, doughnut shops, fast food establishments, delicatessens, cafeterias, and other businesses of a similar nature.

Restaurant, drive-in/through. Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverage to persons who stay in their automobiles.

Restaurant, take-out. An establishment where meals or prepared food, including beverages and confections, are served to customers who park and go up to a stand, counter or window, or at a drive-up window, who accept ordered food solely for consumption off the premises. Also pertains to a catering or bakery service preparing food for delivery to locations other than where the food was prepared.

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

Retirement or Senior housing facility or community. A planned, self-contained community or facility for residents who have retired from an active working life, generally referred to as retirees or seniors, who are able to maintain independent living units with no general supervision by personnel providing personal care services. Said facilities or communities are deed restricted to not allow any: owner, resident, tenant, or extended family, friends, related or non-related children or associates, to reside there who are under the age of 19 year of age and of the remaining residents, a minimum of 80% would be age 55 and older. Said facilities may or may not have common amenity areas to serve the needs of its residents. Limits on the placement and density of housing units for this use shall be according to that provided by the Future Land Use Plan Map Classification assigned to the parcel(s) at the time of development proposal. This definition does not apply to a neighborhood community which would have subdivided lots for individual ownership.

Revolving sign. See Sign, Animated.

Right-of-way. Right-of-way is land dedicated, deeded, used, or to be used as a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public use including situations wherein the previous owner gave up his or her rights to the property so long as it is being or will be used for the dedicated purpose. Right-of-way is also a land measurement term meaning the distance between lot property lines and containing such improvements as street pavement, sidewalk, grass area, and underground or aboveground utilities.

Right-of-Way line. The boundary line between a lot, tract or parcel of land and a contiguous right-of-way.

Riverbank setback line. A line running parallel to a river and at a distance specified within these LDR.

Roadway, functional classification. The assignment of streets, functionally classified as such on the applicable Federal Highway Administration (FHWA) federal functional classification designations, Florida Department of Transportation Current Highway Functional Classification and Systems map for the city, as amended, and in the city's comprehensive plan map series, into categories according to the character of service they provide in relation to the total road network. Basic functional categories include

limited access facilities, arterial streets, and collector streets which may be sub-grouped into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. Most other streets are termed local streets. These classifications are solely evaluated on the capability and capacity of the road to facilitate movement of vehicles, goods and services within, through and around the city, and on what connective function is served from one classification type to another, which in no manner causes parcels which front or have access to a road of a specific classification to be necessarily appropriate or eligible for a more intense land use classification and/or zoning district, based on said frontage or access.

Roadway, development classification. The assignment of street and road segments, as specified herein, on a chart or map, which describes what areas in the city have the predetermined potential for development or redevelopment of a certain type, based on the coresponding land use and zoning district assignment.

Roadway, historic classification. Pertains to the assignment of street and road segments, as specified herein, on a chart or map, which describes what ares in the city have structures designated, constructed or situated in a manner which is historical in nature. Development and redevelopment of said areas and parcels shall, to the greatest extent possible, be done in a manner which will complement, and not conflict with, said historic character of the segment, and, at a minimum, shall require required front yards for primary structures to be set at a maximum of the average setbacks of surrounding parcels, rather than the standard minimum front yard setback standards which apply to non-historic roadway classified frontages.

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

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

Rotating sign. See Sign, Animated.

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

S

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

Search light. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, usually directed up into the air, in order to attract or draw attention to a particular location. Does not pertain to aircraft beacons on towers or runways.

Sediment. The suspended or filtered-out material from the act of sedimentation.

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

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

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

Sight distance triangle - curb breaks. The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points that are each ten (10) feet away from the intersection of the right of way lines and a ingress or egress driveway/curb break.

Sight distance triangle - intersections. The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points that are each twenty-five (25) feet away from the intersection of the right of way lines of two intersecting streets

Sign alteration. The changing, modification or conversion of any existing sign cabinet, components or structure, or the addition to an existing sign structure of additional cabinets or components, but not the replacement of a sign copy panel of the same size, which can be replaced without constructing, reconstruction or modification to the existing cabinet or other support members.

Sign boot or wrap. A fabric or synthetic material type sign placed or mounted over an existing sign frame or sign structure, which is stretched, laced or otherwise secured to said structure, in order to create copy or to replace any copy which may be part of the sign structure.

Sign cabinet. All portions of the sign structure which do not include support poles, support braces, support or extension arms, or decorative footers or foundations, however, an extension of the cabinet or face area of a sign, to the base of the sign, or to a point where it attaches to a wall or other structure, which retains its form in a consistent manner, or, if any copy or symbols are subsequently attached to said extansion, or, if such extension contains no visible diferenciation in size, design and/or materials, between itself and the cabinet/face area, then such area shall be considered the sign cabinet.

Sign face area. The area within a continuous perimeter enclosing the limits of writing, representation, eblem, other display, or any figure or similar character, together with any frame, material, color, or cabinet limits of the display, or used to differentiate the sign from the background against which it is placed, excluding any visible support poles, uprights, braces, brick, stone or similar foundation on which the sign cabinet is placed or mounted; provided, however, that any frame or border or open space contained within the outer limits of the display face shall be included in the computation of the area of the sign, whether this open space is enclosed or not by a frame or border. For the purposes of evaluating a proposed sign in comparison with maximum allowed face size, for projecting wall signs or double-faced freestanding signs, only one (1) side shall be measured in computing sign area, so long as the faces are parallel, or where the the interior angle formed by the faces is thirty (30) degrees or less, provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face. Extended support structures greater than one (1) foot in diameter, shall not be considered countable face area, so long as such area is not utilized in the future for copy or symbols of any kind, whether permanent or temporary signage, and so long as there is a visible diferenciation in size, design and/or materials, between the cabinet/face area and the support(s), as is defined in . Copy printed or imprinted on awning material shall be measured by the limits of the copy and not the limits of the awning material to which it is printed. Banners and other special sign types shall be measured from top to bottom and end to end, regardless of any area which may not contain any copy.

Sign location. Any lot, premises, building, structure, wall or any place whatsoever upon which a sign is located.

Sign number. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be an individual sign. A projecting sign or freestanding sign with identical copy on both sides (faces) of the sign and such faces being back to back, or forming a "V" shape not greater than a thirty (30) degree angle, and at no point more than 36" apart, shall be construed as a single sign. For individual letters arranged on a wall to be construed as a single sign, no letters forming a word shall be greater than 60" distance from any other letters forming another word. A single wall which contains two (2) separate public entrances, separated by more than twenty-five (25') feet shall be entitled to a sign as allowed for each such entrance.

Sign Regulations or Sign Ordinance. Refers to any definitions or any other section, which may be applicable to a sign, in the LDR or Code of Ordinances for the City of Live Oak, Florida.

Sign support structure. The portion of a sign, whether visible or not, not including the cabinet itself, which is used or designated to support: a sign along with the sign cabinet which holds or contains the sign or copy panel or raceway.

Sign, Abandoned. A sign and/or sign structure which no longer correctly directs or exhorts any person, or no longer identifies an establishment, bona fide business, lessor, owner, product, good, service, or activity available on or off the premises where such sign and/or sign structure is located or which identifies a time, event or purpose that has passed or no longer applies or a sign from which the changeable letters are missing to the extent the intended message is rendered indecipherable. Signs which have been otherwise maintained, which contain content denoting availability of advertising space or availability of tenant space, are not considered abandoned. Signs located on a parcel that pertain to a structure for which a building permit has been issued within the preceding 6 months are not considered abandoned.

Sign, Animated. Any sign of which all or any part thereof visibly moves or imitates movement in any fashion whatsoever; or any sign which utilizes intermittent animated or flashing illuminating devices, which results in changing light intensity, brightness or color, or contains or uses for illumination any light(s), lighting device(s), or LED's, which emit, show or display visible light or optical spectrum, which is capable of programmed or random changing, or which changes color, flashes or alternates, shows movement or motion, or which changes the appearance of said sign or any part thereof automatically or which is constructed and operated so as to create an appearance or illusion of movement or motion. An approved and permitted, in accordance with 4.19.20.5., variable message board sign which is programmed to display changeable copy in a manner which is in compliance with 4.19.20.10 (6), shall not be construed to be animated.

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

Sign, Awning. Any information painted on, or imprinted on an awning.

Sign, Banner. Any sign intended to be hung either with or without frames and with or without characters, letters, illustrations or ornamentations, applied to flexible material or fabric of any kind. National flags and flags of political subdivisions, or information painted or imprinted on awnings, as defined in this article, shall not be considered banners.

Sign, Bench. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Billboard. A large outdoor advertising structure (a billing board), with available or leased advertising space or face area, typically found in high traffic areas, which presents advertisements to passing pedestrians and drivers.

Sign, Building Marker. Any sign or tablet, indicating a memorial, name or address of a building, date of erection, names of occupants, identification, address of premises, property numbers, or other non-commercial message, when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face or wall of a building.

Sign, Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Canopy. A sign that is part of or attached to the front or side of a canopy structure.

Sign, Changeable Copy. A non-electronic sign that is designed so that material characters, letters or illustrations can be physically changed, removed, replaced or rearranged without altering the underlying face or surface of the sign that is designed to hold such characters. This shall also include the changing of copy on billboards. Electronically controlled variable message boards shall not be considered a changeable copy sign for the purposes of this definition. The full dimensions of a cabinet, which is capable of containing changeable copy letters, shall be utilized when calculating such sign face areas.

Sign, Commercial. One whose message concerns goods or services offered for some method of consideration by a person, partnership, entity or corporation engaged in a profit-oriented business.

Sign, Construction. Any sign giving the name or names of contractors, architects, lending institutions, or other businesses of a related nature, responsible for construction, demolition, renovation, rehabilitation or improvements, placed at a construction or other location site that has received development plan approval or Building Official permitting.

Sign, Dilapidated. Any sign that is structurally unsound or potentially dangerous or any sign face that is illegible due to damage or lack of maintenance that is not repaired to meet City Codes within 30 calendar days after written notification to the property owner or sign owner by the Development Manager or his designee.

Sign, Directional. Signs located on and pertaining to a parcel or private property which direct and guide motorists or vehicular traffic to or from off-street parking or drives, by way of common phrases (in, enter, out, exit, parking, etc.).

Sign, Directory. A sign on which the names and locations of occupants or uses of buildings is given. This shall include: government centers, amusement parks, office buildings, commercial malls, campuses and churches.

Sign, Double-Leg Post. A freestanding sign, which is supported on either end with posts which do not exceed 6 inches by 6 inches in cross-sectional size, to which a copy panel or cabinet is attached between the posts.

Sign, Drive-thru Product Board. Any free standing sign located adjacent to a vehicular drive or customer walk-up area, to facilitate conveyance of information for patrons ordering or picking up goods, which

carries only the name of a restaurant or retail business and the current list and prices of foods, food preparations, or products available in that restaurant or retail business.

Sign, Electronically Controlled Message Center. See Sign, Variable Message Board.

Sign, Entrance. See Sign, Directional.

Sign, Externally Illuminated. A sign which has a source of artificial light directed towards it from an area adjacent to the sign structure.

Sign, Façade Wall Tower. A freestanding sign/wall structure, which associated sign copy shall be deemed as allowed under wall sign standards, subject to the following:

1. Wall signage shall be limited to being mounted on the longer side, and contained within the confines of said structure;
2. Said structure shall be located along an existing solid exterior wall containing a customer entrance point and no more than 36 inches away from said adjacent wall;
3. Said structure supports shall be fashioned and finished off in a manner that is of like-kind materials and color schemes to the adjacent wall, no higher than an additional 20% of the distance from the ground to the eve of the roof which is above the adjacent wall, and aesthetically tied to the adjacent wall with the like-kind materials and finishes;
4. The appearance and construction design of said structure shall be that it is an extension of the building, materially connected along at least 60% of the vertical length of the structure;
5. Said structure shall not impede any pedestrian or ADA access, or ingress/ egress to the building, which may presently exist along said wall;
6. No provision is made for such structures to be located in front of a column or wall supported awning, canopy or porch area, unless applied for as a freestanding sign, subject to those standards.

Sign, Flashing. See Sign, Animated.

Sign, Freestanding. Any sign which is independent from any building or other structure and is entirely supported by structures that are permanently placed in the ground with an approved foundation.

Sign, Historic. Any sign so designated by the Historic Preservation Commission or other City Department or Board which can make such a designation.

Sign, Identification. See Sign, Building Marker.

Sign, Internally Illuminated. A sign which contains an internal source of white light, which serves to illuminate from within, a static, non-electronic copy panel.

Sign, Incidental Type I Ground. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which is self-supporting by nature of its shape and weight, which is not permanently mounted in the ground, but which sits on the ground.

Sign, Incidental Type II Ground. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which is self-supporting by nature of its shape and weight, or supported by a wire frame which is inserted into the ground, which is not permanently mounted in any way, commonly referred to as “yard signs”.

Sign, Incidental Type II Wall. A general information non-illuminated sign which has a purpose secondary to the use of the parcel on which it is located, which may be permanently attached to a building or wall, but not to an existing sign structure, including but not limited to, displaying information regarding credit cards accepted, trade affiliations, business hours, telephone, self-service, etc.

Sign, Mansard. Any sign attached flat to or projecting parallel from, within eighteen (18”) horizontal inches, of an actual or simulated mansard of a building, with the sign face parallel to the building surface. Since the sign is to be mounted parallel to and within the limits of the building, and not above the top portion of the roof structure at any point, it is not deemed to be a roof sign.

Sign, Monument. A freestanding sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick, stone, stucco or other masony material, or coated with a texture so as to have a stucco appearance, and with a frame within which advertising panels are contained, or a face to which advertising letters are affixed to, which has no suppoting members, columns or poles visible.

Sign, Multi-Vision. Any sign which contains a number of flat or angular rods, tubes, or prisms, standing vertical or in any other position, and kept in place by a frame in which advertising copy is painted or affixed to the rods, and the sign thereby can separately display different messages. The rods in these signs stand together and are turned simultaneously by a smooth movement at determined intervals. The advertising message on a multi-vision sign is stationary for the determined interval between changes. Included in this definition is Tri-Vision Signs.

Sign, Municipal. Any sign erected on city-owned property by or with the consent of the City of Live Oak, to promote an event, activity, item or service that is integral with the standard activities of any City Department, Division or Board.

Sign, Nameplate. See Sign, Building Marker.

Sign, Neon. Luminous-tube signs that contain neon or other inert gases at a low pressure, which when voltage is applied, makes the gas glow brightly. They are produced by the craft of bending glass tubing into shapes.

Sign, Nonconforming. Any sign as defined and described herein, or in Section 4.19 of the LDR.

Sign, Non-Commercial. Any sign that is not commercial in nature, however included are signs which do include advertising displays erected by registered non-profit organizations and signs containing political, civic, public service or religious messages.

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

Sign, Off-Site. Any sign, including all billboards, which contains commercial or non-commercial advertising or on which any other matter may be displayed, depicting a business, organization, event, person, place, goods, services, or other things - not sold, located or available upon the parcel or tract or real property on which the sign is located, including signs commonly referred to as outdoor advertising, poster panels, and billboards. Such signs are further classified as off-premise signs. This term shall also include the following:

1. Billboard Extension: Any design element or embellishment of a billboard which projects beyond the regular geometric shape of the advertising surface, or one located in proximity to the sign structure;
2. Billboard Trim: Any border, frame or apron panel incorporated on or into a billboard advertising surface;
3. A billboard or other sign structure with changeable leasable advertising space, which at any time is utilized to advertise for an establishment, good or service, which currently also is located on the same parcel, shall also be construed to be an off-site sign;
4. Any materials, equipment, or product with signage attached or other forms of signage placed to be easily viewed from the right-of-way, on an undeveloped parcel of land or at a business which differs from the nature of the message of the signage, which pertains to a business, product or service owned or operated by the parcel owner, or placed on said parcel with the permission of the parcel owner, when such equipment, product or service does not exist at the same location, in conjunction with a viable and operating business location open to the public.

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

Sign, Painted Wall. A wall sign applied and created, on or to a building wall or other flat surface which required a building permit to erect, with paint and which has no separate support structure.

Sign, Permanent. A sign permanently affixed to a building or to the ground with an approved foundation.

Sign, Pole. A sign that is mounted on a visible freestanding pole, pylon, upright, brace or other support, so that the bottom edge of the sign cabinet is two and one-half (2 ½') feet or more above grade and is permanently mounted in the ground and independent of any other structure or support from any building. A pole sign whose bottom edge does not meet the two and one-half (2 ½') feet height from the grade shall be considered a monument sign and shall be required to be permanently mounted on an enclosed decorative base of brick, stone, stucco or other masony material, or coated with a texture so as to have a stucco appearance.

Sign, Portable. A sign designed or constructed in such a manner that it can be moved or relocated, with or without wheels, skids or legs, which is supported by its own frame or trailer, without involving any structural or support changes. Portable signs have no permanent below ground foundation, but are attached to or standing on a ground surface. This does not include incidental signs, side-walk, and sandwich or A-Frame signs as defined herein.

Sign, Primary Street Freestanding. As may be permitted, a freestanding sign erected along, and to be primarily viewd from, the street frontage which the property owner designates as a primary street, or such a sign of permitted dimensions, located along a secondary street. Each parcel shall be allowed one sign of Primary Street Freestanding Sign proportions. A property owner may elect to erect the the one primary street freestanding sign on a secondary street, and all others, as may be allowed, shall be of Secondary Street Freestanding Sign proportions. The term primary sign is used interchangeably with this term.

Sign, Projecting. A sign, other than a wall sign, affixed to any building or wall, whose leading edge extends beyond such building or wall, designed to be visible from a point looking perpenduicular to the building frontage containing the public entrance.

Sign, Public Interest. A sign in or for the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

Sign, Publically Owned. Any sign located on property wholly owned and maintained by a public entity including: Federal, State and Local Governing Bodies, Schools, Utility Facilities and similar uses and installations, which serves to notify or direct the general public of services or activities available or conducted regarding the site where the sign is located.

Sign, Reader Board. See Sign, Variable Message Board or Sign, Changeable Copy, as applicable.

Sign, Real Estate. Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

Sign, Roof. Any sign erected, constructed, and maintained wholly upon, or over the roof of any building, or which projects above the roof line, at any point, in any amount, not to include freestanding signs which may be erected independent of a building or other structure.

Sign, Secondary Street Freestanding. As may be permitted, a freestanding sign, erected along, and to be primarily viewed from, the secondary street frontage or bordering street, or along the primary street frontage if swapped with a Primary Street Freestanding Sign. Secondary freestadning signs are always limited in face size to one-half (½) the face size, and in height to the greater of: four (4') feet or one-half (½) the height, of the allowable maximum Primary Street Freestanding Sign size, for that particular parcel. Each parcel can contain the number of Secondary Street Freestadning Signs, as is allowed according to the specified criteria in the Sign Regulations. The term secondary sign is used interchangeably with this term.

Sign, Sidewalk, Sandwich, or A-Frame. A two-sided, non-illuminated, sign which is normally in the shape of an "A", which is constructed in a manner where it can be easily manuvered, set-up, or folded down for storage in a closet, etc. This includes a sign mounted on an easel, but does not include a banner, a portable sign or an incidental sign.

Sign, Single-Leg Post. A freestanding sign, in likeness to that used commonly in real estate, which contains a single verticle pole support offset to oneside, and a shorter horizontal pole support, which together makes an upside down "L" shape, from which a sign panel is hung.

Sign, Snipe. Any sign erected without a permit, of any material whatsoever, which is attached in any way to utility pole, tree, fence, rock, post or any other similar object, whether located on public or private property.

Sign, Street Banner. Any banner sign which is stretched across and/or hung over a public right-of-way.

Sign, Structure. The total combined portions of a foundation, supports, cabinets, hardware, faces, decorative or false covers, panels, and any other applicable components, which make up a sign.

Sign, Subdivision or Development Entrance. A permanent freestanding monument style sign, or a permanent wall mounted sign which is only allowed when attached to a brick or stucco wall at the entrance of a development. Eligible developments shall be deemed any individual residential subdivision containing a minimum of 12 housing units which has a maximum of 3 ingress or egress points from public rights-of-way into the development, or an universally managed commercial, retail or office center

containing 6 or more distinct establishments, or on 2 or more acres. Such signs shall only denote the name of the subdivision or center, and shall contain no other commercial advertising or message.

Sign, Super-Primary Freestanding. A freestadning sign, as permitted herein, which serves to replace all allowed for Primary and Secondary Street Freestanding Signs, on a parcel which would otherwise be allowed multiple freestanding signs, which can exceed the maximum allowable face size by up to one and one-half (1 ½) times, but which shall not exceed the allowable height for the regular Primary Street Freestanding Sign.

Sign, Surface Area. See Sign Face Area.

Sign, Suspended. See Sign, Under Canopy.

Sign, Under Canopy. A rigid sign that is suspended from the underside of a canopy, awning, marquee, overhang, balcony, eave, soffit, trellis or ceiling or above a covered walkway or covered sidewalk, which is mounted perpendicular to the wall surface of a building, and whose copy is intended to be viewed by those who pass below it and which is not clearly visible from a public right-of-way, allowed in proximity to and along a wall surface of a building which contains a public entrance.

Sign, Unlawful or Illegal. Any sign erected without a permit, when a permit for the sign was otherwise required by the Sign Regulations or previously adopted ordinance or code; or, a properly permitted sign or an exempt or special sign, which has not been properly erected in accordance with its permit application and approved sign permit or as otherwise required by the Sign Regulations; or, an otherwise lawful and permitted sign which has become hazardous, a nuisance to the public, or otherwise prohibited by the Sign Regulations, due to poor maintenance, dilapidation, abandonment, alteration, or altered programming of an electronic nature, and so declared by the City Development Manager, Building Official or Building Official, or his or her designee.

Sign, Variable Message Board. A digital, electronic, LED or electronically programmable sign or message center, regardless of power source, which may contain L.E.D. or other methods of illumination or lighting, that provides changeable copy or changing information, via internal programming or via a centralized or remote control system, on an electronic display, screen, board or other apparatus that is capable of displaying the letters, numbers, fixed or animated images, or other similar information. Electronic sign component displays which may stay static for longer periods, for example to display fuel prices or time and temperature, shall still be considered a Variable Message Board, and shall be allowed as specified in the Sign Regulations. Included in this definition are: Changeable Electronic Variable Message Signs, Dynamic Signs, Electronic Display Signs, Graphic Display Signs, and Video Display Signs.

Sign, Wall. Any sign painted on or affixed or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building, and supported by such wall or building, extending no more than 18" beyond the wall and which displays only one advertising sign surface, which faces parallel and not perpendicular to the wall to which it is mounted.

Sign, Window. Any sign, excluding identification and incidental signs, placed inside or upon a window, and intended to be seen from the exterior or outside. The term does not include merchandise displays included inside the window.

Sign. Any letter, figure, character, mark, plane, point, marquee sign, design, poster, material, pictorial, picture, stroke, logo, symbol, identification, description, illustration, display, statue, surface, device, stripe, line, trademark, reading matter, whether illuminated or non-illuminated, which is so constructed,

placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever exposed to public view, whether or not legible, which serves to advertise, identify, inform, notify, announce, convey information or to attract public attention, which may arouse desire to purchase, invest or inquire for a good, service or other information which is being portrayed, including any device seen from adjacent property, rights-of-way or streets used by the public. For the purposes of the Sign Regulations, the term "sign" shall include all structural members. Included within the definition of sign are all of the types of signs defined in Section 2.1 and those listed in the Sign Regulations. For the purpose of removal, “sign” shall also include all signs and sign structures. A material product with no copy on it, which serves, by its recognizable shape and/or function, to communicate a product or service available, which is displayed so as to be viewed from the public right-of-way, shall be considered a sign in all aspects.

<u>Site</u>. See Lot.

<u>Soil survey</u>. The United States Department of Agriculture, Soil Conservation Service's Soil Survey of Suwannee County, Florida, or data therein.

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

<u>Solid waste facilities</u>. Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

<u>Solid waste processing plant</u>. A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

<u>Solid waste transfer station</u>. A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

<u>Special exception</u>. The administrative process for consideration in a public hearing for a proposed use, or the expansion of an existing use, that is not appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be applied for and voted on if specific provision for such a special exception is made in these LDR.

<u>Special impact permit</u>. A use or activity, as provided for herein, which requires application to, recommendation, review and/or approval by: the Land Development Administrator, Planning and Zoning Board, and City Council.

<u>Special use permit</u>. A use or activity, as provided for herein, which requires application to, recommendation, review and/or approval by: the Land Development Regulation Administrator or City Council, and subsequent permitting by the Building Official, as applicable.

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

Start of construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date of issue. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storm-water. The flow of water which results from and that occurs immediately following a rainfall.

Storage yard, Outdoor. An area which is not completely enclosed within a building, as specifically allowed for in Article 4, which is in conjunction with a permitted or permissible use, to provide for storage of: functioning, licensed and movable vehicles, equipment, and machinery, and other business or construction, building or farming/agricultural related supplies.

Additionally, applies to any such fenced or partly enclosed area, which does not meet the definition of 'Minor Retail Display', which may contain new, used or reconditioned wholesale or retail goods, which are part of wholesale or retail stock. Does not provide for a wrecking yard, junkyard, scrap or salvage yard, or scrap or junk goods or materials, automotive parts yard, used tires, or unlicensed or immovable vehicles yard.

Storm-water management system. That system or combination of systems designed to treat storm-water or collect, convey, channel, hold, inhibit, or divert the movement of storm-water on, through and from a site.

Storm-water runoff. That portion of the storm-water that flows from the land surface of a site either naturally, in mandate ditches, or in a closed conduit system.

Story. That portion of a building included between the surface of a floor and the surface of the next floor above it (including [the] basement), or if there be no floor above it, then the space between such floor and the ceiling next above it. (See also Habitable story.)

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

Street, Bordering. A public right-of-way or public street which abuts a parcel, which along the length of the lot-line, has no curb cut or curb break for vehicular ingress or egress to or from the parcel, as opposed to a Fronting Street.

Street, Fronting. See Frontage, Street or Road.

Street, Primary. A public right-of-way or public street which abuts a parcel, in which there is located, along the lot line, a curb cut or break which allows vehicular ingress or egress to or from the parcel. If the parcel fronts or borders multiple rights-of-way, the property owner can only designate one such right-of-way as the primary street.

Street, Secondary. A public right-of-way or public street, which is not the designated primary street, however which abuts a parcel, in which there is located, along the lot line, a curb cut or break which allows vehicular ingress or egress to or from the parcel.

Structural. Descriptive of any part, material or assembly of a structure or building which, in addition to its own weight, carries or supports any weight, forces, dead or designed live load played by any other associated or attached parts of the structure, and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse, fail or otherwise be affected.

Structural Alteration. The act of making any changes, repairs, replacements, or modifications to any portion or component of a structure or building, which is structural in nature, as defined herein.

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

Subdivision. The division of a single parcel of record, whether improved or unimproved, into three or more lots, parcels, tracts, tiers, blocks, sites, units, or other division of land; and includes establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision, Major. A major subdivision is a subdivision not classified as a minor subdivision, including but not limited to, subdivisions of more than ten lots or a subdivision of any size requiring a new public street or the creation of public improvements to be dedicated to the city.

Subdivision, Minor. A minor subdivision is a subdivision containing no more than ten lots fronting on an existing street and not involving a new street or the creation of public improvements to be dedicated to the city.

Substantial improvement. For a structure built prior to the enactment of these LDR, a repair, reconstruction, or improvement of a structure for which the cost equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration on a wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. A project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
2. An alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

Supervised living facility. A non-medical residential facility of two of more dwelling units providing a maximum of independent living conditions or living quarters for individuals or couples, with a minimum of custodial services, restricted to individuals who require access to services, such as daily observation of the individual residents by designated staff personnel, but not daily nursing or medical intervention. Incidental or accessory uses and/or services may include protective supervision, personal care, dining

rooms, social and recreational services, assistance with medical requirements, laundry and transportation service, private or common kitchens/dining facilities, as long as such services are provided to residents only. Included in this definition is “Independent Living Facilities”.

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

Survey device. An agreement by a subdivider with the city council for the approximate amount of the estimated construction cost (or more, if specified) for guaranteeing completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

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

1. A natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. A natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

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

Surveyor, land. A land surveyor registered under F.S. ch. 472, as amended, and who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

T

To plat. To divide or subdivide land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and the recording of the plat in the office of the county clerk in the manner provided for in these LDR.

Tower site. A parcel on which a communication tower and accessory structures are located which may be smaller than the minimum size lot required for a particular zoning district.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be a temporary dwelling for travel, recreational, and vacation purposes.

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

U

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

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

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

Use of land. Use of land includes use of land, water surface, and land under water to the extent covered by these LDR and over which the city council has jurisdiction.

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

V

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

Variance. A grant of relief relaxation of the terms of these LDR where such variance is not contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these LDR would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted is not termed a variance, nor does the presence of nonconformities in the same zoning or district or adjoining zoning or districts create a justification for relaxing the terms of the LDR to such a degree that an actual "zone change" may be termed a "variance".

Vehicle. A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, bucket trucks, earth moving equipment, trailers, campers, and other similar conveyances.

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

W

Wall face. A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

Watercourse. A 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, bank, or other discernible boundary.

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

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

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

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed where the intended use of such excavation is to:

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

For purposes of these LDR, geotechnical borings greater than 20 feet in depth are included in the definition of "well."

Well-field protection area. An area of protection from certain development and/or uses around a wellhead as specified herein.

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

Window, Drive-Thru or Drive-Through. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Window, Walk-Up. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who have walked up to the building or structure from an area adjacent to the establishment.

Y

Yard. A required open space unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Various types of yards and lots are defined in diagrams and illustrations which follow. Required yards may be subject to adjustment by the land development regulation administrator by substituting an adjusted yard requirement, as provided for herein.

Yard, Adjusted. Instances where an existing undeveloped lot, lot proposed for redevelopment, or proposed addition to an existing primary structure, is located within a subdivision platted prior to the adoption of the 1985 LDR and/or Comprehensive Plan, upon request by the lot owner, the land development regulation administrator, after documentation of the yards provided in the surrounding (within 5 lots in any direction of the same zoning district) existing legally erected primary structures, may allow for a required yard to the primary structure be equal to the average of two or more yards found within these surrounding lots, subject to secondary approval by the city fire chief and building official. This provision is not applicable to existing or proposed detached accessory structures, attached metal carports, or other metal awning type structures.

Yard, Front. A front yard extends between parcel lot lines, bordered in part by side lot lines, across the front of a lot abutting a public street. Through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, have front yards on all frontages. Corner lots and reverse frontage lots have two front yards of the required depth, except that for residential properties, the required front yard for corner lots, for the street frontage not used for addressing, or which otherwise is not the street which the dwelling front faces, or on lots which said plat predates the 1985 Land Development Regulations which are configured or sized in a manner as to be prohibitive to development, may utilize a front yard setback required depth for one said street only, of 70% of that which is considered the standard front yard setback.

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

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

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

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

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

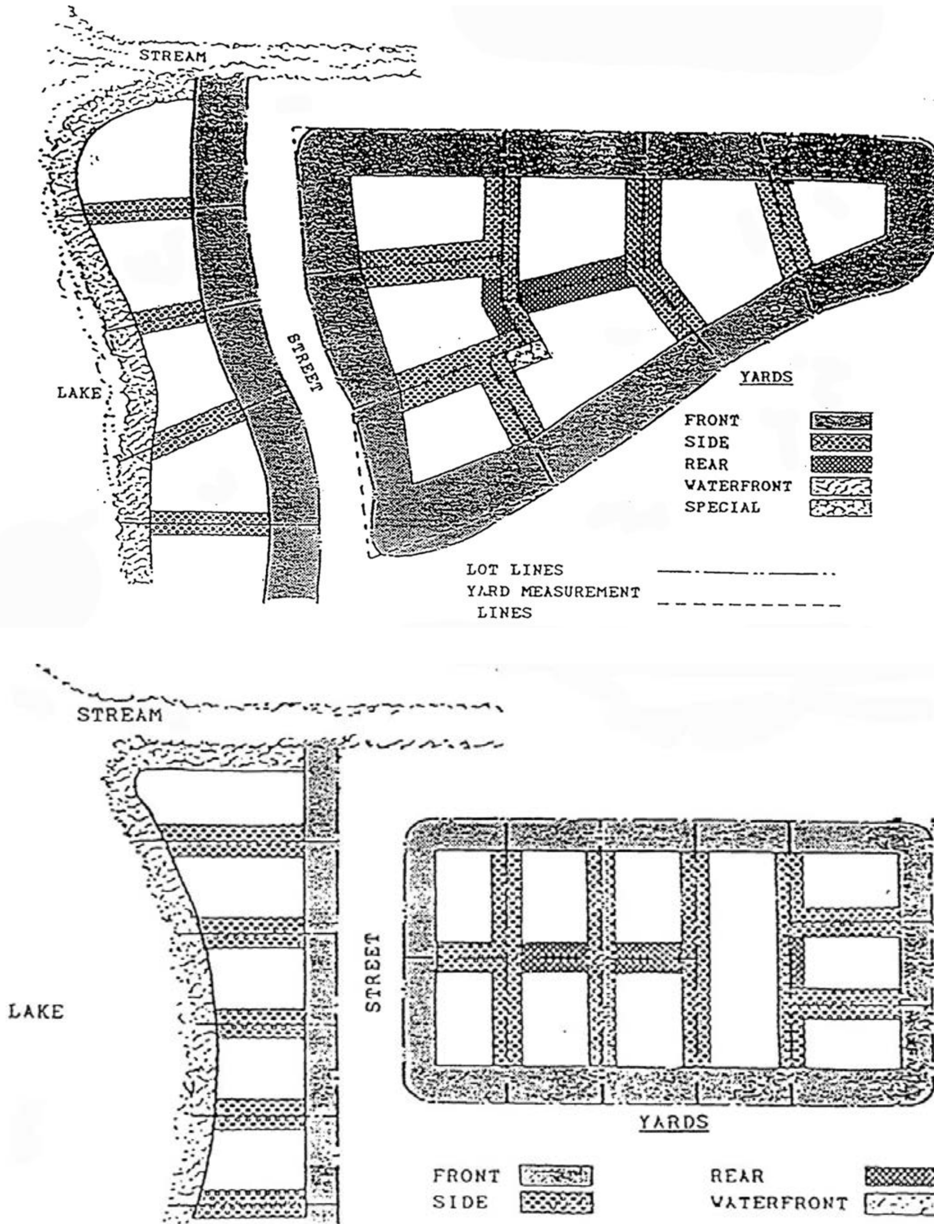
Yard, Special. A special yard occurs behind another required yard adjacent to a street which is required to perform the same functions as a side or rear yard but which is adjacent to a lot line and so placed or

oriented that neither the term "side yard" nor "rear yard" clearly applies. The land development regulation administrator determines special yard dimensions based generally upon:

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

Yard sign. See Sign, Incidental Type II Ground.

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



ARTICLE THREE: ADMINISTRATIVE MECHANISMS AND PROCEDURES

Sec. 3.1. Administrative Bodies
Sec. 3.2. Local Planning Agency and City Council Duties
Sec. 3.3. Planning and Zoning Board
Sec. 3.4. Board of Adjustment
Sec. 3.5. Amendments
Sec. 3.6. Annexation
Sec. 3.7. Special Impact Permits
Sec. 3.8. Appeals and Interpretation
Sec. 3.9. Special Exceptions
Sec. 3.10. Variances
Sec. 3.11. Subdivision Review
Sec. 3.12. Planning and Zoning Board Site and Development Plan Review and In-House Staff Plan Review
Sec. 3.13. Historic Sites and Structures Preservation Regulations
Sec. 3.14. Hearing Procedures

Sec. 3.1. Administrative Bodies.

The provisions of the Comprehensive Plan and the LDR shall be administered by the Planning Department of the City, staffed by the Land Development Regulation Administrator, working in conjunction with: the Live Oak City Council, Planning and Zoning Board, Board of Adjustment, and all other applicable City departments and staff, as well as public and private entities. Said staff member shall be responsible for the preparation of all Resolutions and Ordinances pertaining to said administrative mechanisms and procedures, as described herein. Additionally, where certain requirements as found herein are subjective in nature, i.e., using terminology such as: "where possible", "adequate", "proportionate", "reasonable implication", and similar terms or phrases or intents, it shall be the duty and responsibility of the Administrator, using sound and proven planning practices, based on evaluation and study of the subject property, along with similar projects within the City and in other similar cities, to determine how and to what extent or degree of implementation is required for the intent of such language to be met, so that the objectives, goals and policies of the Comprehensive Plan and Land Development Regulations are carried out.

The Land Development Regulation Administrator shall utilize, to the greatest extent possible, the provisions afforded by Section 1.7. Pro-Business and Growth Declaration, in the carrying out of his or her duties.

Sec. 3.2. Local Planning Agency and City Council Duties.

Sec. 3.2.1. Local Planning Agency Duties.

All actions as provided for herein, including but not limited to compliance with, and/or implementation of, the requirements of the Florida Statutes, as amended, shall be the duty of the Local Planning Agency.

According to City Ordinance No. 1298, the Planning and Zoning Board, as provided for in Section 3.3., has been designated as the Local Planning Agency. The text of that ordinance is incorporated herein for reference.

Sec. 3.2.1.1. Planning and Zoning Board designated.

That, in accordance with the Community Planning Act, Chapter 163, Part II, Florida Statutes, as amended, the City of Live Oak Planning and Zoning Board is hereby established and designated as the Local Planning Agency, with also the addition of a representative of the school district, appointed by the school board, as a nonvoting member of the local planning agency, to attend those meetings at which the agency considers comprehensive amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application, and for the purposes of this Ordinance, shall hereinafter be referred to as the Local Planning Agency.

Sec. 3.2.1.2. Appropriations for expenses.

The City Council shall make available to the Local Planning Agency appropriations for expenses necessary in the conduct as Local Planning Agency work.

Sec. 3.2.1.3. Functions, powers and duties.

The functions, powers and duties of the Local Planning Agency in general shall be:

(1) To, in conjunction with the City of Live Oak Planning Department, acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of manmade and natural physical features of the areas subject to the Comprehensive Plan and Land Development Regulations, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the areas subject to the Comprehensive Plan.

(2) To, in conjunction with the City of Live Oak Planning Department, prepare, update and recommend amendments of the Comprehensive Plan to the City Council, and/or to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, for meeting present requirements and such future requirements as may be foreseen.

(3) To, in conjunction with the City of Live Oak Planning Department, recommend principles and policies for guiding action affecting development in the City.

(4) To, in conjunction with the City of Live Oak Planning Department, prepare and/or recommend to the City Council and/or to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, approval of, or denial of, proposed Land Development Regulations, land development codes, ordinances, regulations and other proposals, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(5) To, in conjunction with the City of Live Oak Planning Department, determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan and Land Development Regulations.

(6) To, in conjunction with the City of Live Oak Planning Department, conduct such public hearings as may be required to gather information necessary for the drafting, establishing and maintenance of the Comprehensive Plan, Land Development Regulations, ordinances, codes and regulations related to it and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the Plan, or for the purpose of promoting the accomplishment of the Plan in whole or part, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(7) To, in conjunction with the City of Live Oak Planning Department, conduct such public hearings as may be required to hear and consider competent substantial evidence presented and required points, and to recommend to the City Council, through the consideration of a Resolution which shall be the official report and recommendations, approval of, or denial of, proposed amendments to the Future Land Use Plan Map of the Comprehensive Plan and/or proposed amendments to the Official Zoning Atlas of the Land Development Regulations, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(8) To, in conjunction with the City of Live Oak Planning Department, make or cause to be made and necessary special studies on the location, adequacy and conditions of specific facilities which are subject to the Comprehensive Plan. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and similar standards.

(9) To, in conjunction with the City of Live Oak Planning Department and prior to the Community Redevelopment Agency's consideration of a community redevelopment plan, review and submit written recommendations to the Agency, within 60 days of receipt, with respect to the conformity of the proposed redevelopment plan with the Comprehensive Plan for the development of the municipality as a whole, promoting orderly development along the lines indicated desirable by the Comprehensive Plan.

(10) To, in conjunction with the City of Live Oak Planning Department, keep the City Council informed and advised on these matters.

(11) To perform such other duties as may be lawfully assigned to it, or as provided in state law, or which may have bearing on the preparation or implementation on the Comprehensive Plan.

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

Sec. 3.2.2. City Council Duties

All actions as provided for herein, including but not limited to compliance with, and/or implementation of, the requirements of the Florida Statutes, as amended, as well as to ensure the goals, objectives and policies of the Comprehensive Plan and LDR are carried out, shall be the duty of the City Council.

Sec. 3.3. Planning and Zoning Board.

3.3.1. Planning and Zoning Board; organization.

3.3.1.1. Establishment.

A Planning and Zoning Board continues to be established for the City to carry out certain actions and powers as provided for in the Land Development Regulations. Pursuant to Section 3.2.1., and Ordinance No. 1298, the Planning and Zoning Board is established and designated as the Local Planning Agency. As such, certain references herein to the Planning and Zoning Board shall also apply, where applicable, to their capacity as acting as the Local Planning Agency. The resolution numbers which are considered during the public hearings shall describe in what capacity the Board is acting, with the abbreviation 'LPA' for Local Planning Agency actions, and 'PZ' for Planning and Zoning Board actions.

3.3.1.2. Appointment.

The Planning and Zoning Board seats shall consist of seven residents of the City who shall be appointed by the City Council. No member of the Planning and Zoning Board shall be a paid or elected official or employee of the City. Members of the Planning and Zoning Board shall also perform the functions of the Board of Adjustment. The terms of office of members of the Planning and Zoning Board shall run concurrently with said members' term of office as the Board of Adjustment.

3.3.1.3. Term of office.

The term of office shall be for three years; provided, however, that of the seven members first appointed to the Planning and Zoning Board, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years, and that all appointments to those respective seats thereafter shall be for three years.

3.3.1.4. Removal for cause.

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

3.3.1.5. Removal for absenteeism.

The term of office of any member of the Planning and Zoning Board who is absent from three consecutive, regularly scheduled meetings of the Planning and Zoning Board, may be declared vacant by the City Council.

3.3.1.6. Appointments to fill vacancies.

Vacancies in the Planning and Zoning Board membership shall be filled by appointment by the City Council for the unexpired term of the member affected. It shall be the duty of the chairman of the Planning and Zoning Board to notify the City Council within ten days after a vacancy occurs among members of the Planning and Zoning Board.

3.3.2. Planning and Zoning Board; procedure.

3.3.2.1. Rules.

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

3.3.2.2. Officers.

The Planning and Zoning Board shall elect from within the Board a chairman, who shall be the presiding member, and a vice-chairman, who shall preside in the chairman's absence or disqualification. The City Clerk shall serve as the secretary for the Planning and Zoning Board. Terms of all elected officers shall be for two years. Elected officers shall serve no more than two consecutive terms in the same position. Officer terms shall run August through July of the applicable calendar year.

3.3.2.3. Meetings and quorum.

The Planning and Zoning Board shall meet at regular intervals at the call of the Land Development Regulation Administrator, the chairman, at the written request of four or more regular members, or within 60 calendar days after receipt of a complete application or petition pertaining to a matter to be acted upon by the Planning and Zoning Board. Regularly scheduled meetings shall be on a day to be determined by the Planning and Zoning Board. The chairman, at the request of the City Planning Department, may change a regular meeting day, or call for a special meeting day. Four members of the Planning and Zoning Board shall constitute a quorum. Meetings of the Planning and Zoning Board shall be public. A record of its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the City Clerk.

In the event that a meeting quorum is achieved, with both the chairman and vice-chairman being absent, the City Clerk or Deputy City Clerk shall have the authority to open the meeting. Upon opening said meeting, the first order of business of the Board members in attendance shall then be to nominate and appoint a temporary chairman, which shall serve in that capacity for that single meeting.

3.3.2.4. Disqualification of members.

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

3.3.2.5. Decisions.

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

3.3.2.6. Appropriations, fees, and other income.

The City Council shall make available to the Planning and Zoning Board such appropriations as it may see fit for expenses necessary in the conduct of Planning and Zoning Board work.

3.3.3. Planning and Zoning Board; functions, powers, and duties; generally.

The functions, powers, and duties of the Planning and Zoning Board in general shall be:

1. To acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of manmade and natural physical features of the City, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the City.
2. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the Comprehensive Plan and ordinances, codes, and regulations related to it.
3. To make any necessary special studies on the location, adequacy, and conditions of specific facilities in the City. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, and the like.
4. To recommend principles and policies for guiding action affecting development in the City.
5. To prepare and recommend to the City Council ordinances, regulations, and other proposals promoting orderly development along the lines indicated, as set forth by the Comprehensive Plan.
6. To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan and these LDR, especially relating to the management of concurrency requirements.
7. To participate in the process, whether as required by Florida Statutes, or as proposed by allowable parties, to amend and revise a Comprehensive and coordinated general Plan (the Comprehensive Plan) for meeting present requirements and such future requirements as may be foreseen, in part by reviewing and making a recommendation to the City Council on said amendments..
8. To participate in the process, whether as required by Florida Statutes, or as proposed by allowable parties, to amend and revise the text of these LDR meeting present requirements and such future requirements as may be foreseen, in part by reviewing and making a recommendation to the City Council, on said amendments.
9. To review and make a recommendation to the City Council, on proposed amendments to the future land use Plan map and/or the Official Zoning Atlas.
10. To review and make a recommendation to the City Council, on proposed Special Impact Permits.
11. To review and make a recommendation to the Board of Adjustment on petitions for Special Exceptions, if said Board of Adjustment is a separate appointed body.
12. To review preliminary plats to determine conformity with the Comprehensive Plan and these LDR, and to make recommendations to the City Council.
13. To, in conjunction with the City: LDR administrator, building Official, fire chief, public works department, and other applicable City departments; review and approve, approve with conditions, or deny, proposed site and building development, when required by these LDR to go before said Board.
14. To serve as the City's historic preservation agency to meet the requirements and carry out the policies and responsibilities of the Comprehensive Plan and of these LDR.
15. To keep the City Council informed and advised on all of these matters.
16. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

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

Sec. 3.4. Board of Adjustment.

3.4.1. Board of Adjustment; organization.

3.4.1.1. Establishment.

A Board of Adjustment continues to be established for the City to carry out certain actions and powers as provided for in the Land Development Regulations. The resolution numbers which are considered during the public hearings shall use the abbreviation 'BOA' for Board of Adjustment.

3.4.1.2. Appointment.

The Board of Adjustment seats shall be the same as those appointed to the Planning and Zoning Board, with terms running concurrently.

3.4.1.3. Term of office.

The term of office shall be for three years; provided, however, that of the seven members first appointed to the Board of Adjustment, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years, and that all appointments to those respective seats thereafter shall be for three years.

3.4.1.4. Removal for cause.

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

3.4.1.5. Removal for absenteeism.

The term of office of any member of the Board of Adjustment, who is absent from three consecutive, scheduled meetings of the Board of Adjustment may be declared vacant by the City Council.

3.4.1.6. Appointments to fill vacancies.

Vacancies in the Board of Adjustment membership shall be filled by appointment by the City Council for the unexpired term of the member affected. It shall be the duty of the chairman of the Board of Adjustment to notify the City Council within ten days after a vacancy occurs among members of the Board of Adjustment.

3.4.2. Board of Adjustment; procedure.

3.4.2.1. Rules.

The Board of Adjustment shall establish rules for its own operation not inconsistent with the provisions of applicable state statutes or of these LDR. Such rules of procedure shall be available in a written form to persons appearing before the Board of Adjustment and to the public.

3.4.2.2. Officers.

The Board of Adjustment officers shall be the same as those being served under the Planning and Zoning Board.

3.4.2.3. Meetings and quorum.

The Board of Adjustment shall meet at regular intervals at the call of the Land Development Regulation Administrator, the chairman, at the written request of four or more regular members, or within 60 calendar days after receipt of a complete application or petition pertaining to a matter to be acted upon by the Board of Adjustment. Regularly scheduled meetings shall be on a day to be scheduled by the Board of Adjustment. The chairman, at the request of the City Planning Department, may change a regular meeting day, or call for a special meeting day. Four members of the Board of Adjustment shall constitute a quorum. Meetings of the Board of Adjustment shall be public. A record of its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the City Clerk.

In the event that a meeting quorum is achieved, with both the chairman and vice-chairman being absent, the City Clerk or Deputy City Clerk shall have the authority to open the meeting. Upon opening said meeting, the first order of business of the Board members in attendance shall then be to nominate and appoint a temporary chairman, which shall serve in that capacity for that single meeting.

3.4.2.4. Disqualification of members.

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

3.4.2.5. Decisions.

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

3.4.2.6. Appropriations, fees, and other income.

The City Council shall make available to the Board of Adjustment such appropriations as it may see fit for expenses necessary in the conduct of Board work.

3.4.3. Board of Adjustment; powers and duties.

3.4.3.1. Administrative review.

The Board of Adjustment shall have the power to hear and decide appeals, as outlined in Section 3.8.

3.4.3.2. Special exceptions.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide in specific cases such special exceptions as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with or without appropriate conditions and safeguards, or to deny special exceptions, as outlined in Section 3.9.

3.4.3.3. Variances.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide in specific cases such variances as the Board of Adjustment is specifically authorized to consider, under the terms of these LDR; to decide such questions as are involved in the determination of when a variance should be granted; and to grant variances with or without appropriate conditions and safeguards, or to deny variances, as outlined in Section 3.10.

Sec. 3.5. Amendments.

Amendments shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1).

Amendments to the: text of the Comprehensive Plan and/or Future Land Use Plan Map of the Comprehensive Plan, and/or the text of the LDR and/or the Official Zoning Atlas of the LDR, may be proposed, in accordance with the applicable Florida Statutes, as amended, and as required herein. To ensure all applicable Board hearings and public advertising requirements are met; all proposed amendments shall only be accomplished by the standard amendment procedure as required herein, by proposing an amendment either to the text/map of the Comprehensive Plan, or to the text/atlas map of the Land Development Regulations, as is applicable.

Procedures shall be as follows:

Sec. 3.5.1. Initiation of amendments.

An amendment may be proposed by:

1. The City Council;
2. The Local Planning Agency;
3. The Planning and Zoning Board;
4. The Board of Adjustment;
5. A department, board, commission or other agency of the City;
6. Any person or entity, other than those listed in sub-section 1, 2, 3, 4, or 5 above; provided however, that no person, or public or private Board or entity, other than the owner(s) of record of said parcel of land, or a private agent representative which is not affiliated with the City, so designated in writing by said owner, shall propose an amendment for rezoning (Official Zoning Atlas Amendment) of a singular property he or she does not own. Proposed large scale amendments to the Official Zoning Atlas, which comprise five or more percent of the incorporated area of the City Limits at the time, may be proposed by the City Council, when carried out in a manner consistent with the Comprehensive Plan and Future Land Use Plan Map, Land Development Regulations, and applicable Florida Statutes, as amended.

Sec. 3.5.2. Amendment Procedure.

A petition for an amendment shall be submitted in writing, on forms provided by the City, to the land development regulation administrator, accompanied by pertinent information or documents as may be required for proper consideration of the matter, including but not limited to, a complete written legal description of the property, and a certified boundary survey (if not previously platted and subdivided as a lot/block) on minimum 11” x 17” sheets, along with such fees and charges as have been established by the

City Council (see article 1). In the case of a petition for an amendment to the future land use classification and/or an amendment to the Official Zoning Atlas (rezoning) of a parcel or parcels of land, the land development regulation administrator shall post one or more signs advertising the petition(s) on a prominent position on said land as required herein. The land development regulation administrator shall compile and organize all relevant information of competent substantial evidence, resolutions, ordinances and evaluations, and shall make available such documents to each Board for consideration at said public hearings. Amendments to the land use and Zoning can only be applied for when said land is wholly contained within the current incorporated City limits of the City, or after an Ordinance for annexation has been executed to include said land in the City limits.

3.5.2.1. Hearing Procedure.

A proposed amendment shall be heard in the first instance by the Planning and Zoning Board, acting in the capacity as the Local Planning Agency (LPA), pursuant to Florida Statutes, as amended. The Planning and Zoning Board shall hold a public hearing to consider the proposed amendment, pursuant to Sections 3.2., and 3.3. The Planning and Zoning Board/Local Planning Agency report and recommendation shall be made available to the City Council.

3.5.2.2. Nature and requirements of the report and recommendation.

The Planning and Zoning Board/ Local Planning Agency shall, during said public hearing, consider a resolution which becomes the report and recommendation. A motion and subsequent second to approve or to deny, with a majority vote on said resolution, shall be considered either a recommendation for approval or for denial of said proposed amendment.

In the instance of a denial, said justification shall be set by the specific citing of at least one of the applicable criteria points found in the sub-sections of 3.5.2.2., in conjunction with known or presented supporting competent substantial evidence. The Planning and Zoning Board/ Local Planning Agency shall take action on the resolution, to recommend for approval or for denial of the proposed amendment, by either making a motion for recommendation for approval, or for denial of the proposed amendment.

Instances where no such motion is made shall result in the matter being continued until the next regularly scheduled meeting of said board/agency, to give the officials an opportunity for more study and evaluation of the proposed amendment, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed amendment.

3.5.2.2.1. For an amendment to the text of the Comprehensive Plan, the report and recommendations shall show that each Board has studied and considered the proposed change in relation to the following, where applicable:

1. All comments, reports and testimony presented or received during said public hearing; and
2. Determined and found the amendment to be compatible with the Land Use Element objective and policies, and those of other affected elements of the Comprehensive Plan; and
3. Determined and found that approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.

3.5.2.2.2. For an amendment to the Future Land Use Plan Map of the Comprehensive Plan, the report and recommendations shall show that each Board has studied and considered the proposed change in relation to the following, where applicable:

1. All comments, reports and testimony presented or received during said public hearing; and

2. Determined and found the amendment to be compatible with the Land Use Element objective and policies, and those of other affected elements of the Comprehensive Plan; and
3. Determined and found that approval of the amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.
4. Any applicable points as may be found under 3.5.2.2.3., as a Future Land Use Map change is directly related to the zoning districts which would be allowable in conjunction with said Land Use Classification.

3.5.2.2.3. For an amendment to the Official Zoning Atlas of the LDR, the report and recommendations shall show that each Board has heard, reviewed and considered all comments, reports and testimony presented or received during said public hearing, and additionally, studied and considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change is consistent with the City's Comprehensive Plan, or would have an adverse effect on, or would be inconsistent with the City's Comprehensive Plan;
2. Whether the proposed change is consistent or inconsistent with the existing land use or zoning pattern as may be found on abutting or surrounding properties, including the current roadway functional and development classification of roads which abut the parcel;
3. Whether the proposed change will adversely influence living conditions in the neighborhood, including infringement on, or changing the character of, an established residential neighborhood which is not designated as transitional or a designated redevelopment overlay office, institutional or commercial corridor area;
4. Whether the proposed change would result in a population density pattern which would result in an overtaxing of the load on public facilities such as schools, utilities, streets, etc.;
5. Whether the proposed change will permit more intensive uses which are likely to create or excessively increase: traffic congestion, drainage problems, light and air quality problems, or otherwise negatively affect public safety;
6. Whether the proposed location meets the required standards for the proposed zoning district, including lot size, lot width, required length of road frontage, sufficient access to properly designated road corridors, and other applicable criteria; as well as consideration given regarding the amount of developable land which is outside known or designated flood hazard areas.
7. Whether the proposed change will negatively infringe on, or change the character of, established residential neighborhoods, especially those of historical significance deemed to require preservation, or those neighborhoods which are anticipated or intended to remain residential for the ten year planning period, as demonstrated in the Land Use Element and on the Future Land Use Plan Map of the Comprehensive Plan;
8. Whether the proposed change is likely to adversely affect property values in the adjacent or neighboring areas;
9. Whether the proposed change will permit more intensive uses which are likely to be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
10. Whether the proposed change will result in the creation of an isolated district unrelated to adjacent and nearby districts, otherwise known as Spot Zoning, which is prohibited. (Certain classes of zoning, when proposed in certain high intensity use, transitional or redevelopment areas, as provided for in Article 4, or with abutting frontage on currently classified high-capacity roadway functional and development roads, and on acreage sufficient to accommodate the new allowable uses without negatively changing the character of the surrounding areas, may be proposed in a manner which would not necessarily be defined as a prohibited Spot Zoning instance);
11. Whether the proposed change is to address existing previously adopted district boundaries, possibly drawn illogically, in relation to existing conditions on and adjacent to the property proposed for change;
12. Whether there are changed or changing conditions making the passage of the proposed amendment in the best interest of the City;

13. Whether the proposed change will serve to further the policies and objectives of designated redevelopment districts within the City;
14. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare and whether there are substantial reasons why the property cannot be used in accordance with existing Zoning, or if there is a lesser intense zoning district which would meet the projected development or business needs;
15. Whether the proposed change is out of scale with the current or anticipated needs within the immediate neighborhood, adjacent areas, or the City as a whole; and
16. What the current market availability is of other adequate and already properly zoned sites in the City, for the proposed use, in districts already permitting such proposed or desired uses.

3.5.2.2.4. For an amendment to the text of the LDR: The report and recommendations shall show that each board has studied and considered the proposed change in relation to the following:

1. All comments, reports and testimony presented or received during said public hearing;
2. The need and justification for the amendment;
3. The relationship of the proposed amendment being consistent with and furthering the requirements of the Florida Statutes, and the purposes and objectives of the Comprehensive Planning program and to the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these LDR and other ordinances, regulations, and actions designed to implement the City's Comprehensive Plan; and
4. That approval of the proposed amendment would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.

3.5.2.3. Status of the Planning and Zoning Board/Local Planning Agency report and recommendations.

The report and recommendations of the Planning and Zoning Board/Local Planning Agency shall be advisory and not binding upon the final action of the City Council.

Sec. 3.5.2.4. City Council; Action on the proposed amendment(s).

Subsequent to the public hearings of the Planning and Zoning Board/Local Planning Agency, the City Council shall hold public hearing(s) to consider the proposed amendment(s) in the form of an Ordinance, pursuant to procedures for adoption in Florida Statutes, as amended. In consideration of said amendment(s), the City Council shall study and consider the same criteria, as applicable, as found within the sub-sections of 3.5.2.2. The City Council shall take final action on the proposed amendment by either approving or denying the proposed amendment. Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting, to give the City Council an opportunity for more study and evaluation of the proposed amendment, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed amendment.

In the instance of a denial, said justification shall be set by the specific citing of at least one of the applicable criteria found within the sub-sections of 3.5.2.2., in conjunction with known or presented supporting competent substantial evidence. Denial of a proposed amendment at the first or second reading of the ordinance shall be considered final action of denial. In the instance of denial, the ordinance shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the City Council's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

In the case of a proposed amendment to the Future Land Use Plan Map and/or the Official Zoning Atlas for a parcel of land, if, during discussions and consideration by the Council at the first reading, it is mutually decided and agreed by the applicant and the City Council that the proposed classification and/or district is one which would not meet the required criteria for passage and/or adoption, but that a less intense classification or district is more appropriate, the proposed amendment application shall be considered amended, and shall be required to be re-heard by the Planning and Zoning Board/Local Planning Agency, with said additional fees for an amended application, to be paid for by the applicant, in addition to the fees already paid for submittal of the petition. The same shall apply for any similar amended application action, which is wholly applicant initiated.

Approval of a proposed amendment Ordinance at the first reading shall then require a second reading for adoption / enactment of the Ordinance, in conformance with Florida Statutes. The final version of the Ordinance passed, adopted and enacted at the second reading shall be what is legally binding, contingent on signature, or objections presented, by the Mayor, or as provided for in City Charter.

Sec. 3.5.2.5. Relationship of amendments to the Comprehensive Plan.

All proposed amendments to the Official Zoning Atlas shall be to only those districts which are allowable in the current Future Land Use classification for the parcel in question, and as further governed by standards either in the Comprehensive Plan or the Land Development Regulations, as may be applicable.

If an amendment to the Official Zoning Atlas requires the prior amendment of the City's Comprehensive Plan Future Land Use Plan Map, adopted pursuant to the Community Planning Act (F.S. Ch. 163, Part II, as amended), final action on such amendment to the City's Comprehensive Plan Future Land Use Plan Map shall be taken prior to final action on the Land Development Regulation Official Zoning Atlas amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan map amendment and a land development regulation zoning atlas amendment.

Sec. 3.5.2.6. Limitation on subsequent application.

No subsequent application by an owner of real property for an amendment to the Future Land Use Plan Map or Official Zoning Atlas for a particular parcel of property or part thereof shall be received by the land development regulation administrator until the expiration of 12 calendar months from the date of denial of a previous application for an amendment for such property or part thereof unless the City Council specifically waives said waiting period based upon:

1. The new application constituting a proposed Zoning classification different from the one proposed in the denied application.
2. Failure to waive said 12-month waiting period following a decision based upon a mistake or an inadvertence or because of newly discovered matters of consideration constituting a hardship to the applicant.

Sec. 3.6. Annexation.

All actions of municipal annexation or contraction shall be in conformance with Florida Statutes, as amended. A petition for annexation shall be submitted in writing, on forms provided by the City, to the land development regulation administrator, accompanied by pertinent information as may be required for proper consideration of the matter, including but not limited to, a complete written legal description and a certified boundary survey drawing on minimum 11” x 17” sheets, along with such fees and charges as have been established by the City Council (see article 1). Since lands outside the incorporated City limits are assigned ‘County’ land use classifications and Zoning districts, said petition for annexation shall also

require the subsequent filing of a petition for amendment of land use and Zoning to an applicable or proposed 'City' land use and Zoning districts, as provided for herein, and after the Ordinance for annexation has been executed. The land development regulation administrator shall post at least one sign advertising the petition for annexation on a prominent position on said land as required, and advertise the Ordinance in a newspaper legal section as required by Florida Statutes. The land development regulation administrator shall compile and organize all relevant information of competent substantial evidence, resolutions, ordinances and evaluations, and shall make available such documents to each Board for consideration at said public hearings.

No permit for site or building development can be issued until the Land Use and Zoning amendments to City classification and districts are adopted, including on lands previously annexed for which no such amendment to 'City' Land Use and Zoning has yet taken place, and until verification has been received that said parcel(s) have been coded as a City parcel for property tax purposes, with the appropriate County tax offices.

Sec. 3.7. Special Impact Permits.

Certain activities as described below are considered special impacts, and as such require the following permit process.

Sec. 3.7.1. Activities pertaining to the installation, removal or movement of dirt or earth:

The certified floodplain manager/administrator shall be the final authority as to the flood zone, wetland, or naturally wet status of land in the city.

All development which requires a building permit shall, as part of the permit process, be required to specify in writing to what extent, and in what quantity, any such activity will be taking place.

Commercial development for which site and development plan review takes place, and for which on-site storm-water management systems are designed and installed to local, state and federal codes, shall not be required to obtain a Special Impact Permit.

Any properties which may be in part or whole located in any flood zone, shall also be governed by any local, state or federal codes which govern floodplain management and associated standards. Where in conflict, the more restrictive provision shall apply.

Any such activity discovered by City Officials, for which no building permit would have been issued, shall be required to, upon written notice, make a written declaration to the Building Official, as to what extent, and in what quantity any such activity is being done. If the written declaration, in the opinion of the Building Official, is not sufficient to properly document the activity, he or she shall have the authority to require certified third-party verification as to the extent, and in what quantity, that said activity has or will be comprised of. The costs of producing acceptable certified third-party verification shall be borne at the expense of the property owner, and the final acceptance of such documentation shall be at the discretion of the Building Official.

Any and all material brought into the City for such purposes shall be clean, uncontaminated fill. It shall be prohibited and unlawful to deposit any fill material onto any property, which contains contaminates, hazardous materials, construction and demolition debris, any household, commercial, medical or industrial waste or trash, or any other unnatural materials which does not constitute clean fill. The Building Official shall have the authority to request third-party verification regarding the source and contents of any fill use for such purpose.

Failure to produce acceptable certified third-party verification and failure to obtain a Special Impact Permit for conducting such activities shall be a violation of these Land Development Regulations.

3.7.1.1. Parcels of land which land area is no more than 10% in a designated flood zone, wetland area, or known naturally wet area:

No mining, dredging, excavation, borrow pit operation, activity which involves the dredging or filling of land or water areas with or pertaining to any type of allowable natural materials, or any activity on any parcel of land in the incorporated City limits, which involves deposition, excavation, relocation, movement, berming or removal of dirt, earth, or any type of allowable natural materials in land or water areas, which would result in the movement, into, out of, or within, or which causes natural water flow to be blocked or diverted in an unnatural manner to, the land area, of more than 42 cubic yards of material, shall be conducted without first obtaining a Special Impact Permit for such activity from the City Council.

Any proposed fill proposed on a parcel as described under this sub-section, shall be required to be placed on that portion of the parcel which contains no flood zone, wetland area, or known naturally wet area designation. Proposed fill on that portion which falls within a designated flood zone, wetland area, or known naturally wet area, shall be as provided for under 3.7.1.2.

3.7.1.2. Parcels of land which land area is greater than 10% in a designated flood zone, wetland area, or known naturally wet area:

Subject to other requirements as found in local, state or federal regulations pertaining to such, no mining, dredging, excavation, borrow pit operation, activity which involves the dredging or filling of land or water areas with or pertaining to any type of allowable natural materials, or any activity on any parcel of land in the incorporated City limits, which involves deposition, excavation, relocation, movement, berming or removal of dirt, earth, or any type of allowable natural materials in land or water areas, which would result in the movement, into, out of, or within, or which causes natural water flow to be blocked or diverted in an unnatural manner to, the land area, of more than 10 cubic yards of material, shall be conducted without first obtaining a Special Impact Permit for such activity from the City Council.

3.7.1.3. Setup mounds for manufactured housing:

Manufactured homes proposed to be located on parcels which fall under 3.7.1.1., which are required by Florida Statutes to create an elevated mound in order to properly set-up said home, shall be allowed up to one (1) cubic yard of fill per twenty-seven (27) square feet of home solely for the purpose of the mound within the footprint of the home, before any Special Impact Permit is required, however, excluding any quantity devoted to the under-home mound, any additional fill over 42 cubic yards, which is proposed to be placed in other areas on the property, shall require the Special Impact Permit, as specified in 3.7.1.1.

For larger homes, 1,200 or more square feet in floor area, parcels located in Agricultural Zoning, or Residential parcels of one or more acres in size, the LDR Administrator may allow up to one (1) cubic yard of fill per thirteen and one-half (13.5) square feet of home for said mound within the footprint of the home.

Parcels which fall under 3.7.1.1., seeking such a mound, said proposed home and associated mound fill shall be required to be placed on that portion of the parcel which contains no flood zone, wetland area, or known naturally wet area designation.

Manufactured homes proposed to be located on parcels which fall under 3.7.1.2., are bound by the requirements as found in that sub-section.

3.7.2. Activities pertaining to the repair, replacement, modification or installation of septic systems for non-residential development:

Parcels of land which are determined to have no public sewer availability, and for which there is no adopted capital improvement plan to supply public sewer within 1 year of application for a development permit, may apply for a Septic Tank Special Impact Permit for the repair, replacement, modification or installation of a septic system, conditioned on all of the following:

1. The parcel of land is not located, in any portion, in a designated flood zone, wetland area, or known naturally wet area;
2. The parcel shall be a minimum of 1 acre in area;
3. The proposed building shall be no more than 3,000 square feet in size;
4. The proposed use is agricultural, mercantile, service or storage related;
5. Areas zoned Industrial or ILW, or uses such as industrial and manufacturing, educational, institutional, assembly, including but not limited to churches, day-care centers, restaurants, hotels, medical offices and facilities, multi-family, group homes, nursing homes and assisted living facilities, sports venues, and similar uses shall not be eligible for such permit.

As part of the application requirements, supporting documents and site plans shall show the proposed location of the septic system components, documentation from the Health Department that they will approve a septic permit for said use, and soil percolation reports demonstrating that the system will not need to be mounded in any way.

3.7.3. Application Process

Petitions for such special impact permits shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information, documentation and/or engineering as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see article 1).

The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the permit request on a prominent position on said land and clearly visible to the public. The Planning and Zoning Board shall hold a public hearing in accordance with Article 3 of these LDR. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the City Council. Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the City Council shall hold a public hearing in accordance with Article 3 of these LDR. At the hearing any person may appear in person or by agent. The City Council shall take final action, by a majority vote, on the permit request by approving, approving with conditions, or denying the permit request.

In the instance of denial, the official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the City Council's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting, to give the City Council an opportunity for more study and evaluation of the permit request, and to give the applicant time to produce additional relevant testimony or evidence concerning said permit request.

In addition to obtaining this permit, the applicant shall meet any additional requirements of the City, regional agencies, the State of Florida, and the United States of America. Subsequent to final approval by the Council, the Building Official may proceed with permit processing upon receipt of all required plans and documents.

Sec. 3.8. Appeals and Interpretation.

3.8.1. An appeal from a decision of the Land Development Regulation Administrator or Board may be taken as follows by any person aggrieved.

1. Board of Adjustment; appeals; how taken to.

    a. Appeals; hearings; notice. Appeals to the Board of Adjustment concerning: interpretation or administration of these LDR.

       An appeal under these LDR may be taken by any person aggrieved, or by an officer or agency of a government, affected by a decision of the Land Development Regulation Administrator in the carrying out of his or her specific duties pertaining to the Planning and Zoning Department, except for certain qualifying criteria under Article 4, to which an application for Variance may be applied for, as provided for herein.

       An appeal shall be taken by filing a written request with the Land Development Regulation Administrator, accompanied by pertinent information, and supporting facts and data as may be required for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), and within 30 calendar days of the rendition of the order, requirement, decision, or determination. Before rendering a decision concerning an appeal, the Board of Adjustment shall hold a public hearing by fixing a reasonable time for the hearing, giving public notice thereof and providing due notice to the parties involved. At the hearing any party may appear in person or by agent.

    b. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the land development regulation administrator, from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal is filed that, by reason of facts stated in the certificate and in the land development regulation administrator's opinion, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order from a court of record, with due notice to the land development regulation administrator, from whom the appeal is taken.

    c. Decisions. The concurring vote of a majority of the members of the Board of Adjustment who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the land development regulation administrator or to decide in favor of the appellant with respect to any matter upon which it is required to interpret or pass under the terms of these LDR. Said reversal shall not be in violation of any governing provision in the Florida Statutes, as amended, or the Comprehensive Plan and/or LDR, as amended.

2. City Council; appeals; how taken to.

    a. Appeals; hearings; notice. Appeals to the City Council.

        Where the Planning and Zoning Board or that board acting as the Historic Preservation Agency is required to make a final decision, rather than an advisory recommendation, in accordance these LDR, said decisions are final, provided that a person or persons, jointly or severally, or an officer or agency of a government, aggrieved by a decision of the Planning and Zoning Board may appeal to the City Council within 30 calendar days after said decision is rendered.

        An appeal shall be taken by filing a written request with the Land Development Regulation Administrator, accompanied by pertinent information, and supporting facts and data as may be required for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1). Before rendering a decision concerning an appeal, the City Council shall hold a public hearing by fixing a reasonable time for the hearing, giving public notice thereof and providing due notice to the parties involved. The Land Development Regulation Administrator shall erect a sign advertising the appeal on a prominent position on the property in question. At the hearing any party may appear in person or by agent.

    b. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the land development regulation administrator, from whom the appeal is taken, certifies to the City Council, after the notice of appeal is filed that, by reason of facts stated in the certificate and in the land development regulation administrator's opinion, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order from a court of record, with due notice to the land development regulation administrator, from whom the appeal is taken.

    c. Decisions. The concurring vote of a majority of the members of the City Council who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Planning and Zoning Board, to decide in favor of the appellant with respect to any matter upon which it is required to interpret or pass under the terms of these LDR. Said reversal shall not be in violation of any governing provision in the Florida Statutes, as amended, or the Comprehensive Plan and/or LDR, as amended.

3. Appeals from Board of Adjustment or legislative body action; final action defined.

    a. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the Circuit Court of the County in which the property, which is the subject of the action of the Board of Adjustment, lies. Such appeal shall be taken within thirty (30) calendar days after the final action of the Board. All final actions which have not been appealed within thirty (30) calendar days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the Circuit Court.

    b. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of the City, relating to a map amendment shall appeal from the action to the Circuit Court of the County in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) calendar days after the final action of the legislative body. All final actions which have not been appealed within thirty

(30) calendar days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the Circuit Court.

c. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearings are not required to be made parties to such appeal.

d. For the purposes of this section, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

3.8.2. Flood damage prevention regulation appeals provisions.

1. Appeals procedure.

Standing to appeal shall be limited to those property owners affected by a decision of the Building Official or Floodplain Administrator. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in a requirement, decision, or determination made in the enforcement or administration of Flood Damage Prevention Regulations of these LDR, or any Floodplain Management Ordinance as found in the Live Oak Code of Ordinances.

Such appeal shall be in written form and filed with the Land Development Regulation Administrator within 30 calendar days of the decision of the Building Official or Floodplain Administrator, along with such fees and charges as have been established for appeals by the City Council (see article 1). Such appeal shall identify the location of the property, the date of the notice of violations, and the number of such notice. The appellant shall state the modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.

2. Decision.

The Board of Adjustment may either deny or approve the appeal. In approving the appeal, the Board of Adjustment shall consider technical evaluations, relevant factors, Building Official or Floodplain Administrator testimony, and standards specified in the LDR or Live Oak Code of Ordinances. Upon consideration of the foregoing, the Board of Adjustment may attach such conditions as it deems necessary to further the purposes of the LDR or Live Oak Code of Ordinances.

3.8.3. Code Enforcement Action Appeals

Any person who is the subject of any code enforcement action for any violations pertaining to any code, requirement or standard as found in these LDR; any appeal or relief sought shall be as that provided for in City Code Ordinance No. 1310, adopted February 14, 2012, providing for the establishment of a Code Enforcement Special Magistrate and elimination of the Code Enforcement Board.

Sec. 3.9. Special Exceptions.

3.9.1. Board of Adjustment; powers and duties; special exceptions.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide, at an advertised public meeting, in specific cases such special exceptions as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions

as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with or without appropriate conditions and safeguards by method of a resolution, or to deny special exceptions, as provided for herein.

The Board of Adjustment shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed Special Exception, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed Special Exception.

The review and consideration of a Special Exception for a particular use or expansion of an existing use, does not substitute for the requirement of plan review and approval, either in-house by City staff, or City staff plus review and approval by the Planning and Zoning Board, as may be required by these LDR.

Situations where both a Special Exception and Planning and Zoning Board approval of the site and development Plans is required, applications for each may be filed concurrently, however, they shall be applied for and considered separately. Said Special Exception petition shall be heard first, and if approved, said Site and Development Plan review shall follow, once the Board of Adjustment meeting has closed, and the Planning and Zoning Board meeting opened.

The use of land and/or expansion approved by the Special Exception shall be in place, or a valid building permit shall be in force for the construction of such land use, within twelve (12) months of the effective date of the approval. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of the approval, the approval or approval with appropriate conditions and safeguards as deemed necessary, shall be thereby revoked and of no force and effect, in which case a new petition shall be required to be filed.

In the event that such Special Exception use, whether in existence prior to the adoption of the Land Development Regulations under Ordinance No. 817, or as approved by the Board subsequent to that Ordinance being enacted, is ceased and discontinued for a period of six (6) or more months, the proposed reestablishment of said use, so long as provided for in the zoning district in which it is located, shall require a new petition to be filed for consideration by the board.

Appropriate conditions and safeguards may include, but are not limited to: additional time limits within which the action for which special exception as requested shall be begun or completed, or both, special measures to buffer or lessen the impact with adjacent uses, design measures to improve the quality of the development, and/or approval only for the existing tenant or property owner, or other criteria as the Board deems necessary.

Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these LDR and punishable as provided in these LDR.

If the Board of Adjustment denies a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account factors stated within this Article, the Land Development Regulations or Comprehensive Plan, or sworn testimony of competent substantial evidence presented, as may be applicable to the action of denial, and the particular regulations or testimony relating to the specific special exception requested, if any.

The procedure for taking an appeal for a special exception denial shall be as set forth in Section 3.8.

A special exception shall not be granted by the Board of Adjustment until:

1. Written petition. A written petition for a special exception shall be submitted by the applicant, on forms provided by the City, to the Land Development Regulation Administrator, accompanied by pertinent information as may be required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), indicating the Section of Article 4 of these LDR under which the special exception is sought.

2. Supporting Documentation. Said written petition shall also contain written supporting documentation and reports submitted by the applicant pertaining to the Special Exception, stating the grounds on which it is requested, and with particular references, statements and supporting evidence related to the types of findings which the Board of Adjustment is required to make under this article below. The petition should include material necessary to demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these LDR and will not be injurious to the surrounding neighborhood or to adjacent properties or be otherwise detrimental to the public welfare.

3. Site Plan. The applicant shall also submit site plans for the proposed use. Such material shall include, but is not limited to:

    a. If the proposed use is to be within an existing building or tenant space, the applicant shall submit detailed and to-scale drawings and plans as part of the application packet, showing details of the proposed layout of the use in the space to be occupied. If available, staff can provide a copy of archived drawings and plans the city has on file pertaining to the development, in order for the applicant to mark up with any changes. If the exterior site will necessitate alterations or improvements, the applicant shall also provide a site plan, as specified herein.

    b. If the location is a vacant lot with proposed new construction, or if site alterations or improvements are sought or required by the LDR, the applicant shall also submit detailed and to-scale site and development plans as part of the application packet. These plans shall demonstrate and show, at an appropriate scale:

        (1) Proposed placement of structures on the property, provisions for ingress and egress, off-street parking and loading areas, refuse and service areas, and required yards and other open spaces;
        (2) Plans showing proposed locations for utility hook-up;
        (3) Plans for screening and buffering with reference as to type, dimensions, and character;
        (4) Proposed landscaping;
        (5) Signs and lighting including type, dimensions, and character;
        (6) Other related improvements and data/notes as are required for plan submittal to the City, or those which may be needed to bring the site up to current minimum LDR standards, as are found within these LDR.

Where these LDR place additional requirements or criteria, the petition and final plans shall demonstrate that such requirements will be met.

4. LDR Administrator Processing of Application.

   A special exception request shall require full compliance with the Comprehensive Plan and Land Development Regulations standards and codes to be met or completed prior to occupancy.

   In addition to standard processing of the application for a public hearing, as outlined in Sec. 3.14. Hearing Procedures, before said application is placed on an agenda before the Board of Adjustment, the LDR Administrator shall complete the following:

   a. Review all submitted documents for completeness;
   b. Conduct site visits and inspections of the subject property, in relation to the proposed use, to determine consistency and compliance with the Comprehensive Plan and/or all requirements which may apply, as found in the Land Development Regulations;
   c. In the event deficiencies, non-conformities or code violations are discovered to be present on the site, the LDR Administrator shall notify the applicant of such, and the applicant shall then be charged with amending said supporting documents or site plans, to include references as to how said instances will be properly addressed as part of the proposed occupancy or utilization of the building or site;
   d. Once it is determined that the application packet is complete and satisfactorily addresses all applicable requirements, the LDR Administrator shall prepare a staff report describing the subject and adjacent properties, and general planning considerations pertaining to the subject property and the proposed use. The staff report may also include recommended conditions for the Board's consideration;
   e. The LDR Administrator may offer a recommendation to the Board for approval or denial of the request, however he/she is not required to do so.

5. Board of Adjustment Actions and Findings.

   All submitted supporting documents and site plan descriptions, including those which are amended to meet applicable standards or codes, shall be binding to the applicant, and thus shall be considered automatic conditions to any approval, in addition to any appropriate conditions and safeguards which the Board may impose.

   Any use approved by Special Exception shall not be commenced or established, until inspections and written sign-off has been completed by the LDR Administrator, as to the requirements or conditions being met. Additionally, said use, building and site shall also meet all federal, state and local requirements and inspections, as may be applicable.

   Before a special exception is granted, the Board of Adjustment shall make a specific finding, in the form of a resolution, that it is empowered under article 4 of these LDR to grant the special exception described in the petition, and that the granting of the special exception, based on all evidence and testimony presented or heard, will:

I. Not adversely affect the public interest;
II. Further, the Board of Adjustment shall make a determination that the specific rules, codes and/or standards governing the individual special exception use and/or subject property site, if any, as

well as other applicable criteria in these LDR, have been met by the petitioner's application documents;

III. And that satisfactory provision and arrangement has been made concerning the following, where applicable:

a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
b. Off-street parking and loading areas, where required, with particular attention to the items in sub-section a. above and the economic, noise, glare, or odor effects of the special exception on adjacent properties and properties generally in the district;
c. Refuse and service areas, with particular reference to the items in sub-sections a. and b. above;
d. Utilities, with reference to locations, availability, and compatibility;
e. Screening and buffering with reference to type, dimensions, and character;
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
g. Required yards and other open space;
h. Considerations relating to general compatibility with adjacent properties and other property in the district including, but not limited to, whether:
   (1) The proposed use would be in conformance with the City's Comprehensive Plan or would have an adverse effect on the Comprehensive Plan;
   (2) The proposed use is compatible with the established land use pattern;
   (3) The proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
   (4) Changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood;
   (5) The proposed use will adversely influence living conditions in the neighborhood;
   (6) The proposed use will create or excessively increase traffic congestion or otherwise affect public safety;
   (7) The proposed use will create a drainage problem;
   (8) The proposed use will seriously reduce light and air to adjacent areas;
   (9) The proposed use will adversely affect property values in the adjacent area;
   (10) The proposed use will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
   (11) The proposed use is out of scale with the needs of the neighborhood or the community.

6. Limitations on subsequent written petition for a special exception.

No subsequent written petition for a special exception for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of 12 calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the Board of Adjustment specifically waives said waiting period based upon:

a. The new written petition is a proposed special exception different from the one proposed in the denied written petition;
b. Failure to waive said 12-month waiting period following a decision based upon a mistake or an inadvertence or because of newly discovered matters of and consideration constituting a hardship to the applicant.

Sec. 3.10. Variances.

3.10.1. Board of Adjustment; powers and duties; variances.

Upon a petition being filed with the City, the Board of Adjustment shall have the power to hear and decide, at an advertised public meeting, in specific cases such variances as the Board of Adjustment is specifically authorized to consider under the terms of these LDR; to decide such questions as are involved in the determination of when variances should be granted; and to grant variances with or without appropriate conditions and safeguards by method of a resolution, or to deny variances, as provided for herein.

The Board of Adjustment shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed variance, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed variance.

The review and consideration of a variance, does not substitute for the requirement of plan review and approval, either in-house by City staff, or City staff plus review and approval by the Planning and Zoning Board, as may be required by these LDR. Situations where both a Variance and Planning and Zoning Board approval of the site and development Plans is required, applications for each may be filed concurrently, however, they shall be applied for and considered separately. Said Variance petition shall be heard first, and if approved, said Site and Development Plan review shall follow, once the Board of Adjustment meeting has closed, and the Planning and Zoning Board meeting opened.

Once a variance has been approved, the allowances for such shall remain in full force and effect so long as the type of use considered for said variance is in place. If a new differing use is proposed or established, and the criteria which applies is different, for example parking standards, the new use shall be bound by the adopted standards which apply as found in the LDR, and any relief previously granted shall not apply. Said new differing use may apply for a variance for their situation, and said request shall be considered as provided herein, however, any previous approval for the same location shall not bind the Board to make the same or similar findings, as may have been previously instituted.

3.10.2. Variances to Article 4, Zoning Regulations.

The Board of Adjustment shall have the power to authorize, upon petition, such variance from certain terms of Article 4 of these LDR, as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of certain provisions of these LDR would result in unnecessary and undue hardship on the land.

Not all portions of these LDR provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances in specific regulations, including but not limited to, the use of

land, hazardous building requirements and historic site designation. Variance provisions shall be eligible for consideration when there is a specific written standard for development in Article 4, which the applicant is not able to meet in full, however with adjustment, would then be able meet said standard in part. Unless specifically provided for, no other Articles of the LDR, or City Codes of Ordinances shall be eligible for consideration of a variance for standards or requirements therein, unless specifically provided for therein.

In granting a variance to certain provisions of Article 4 of these LDR, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with such regulations, or may choose to grant a lesser variance than that requested, based on terms the Board deems appropriate or necessary. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these LDR.

Under no circumstance shall the Board of Adjustment grant a variance to permit a use not listed as a permitted use under the terms of these LDR in the Zoning district involved, or any use expressly or by implication, prohibited by the terms of these LDR in the Zoning district. No nonconforming or existing use of neighboring lands, structures, or buildings in the same Zoning district, and no permitted or existing use of lands, structures, or buildings in other Zoning districts, shall be considered grounds for authorization of a variance. The procedure for taking an appeal for a variance shall be as set forth in this article. In addition, a variance shall not be granted by the Board of Adjustment unless and until:

3.10.2.1. Written petition.

A written petition for a variance shall be submitted by the applicant, on forms provided by the City, to the Land Development Regulation Administrator, accompanied by pertinent information as may be required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1), indicating the Section of Article 4 of these LDR from which the variance is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment shall make under Section 3.10.2.2 below.

3.10.2.2. Findings.

In order to authorize a variance from the terms of these LDR, the Board of Adjustment is required to find, by way of a resolution:

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

3.10.2.3. Limitations on subsequent written petition for a variance.

No subsequent written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of 12 calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the Board of Adjustment specially waives said waiting period based upon:

1. The new written petition constituting a proposed variance different from the one proposed in the denied written petition; and,
2. Failure to waive said 12-month waiting period following a decision based upon a mistake, an inadvertence or because of newly discovered matters of and consideration and constituting a hardship to the applicant.

Sec. 3.11. Subdivision Review (see Article 5).

Sec. 3.12. Planning and Zoning Board Site and Development Plan Review and In-House Staff Plan Review.

Any use, structure or site development, pertaining to a use, structure or development more intense than one single-family residence on a single lot, and/or one duplex on a single lot, is deemed to be commercial in nature. All such uses, structures or site developments, whether principle, by special exception or accessory in nature, when such is proposed to be established, re-established, redeveloped, expanded or altered, shall require commercial site and development Plan review and approval as provided for herein; and when applicable, shall be subject to compliance with all the criteria as listed in Article 4.

This does not preclude any use, structure or site development proposed, whether residential or commercial, from also being subject to other requirements and separate review, as found: herein, in the City Code of Ordinances, in the Florida Statues, in the Federal Statutes, or as required by the Building Official, Public Works Director, Fire Chief or any other departments or agencies which have authorized standing.

Non-commercial development may also be required to submit plans for review, as may be deemed required by the Land Development Regulation Administrator, Building Official, Public Works Director, Fire Chief, or designees.

Any commercial or non-commercial development, which has been previously reviewed and approved by method of plans which are on file in the archives of the City, or plans or records with any other regulatory agency or department which has statutory or rule purview, shall not alter any aspects of said development, buildings, site, fencing, buffering, landscaping, parking, signage, infrastructure, retention, drainage or any other aspect of previously documented, reviewed and approved improvements, unless and until revised plans have been submitted to the City, and all reviews, approvals and necessary permitting has been accomplished pertaining to any such alterations.

Requirements and standards which were reviewed and approved on archived plans, which are applicable to the Comprehensive Plan and/or Land Development Regulations, which are altered without revised plans being submitted, reviewed, approved and permitted as required, shall be deemed a violation of the Land Development Regulations, and subject to enforcement as provided herein, and pursuant to Florida Statutes, as amended; other such alterations for other codes and ordinances shall be enforced as provided by Florida Statutes, as amended.

In addition to City Department in-house plan review and approval, such uses, structures and site developments, as defined below, shall also go before the Planning and Zoning Board, in a public hearing setting, for comment, consideration, review and possible: approval as proposed, or approval with conditions stated as appropriate, or denial:

1. On an unimproved lot – New proposed commercial construction resulting in 20,000 or more square feet of total building or structure footprint, or, any site development proposed on a parcel two (2) or more acres in size.
2. For commercial redevelopment of a previously improved lot, proposed demolition and/or new additions or construction resulting in 20,000 or more square feet of new building or structure footprint, or, any site development which will alter two (2) or more acres of land.

The Planning and Zoning Board shall consider such Plans as a condition precedent to the issuance of building permits by the Building Official.

3.12.1. Contents.

All submitted Plans shall contain standard building plan information as required by these LDR, the Development Manager, the Building Official, the Fire Chief, and other applicable City departments. The Land Development Regulation Administrator shall make brochures available to the public which summarize the required standard contents of plans. Additional information regarding required contents shall also be provided by other applicable City departments, upon request of any developer. Special situations may require additional contents, on a case-by-case basis, and will be communicated to the developer upon staff finding the necessity.

3.12.2. Procedure.

All commercial projects, whether reviewed in-house and/or in conjunction with review by the Board, shall be subject to the following Plan submittal criteria. Complete sets of such site and development Plans shall be submitted to the Land Development Regulation Administrator, together with the payment of such reasonable fees as the City Council may determine in accordance with Article 1, as follows:

1. The Land Development Regulation Administrator, and/or Building Official, as applicable, shall deem when plans must be engineered.
2. When engineering is required, the plans shall signed and sealed by an architect or engineer licensed in the State of Florida, otherwise, any other submitted plans shall still be required to be to scale, and with sufficient information and detail shown for a proper assessment to be made, IE: proposed small-scale improvements drawn in on an existing professional survey of the property, or on a previously reviewed and approved site plan on file with the City.
3. Site redevelopment on no more than one acre of land, building additions of no more than 1,000 square feet, and all signage plans, may be submitted on plans sized at 11” x 17”.
4. Redevelopment on more than one acre of land, building additions of more than 1,000 square feet, and all new construction, shall be submitted on plans sized at 24” x 36”.
5. All plans must be scaled between 1” = 10’ and 1” = 50’.
6. If 11” x 17” plans are allowable, two (2) complete paper sets shall be submitted.
7. If 24” x 36” plans are required, two (2) complete paper sets, and one (1) electronic pdf set on CD shall be submitted.

The Land Development Regulation Administrator, Building Official and other City departments shall then review the proposed Plans, make site visits to the subject property as needed, and review the Zoning of the parcel, to determine conformance and compliance with these LDR.

Upon preliminary review and approval by the City departments, with addendums or corrections as needed, the request, if required to go before the Planning and Zoning Board, shall then be placed on the agenda of the next scheduled meeting of the Planning and Zoning Board.

3.12.3. Planning and Zoning Board action on site and development plans.

When Planning and Zoning Board review is required by these LDR, the Land Development Regulation Administrator shall forward the application for site and development plan approval, including a copy of the plans, along with staff's comments, to the Planning and Zoning Board for consideration.

The Planning and Zoning Board shall handle such matters in a public hearing as part of a previously prepared agenda. Matters relating to Planning and Zoning Board consideration of site and development plans shall be a public record. Board review and approval does not supersede any specific standard or requirements as found in the LDR. If amendments to the plans are required by City staff, or proposed by the developer after Board review and approval, it shall be at the discretion of the Land Development Regulation Administrator to determine if the changes are substantial, and thus require another hearing before the Board for further consideration and re-approval.

The Planning and Zoning Board shall have the power to hear and decide, at an advertised public meeting, in cases as the Planning and Zoning Board is specifically required to consider under the terms of these LDR; to decide such questions as are involved in the determination of their review; and to make a final determination pertaining to the request, by method of a resolution, as provided for herein.

The Planning and Zoning Board shall take action on the resolution by either making a motion for approval, approval with certain stated conditions, or for denial. In the instance of any approval, said resolution shall be signed and shall become the official record of such approval or approval with certain stated conditions.

In the instance of denial, the resolution shall not serve as the record. The official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the Board’s denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said Board, to give the Officials an opportunity for more study and evaluation of the proposed site and development plans, and to give the applicant time to produce additional relevant testimony or evidence concerning said proposed site and development plans.

The Planning and Zoning Board may also, after hearing a petition in said public hearing, continue a petition to a future meeting to give Board additional time for study or the developer time to revise the Plan documents as requested.

A petition for a Zoning amendment and an application for site and development plan approval shall not be handled concurrently. Rather, an application for site and development plan approval shall be heard only after the applicant has secured the appropriate Zoning on the subject parcel.

In reaching its decision, and/or in conducting review and approval, the Planning and Zoning Board, shall be guided by the following standards, along with any other applicable criteria as found in these LDR, and shall show in its record that each was considered where applicable:

1. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the City Council;
2. Density and/or the intended use of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect on those properties and relationship to the City's Comprehensive Plan;
3. Ingress and egress to the development and proposed structures on the development, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services, utilities and refuse collection, and access in case of fire, emergency, or catastrophe;
4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening. Required landscaping must meet the intent of these LDR, including the required percentage of grass, in conjunction with the required number of trees, to include supplementation of the trees by a proportionate number of Plants, shrubs, groundcover, and landscaped areas, including landscaped islands located within the interior of the off-street parking areas;
5. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses internal and external to the proposed development;
6. Manner of storm-water management including the effects upon adjacent properties and the consequences of such storm-water management on overall public storm-water management capacities;
7. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities;
8. Utilities with reference to hook-in locations and availability and capacity for the uses projected;
9. Recreation facilities and open spaces with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities;
10. General amenities and convenience with particular reference to ensuring the appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and not be in conflict with other development in the area as to cause substantial depreciation of neighboring property values; and,
11. Such other standards as may be imposed by these LDR on the particular use or activity involved.

3.12.4. In-house staff plan review and issuance of building permits.

Formal City department plan review for all submitted plans shall commence, either after the approval or conditional approval by the Planning and Zoning Board, or at the time of submission, when no Board review and approval is required. The Land Development Regulation Administrator shall be guided in his or her review by all applicable standards and requirements as found in the Comprehensive Plan and/or Land Development Regulations, as may be applicable.

As reviews take place, City staff shall communicate their findings with the design professionals to ensure all requirements are met. Site-plans which are found to be insufficient in demonstrating compliance to the Comprehensive Plan or Land Development Regulations shall be required to be amended and re-submitted to City staff for re-review. Other building plan elements and contents which are not site-plan related, shall be as required by the applicable City department conducting the review.

Upon the approval by all City staff departments conducting in-house review, and upon receipt of all required Plans and documents, including those which may be needed to address special conditions imposed by the Board, building permits for the proposed development can then be applied for to the Building Official.

The development shall be built substantially in accordance with the approved site and development plan. Proposed changes after such approval shall be submitted to the Land Development Regulation Administrator for a determination as to whether a substantial change or deviation from that shown on the approved site and development Plan exists.

If the administrator so determines that the changes are substantial, the owner/applicant or his or her successors, shall re-submit new plans for consideration, as specified and required herein. Proposed site and development projects approved by the Planning and Zoning Board, and/or the City, for which no permit is secured by the applicant within twelve (12) calendar months from the date of the hearing and/or approval by City staff, shall be considered a substantial change and shall require re-submittal to the Board and/or City departments.

Approved projects for which a permit is purchased, construction shall be initiated within six months of purchase and shall be completed as required by the Building Official, however, no later than twenty-four months after approval by the Board and/or City departments. Failure to do so shall be considered a substantial change and shall require re-submittal to the Board and/or City departments for consideration or re-review.

Phased construction which cannot be completed within twenty-four months of Board and/or City department approval, shall also be considered a substantial change, and shall require re-submittal to the Board and/or City departments for consideration and re-review of the phase(s) not completed. Failure to submit such amended site and development plans for determination by the Land Development Regulation Administrator that a substantial change or deviation is occurring or has occurred, prior to such changes, shall constitute a violation of these LDR and shall be punishable as provided in these LDR.

Any project elements, requirements or standards from a prior phase or development on the property which are found not to meet applicable adopted requirements or standards, or which did not achieve prior final approval or acceptance, either by City departments, or other regulatory agencies, said deficiencies shall be required to be remedied, satisfied, approved and accepted prior to any new plan review application or plans being accepted for review for any new proposed development or phasing.

Final inspections shall be required by the Land Development Regulation Administrator, Building Official, Public Works Director, Fire Chief and any other applicable City department.

No certificate of occupancy for any development shall be issued until all proposed improvements as shown on the approved plans are found to be in place and fully completed, inspected, approved and signed off by all associated departments. A certificate of completion issued by the Building Official for certain portion(s) of the construction does not constitute final approval, and in no manner may the premises be occupied and opened to the public prior to the official certificate of occupancy being issued for the entire site and all approved improvements thereon.

3.12.5. Inspection and acceptance of improvements for public dedication.

Any proposed improvements which are to be constructed by the developer, to serve said commercial development, which are then intended to be dedicated to the public for City ownership and maintenance, shall conform to all applicable sections of these LDR, and in addition:

1. Construction Plans for said improvements shall be submitted for review and approval in the same format as required by this Section 3.12.
2. Said Plans shall be reviewed by all City departments.
3. Prior to, during and after construction, and at the expense of the developer, a third party engineering firm unaffiliated with the developer, and of the City's choosing, shall review, inspect and approve all Plans, test results and actual work.
4. No improvements to be dedicated to the public ownership for City maintenance shall be presented to the City Council for acceptance until all City departments and the third-party engineer has signed off and approved the completed improvements, and certified as-built plans are received by the City. Said third-party firm shall also certify that all remittance has been received satisfactorily from said developer, pertaining to the fees for inspection and certification.
5. No certificate of occupancy shall be issued for any structure that is served by said improvements until final approval and acceptance by the City Council has taken place.
6. Acceptance by the City Council shall be in the form of the passage of a Resolution to that effect, that all improvements have been inspected, certified and approved by all required parties, and that required maintenance bonds have been posted, and that the developer shall be responsible for any required maintenance and repairs to said improvements, for a period of 365 days, beginning from the date of passage of said Resolution.

Sec. 3.13. Historic Sites and Structures Preservation Regulations.

Sec. 3.13.1. Planning and Zoning Board designated as the Historic Preservation Agency.

The City Planning and Zoning Board shall serve as the City Historic Preservation Agency (hereinafter referred to within this section as 'agency' or 'the agency') to meet the requirements and carry out the responsibilities of this article.

These regulations shall apply to any site, property or structure so designated, as found in the City of Live Oak Comprehensive Plan, and as enumerated in Appendix A of the same, under Historic Resources. The designation of a building shall also include the property site where said building is located. The term landmarks and landmark sites herein shall mean those sites, properties or structures as so designated as historic resources.

Sec. 3.13.2. Powers and duties of the agency.

In addition to the powers and duties stated within these LDR, the agency shall take action necessary and appropriate to accomplish the purposes of this article. These actions may include, but are not limited to:

1. Survey and inventorying historic buildings and areas and archeological sites and developing or reviewing the plans for their preservation;
2. Recommending the designation of historic districts and individual landmarks and landmark sites;
3. Regulating alterations, demolitions, relocations and new construction to designated property;
4. Adopting guidelines for changes to designated property;
5. Working with and advising the federal, state and other appropriate governmental agencies and other agencies or Boards of local government;
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures; and,
8. Reviewing applications for historic designation.

Sec. 3.13.3. Application requirements for designation.

Consideration to designate a structure, a premises or an area as a landmark, landmark site or a historic district is initiated by the filing of an application by the City Council, Historic Preservation Agency or any person; provided, however, that no such person shall propose a designation of a structure, premises or an area as a landmark, landmark site or a historic resource, which he or she does not own except as agent or attorney for a property owner, or without the notarized signatures granting approval of such by all owners of said property. The applicant completes the form provided by the Land Development Regulation Administrator and submits:

1. A written description of the architectural, historical, or archeological significance of the proposed historic site or district, specifically addressing those related points contained in the criteria found within this article for the designation of such property;
2. Dates of construction of the structures on the property and the names of former owners;
3. Photographs of the property;
4. Legal description and map of the subject property. An application for the designation of a historic district also requires;
5. Evidence of approval from two-thirds of the property owners within the district; and,
6. A written description of the boundaries of the district.

The Land Development Regulation Administrator shall determine the completeness of an application and may request additional information. An application for such designation is considered as an application for amendment to the historical resources map of the City's Comprehensive Plan and to the Official Zoning Atlas.

Sec. 3.13.4. Public hearings for designations.

Following submission of a completed application, the agency shall review it and conduct a public hearing on the proposed designation. Notice of the public hearing and notice to the owner shall be given in accordance with F.S. ch. 163, part II, as amended, and these LDR.

Sec. 3.13.5. Criteria for designation of property.

The agency shall recommend the designation of the property as a landmark, landmark site, or historic district after a public hearing and based upon one or more of the following criteria:

1. Its value is a significant remainder of the cultural or archeological heritage of the City, County, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the City, County, state, or nation;
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, County, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; and,

8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

Sec. 3.13.6. Agency recommendation.

After evaluating the testimony, survey information and other material presented at the public hearing, the agency shall make its recommendation to the City Council that the application be approved or denied. A recommendation for approval shall carry with it the agency's explanation as to how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. A recommendation for denial shall carry a similar explanation supporting that position.

Sec. 3.13.7. City Council decision.

The City Council shall approve or deny the proposed designation as an amendment to the City's historic register, which shall be included within the Comprehensive Plan and these LDR.

Sec. 3.13.8. Successive applications.

Upon denial of the application for designation, there shall be a 12-month waiting period before an applicant may resubmit the proposal unless the agency waives said waiting period based upon consideration of the following factors:

1. New evidence is presented bearing upon the subject matter of the written petition which could not reasonably have been presented to the agency at the time of the previous hearing; or
2. Failure to waive said 12 months' waiting period constitutes a hardship to the applicant in situations involving a mistake or inadvertence.

Sec. 3.13.9. Amendments.

The designation of a landmark, landmark site, or historic district may be amended through the same procedure used for the original designation.

Sec. 3.13.10. Application for alterations to landmarks and landmark sites.

3.13.10.1. Certificate of appropriateness.

No person may undertake the following actions affecting a designated landmark or landmark site without first making application to and obtaining a certificate of appropriateness from the agency:

1. Alteration of an archeological site;
2. Alterations or additions of/to any exterior part or premises of a building, site or structure;
3. New construction;
4. Demolition; or
5. Relocation.

3.13.10.2. Review of application for a certificate of appropriateness.

Review of any of the actions as specified herein to designated sites, buildings or structures shall be limited to exterior alterations or changes. The Building Official is authorized to issue a stop work order on any alteration, new construction, demolition or relocation undertaken on a designated landmark or a designated landmark site without a certificate of appropriateness.

A certificate of appropriateness is in addition to any other plan review and building permits required by law. The issuance of a certificate of appropriateness from the agency does not relieve the property owner of the duty to comply with other state and local laws and regulations. Ordinary repairs and maintenance otherwise permitted by law may be undertaken on a designated landmark or a designated landmark site without a certificate of appropriateness, provided this work does not alter the exterior appearance of the building, structure, premises, or archeological site, or alter any elements significant to its architectural or historic integrity. Prior to commencing any work, the Land Development Regulation Administrator and Building Official must be made aware so that review can be conducted to determine what will be required.

A certificate of appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this article is not effective for a period of 15 days subsequent to the agency's decision. If during that 15-day period an appeal is made to the City Council, the decision of the agency is automatically stayed pending City Council review.

3.13.10.3. Application procedure for certificate of appropriateness.

Such requests shall be submitted in writing to the Land Development Regulation Administrator, on forms provided by the City, accompanied by pertinent information as is required on the application form for proper consideration of the matter, along with such fees and charges as have been established by the City Council (see Article 1).

The application shall at a minimum include the following supporting documents:

1. Drawings of the proposed work;
2. Photographs of existing buildings or structures and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator determines when an application is complete and may require additional information when such application is determined to be incomplete.

The Land Development Regulation Administrator shall forward to the agency each application that proposes an alteration, new construction, demolition or relocation affecting a landmark or a designated landmark site.

3.13.10.4. Public hearings for certificates of appropriateness.

The agency shall have the power to hear and decide, at an advertised public meeting, in specific cases as the agency is specifically required to consider under the terms of these LDR; to decide such questions as are involved in the determination of their review; and to make a final determination pertaining to the request.

The agency shall hold a public hearing on each application for a certificate of appropriateness in accordance with Article 3. The agency shall approve, approve with certain stated conditions, or deny each application based on the criteria contained in this section. A motion, second and majority vote shall be the method utilized for final action of the agency.

In consideration of an application for a certificate of appropriateness for alterations, new construction, demolition, or relocation, the agency shall examine the following general issues:

1. The effect of the proposed work on the landmark or property;

2. The relationship between such work and other structures on the site;
3. The extent to which the historic, architectural or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether or not denial of a certificate of appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

In the instance of an approval, or approval with certain stated conditions, the Land Development Regulation Administrator shall prepare a signed Certificate of Appropriateness which shall specify all applicable information pertaining to the final action of the agency, and which shall be the official record of said action.

In the instance of denial, the official record of the denial shall be as recorded by the City Clerk, and as specified in the official minutes. The City Clerk shall, within 3 business days of the agency's denial, issue a written notice of denial to the applicant, sent by certified mail with signature/return receipt requested to the mailing address listed on the application/petition. Said notice of denial shall include a copy of the appeal provisions, as provided for in Section 3.8.

Instances where no motion or second is made shall result in the matter being continued until the next regularly scheduled meeting of said agency, to give the agency an opportunity for more study and evaluation of the request, and to give the applicant time to produce additional relevant testimony or evidence concerning said request.

The agency may also, after hearing a request in said public hearing, continue the request to a future meeting to give the agency additional time for study or the applicant time to provide additional information or to revise the request.

No certificate of appropriateness for demolition shall be issued by the agency until the applicant has demonstrated that no feasible alternative to demolition can be found. The agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition and shall study the question of economic hardship for the applicant and determine whether the landmark can be put to reasonable beneficial use without approval of the demolition application.

In the case of an income-producing building, the agency shall also determine whether the applicant can obtain a reasonable return from the existing building. The agency may ask an applicant for additional information including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the agency shall deny the demolition application. The agency may grant a certificate of appropriateness for demolition even though the designated landmark or landmark site has reasonable beneficial use if:

1. The agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The agency determines that the demolition of the designated property is required by a Community Redevelopment Plan or the City's Comprehensive Plan.

Sec. 3.14. Hearing Procedures.

3.14.1. General.

This section applies to any instance where a public hearing is required by these LDR. There is a difference, as noted in the City's citizen participation procedures in conjunction with the Comprehensive Planning program, between workshops, public hearings and public meetings as well as a difference between meetings conducted by City staff and those conducted by the City advisory Boards and City Council. This section incorporates the City's citizen participation procedures in conjunction with the Comprehensive Planning program by reference and provides more specific requirements for hearing procedures and public notification. All public hearings, where applicable, shall be in conformance to the Florida Statues, as amended.

3.14.2. Hearings before the Board of Adjustment.

1. Before making a decision on a petition for a variance, special exception, or appeal from a decision of the Land Development Regulation Administrator, the Board of Adjustment shall hold a public hearing on the appeal or application;
2. Subject to sub-section 3., the public hearing shall be open to the public, and persons interested in the outcome of the appeal or application shall be given an opportunity to comment and/or present competent substantial evidence, and ask questions of persons who testify;
3. The Board of Adjustment may place reasonable and equitable limitation on the presentation of evidence and arguments, and the cross examination of witnesses, so that the matter at issue may be heard and decided without undue delay;
4. The Board of Adjustment may continue a hearing until a subsequent meeting and may keep a hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapses between hearing dates.

3.14.3. Hearings before the Planning and Zoning Board, Local Planning Agency and the City Council.

1. Before making a recommendation or decision, the Planning and Zoning Board, Local Planning Agency or the City Council, as applicable, shall hold a public hearing on the application;
2. Subject to sub-section 3., the public hearing shall be open to the public, and persons interested in the outcome of the application shall be given an opportunity to comment and/or present competent substantial evidence, and ask questions of associated parties;
3. The Planning and Zoning Board, Local Planning Agency and the City Council may place reasonable and equitable limitation on the presentation of evidence and arguments, so that the matter at issue may be heard and decided without undue delay;
4. The Planning and Zoning Board, Local Planning Agency and the City Council may continue a hearing until a subsequent meeting and may keep a hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapses between hearing dates.

3.14.4. Notice of hearing.

3.14.4.1. When notice is required by the Florida Statutes, as amended, or by these LDR, the Land Development Regulation Administrator shall give notice of a required public hearing as follows:

1. An application requiring a public hearing before the Planning and Zoning Board or Board of Adjustment shall be noticed once in the legal section of a newspaper of general circulation in the area, at least ten days prior to the hearing;
2. A Special Impact Permit requiring a public hearing before the City Council shall be noticed once in the legal section of a newspaper of general circulation in the area, at least ten days prior to the hearing;
3. An amendment as provided for herein, considered by method of an Ordinance, requiring a public hearing before the City Council, shall be noticed in accordance with the applicable requirements of F.S. ch. 166.041 and F.S. ch. 163, Part II, as amended, as applicable;
4. In addition to the above stated notice requirements, all petitions for: Annexation, Amendments to the Future Land Use Plan Map, Official Zoning Atlas, Special Exceptions, Variances, Board Site and Development Plan Review, Historic Designations and Certificates of Appropriateness, Special Impact Permits and Appeals pertaining to a parcel(s) of land, shall also be noticed by prominently posting a sign on the property that is the subject of the proposed action.

   Such sign shall be posted at least ten days prior to the first public hearing regarding said petition, and shall remain posted until final action on the petition has taken place. The land development administrator shall take a dated photo at the time of sign posting, which shall become part of the official case record. Properties which front more than one public street shall have posted a sign on each street frontage. Additional signs may be posted at the discretion of the land development administrator, when deemed necessary in order to better communicate the span of the subject property.

   If it should become known to the land development administrator that said sign was removed prior to final action on the petition, said administrator shall erect a replacement sign in its place, however, in no instance shall the unauthorized removal of such a sign, prior to final action, which was documented to have been erected according to this requirement, cause any delay on the sequence of public hearings, recommendations and/or final actions on said petitions, nor shall such removal cause or justify any basis for challenge for appeal to said final action(s). Signs shall state the type of request, case number, nature of the request, hearing date/time, and the location of the hearing.
5. The newspaper notice(s) required by this Section shall:
   a. State the date, time and place of the public hearing;
   b. Identify the Board or entity which will be considering the petition;
   c. The title or titles, and/or case number(s) of proposed petitions or ordinances, as applicable;
   d. Reasonably identify the location and legal description of the property that is the subject of the application or appeal, at a minimum indicating the legal description and/or parcel ID number(s), and when necessary or as required by Florida Statutes, a geographic location map which indicates the area covered by the proposed action or ordinance;
   e. Give a brief description of the action requested or proposed;
   f. State the place where a copy of the proposed action or ordinance may be inspected by the public; and
   g. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action or ordinance.
6. "At least ten (10) days prior to the hearing" shall mean counting the day the notice occurred, but not the day of the hearing.

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ARTICLE FOUR: ZONING REGULATIONS

Part A General

Part B Conservation, Agricultural, and Public Districts

Part C Residential Districts

Part D Commercial & Industrial Districts

Part E Planned and Mixed-Use Development Districts

Part F Supplemental Standards

Part A: General

Sec. 4.1. Official Zoning Atlas.

The land areas subject to these Land Development Regulations are hereby divided into the zoning districts described in this Article, and as shown on the Official Zoning Atlas of the City. The Official Zoning Atlas, is as defined in Article 2, shall mean the current and up to date data found on the GIS based mapping computer software maintained by the Land Development Regulation Administrator, superseded only on a parcel by parcel basis, by any legally adopted ordinance of zoning district amendment, in which said change has not yet been updated and reflected on said GIS based map.

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

No changes of any nature shall be made on the Official Zoning Atlas or matter shown thereon except in conformity with the procedures set forth in these Land Development Regulations. The Official Zoning Atlas, which through the office of the Land Development Regulation Administrator shall be easily accessible to the public, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in areas subject to these Land Development Regulations.

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

4.1.2. Rules for interpretation of district boundaries.

4.1.2.1. District regulations extend to all portions of districts identified various color shading. A district symbol or name shown within the shading on the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area so shaded.

4.1.2.2. Rules where uncertainty exists.

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

1. Street Vacation.
   In a case of street vacation, the boundary shall be construed as moving to the centerline, except where ownership of the vacated street is divided other than at its center, in which case the boundary shall be construed as moving with the ownership.
2. Lot lines.
   Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines. If it is verified through a survey or legal description, that a lot line is to be corrected, the zoning of the parcel shall be extended or adjusted to apply to the boundaries newly corrected lot lines.
3. Municipal limits.
   Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits, except when those boundaries are changed due to annexation, which case shall require Land Use and Zoning Amendments for said lands, as required in Article 3.

4.1.2.3. Cases not covered by Section 4.1.2.2.

In cases not covered by Section 4.1.2.2 above, the Land Development Regulation Administrator shall interpret the Official Zoning Atlas in accord with the intent and purpose of these Land Development Regulations. Appeal from the interpretation of the Land Development Regulation Administrator shall be only to the Board of Adjustment in conformity with Article 3 of these Land Development Regulations.

4.1.3 Schedule of district regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth within this article and are supplemented by Part F, supplementary district regulations, and Section 4.1.6., nonconformities.

4.1.4 Application of district regulations.

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

4.1.4.1. Zoning affects use or occupancy.

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

4.1.4.2. Zoning affects height of structures, population density, lot coverage, yards, and open spaces.

No structure shall hereafter be erected or altered:

1. To exceed height, bulk, or floor area;
2. To provide a greater number of dwelling units or less lot area per dwelling unit;

3. To occupy a smaller lot or a greater percentage of lot area;
4. To provide narrower or smaller yards, courts, or open spaces, or lesser separation between buildings or structures or portions of buildings or structures, than herein required; or
5. In any other manner contrary to the provisions of these Land Development Regulations.

4.1.4.3. Multiple use of required space prohibited.

No part of a required yard area, other required open space, off-street parking or off-street loading space provided in connection with one structure or use shall be included as meeting the requirements for any other structure or use except where specific provision is made in these Land Development Regulations.

4.1.4.4. Reduction of lot area or parcel size prohibited.

No parcel, lot or yard existing at the effective date of these Land Development Regulations shall thereafter be reduced in dimension or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner including dedication, condemnation, purchase, and the like. Lots or yards created after the effective date of these Land Development Regulations shall meet at least the minimum requirements established by these Land Development Regulations.

4.1.5. Lots divided by district lines.

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

4.1.6. Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, Nonconforming Characteristics of Use, Nonconforming Use of Structures and Premises.

Within the districts established by these LDR or amendments that may later be adopted, there may exist:

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

which were lawful before these LDR were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these LDR or future amendments. It is the intent of these LDR to permit these nonconformities to continue as they currently exist, until they are discontinued, voluntarily removed or removed as required by these LDR, but to eliminate them over time, and thus not to encourage their survival. It is further the intent of these LDR that nonconformities shall not be enlarged upon, expanded, intensified, structurally altered, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district; see also Part F, supplementary district regulations, for additional criteria.

Nonconforming uses are declared by these LDR to be incompatible with permitted uses in the districts involved. Said nonconforming lots, uses of land, structures, characteristics of use, and uses of a structure

and premises, shall not be permitted to be extended or enlarged, and shall be further restricted as provided herein.

Any instance where there is a listed percentage of destruction or other criteria, which is required to be compared to an assessed value, the costs for construction or reconstruction of said destruction shall be provided by the property owner to the City, in the form of three written estimates for the same scope of work, by contractors which hold proper licensing. The Building Official shall be responsible to certify that the estimates and licensing are acceptable to the City. The final authority for a determination as to the status of any destruction and in what manner it affects the instance, shall be that of the Land Development Regulation Administrator.

4.1.6.1. Nonconforming lots of record.

For the purposes of this section, a lot shall be construed to be that portion of land, which at the effective date of Ordinance No. 817 adopting these Land Development Regulations, was assigned a Parcel Identification Number, along with a legal description of the property tied to that parcel number.

It may have been described as part of a previously recorded subdivision, with said parcel containing a portion or portions of platted lots, a single platted lot, or a parcel which contains more than one platted lot. It also may have been described by meets and bounds, and thus not part of a named subdivision, or a combination of both.

Any actions taken after the effective date of Ordinance No. 817, which transferred ownership or altered the legal description in whole or part, of any lot or parcel of record, which had or has the result of changing the previous legal description tied to the parcel number, shall be bound by the standards as enumerated in Article 4 under the current zoning of the property, and also Section 4.19.7. Any such instance determined by the City to have been done contrary to said standards, shall cause said parcel or lot to be ineligible for the provisions below, pertaining to legally nonconforming lots of record.

Various zoning districts are assigned minimum lot area and minimum lot width. Lots must also abut an improved public ROW, or have a dedicated easement to an improved public ROW, for access. If a lot or parcel does not meet one or more of these standards and requirements, it is nonconforming. A nonconforming lot, otherwise determined to be eligible for this provision, shall be termed legally nonconforming.

In a district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected, expanded, or altered on any legally nonconforming lot of record at the effective date of Ordinance No. 817, whether located within a subdivision or without, but only to the extent of one single-family residence per lot, subject to:

1. Current lot coverage
   In no case shall any structures exceed maximum lot coverage percentage allowances;

2. Required yards
   In no case shall any structures encroach on any required yards or setback lines;

3. Access

In no case shall any development or structures be permitted on a parcel or lot, unless said subject property is directly abutting to an improved public ROW, or has a dedicated easement to an improved public ROW, for access.

Said public ROW, to be eligible for access, shall be a city-owned and city-maintained, improved and named street ROW. A utility or power-line easement shall not be utilized to provide legal access to a lot or parcel with no access.

a. A legally nonconforming lot with no current access, may obtain through property acquisition direct abutting access to an improved public ROW, subject to the following:

   The owner of the subject property may purchase additional property from an adjacent land owner(s) whose property has direct abutting frontage on an improved public ROW, so long as the adjacent lot has sufficient land area whereby the conveyance of property will not cause or increase a nonconformity related to minimum lot area or lot width, or subsequent required yards for existing structures.

   Proof and a copy of a certified survey shall be required to be submitted to the City, describing the land area, and demonstrating that the newly acquired land area has been combined with the existing legal description of the subject property, and that they have been assigned collectively one parcel identification number.

b. A legally nonconforming lot with no current access, may obtain a dedicated easement to an improved public ROW, subject to the following:

   The owner of the subject property shall submit to the City, proof that a recorded permanent, perpetual, non-exclusive right of way easement access agreement has been secured which provides access over and through an adjacent lot(s) of record, which has direct abutting access to an improved public ROW.

c. Any access, whether by property acquisition, or by recorded easement, shall be a minimum of twenty (20) feet wide along its length from the improved public ROW to where it meets the subject property. Said access shall be cleared, improved and maintained so that sufficient ingress and egress is provided for vehicles of any branch of emergency services, and shall also remain clear of trees, water, environmentally sensitive or flood-prone lands, and existing structures.

d. Any such action to a lot or parcel of record, which causes or increases a nonconformity to the subject, adjacent or servient easement area, shall not be considered appropriate access.

e. A parcel or lot which contains frontage on a standard platted street ROW, which is not named and/or improved, which is seeking to develop, said owner shall submit construction plans to the city, as described under Article 5 Subdivisions, in order to construct a road to

city specifications to serve said lot(s). Development may commence once proper access has been obtained to connect to an existing improved public ROW, through construction, acceptance and dedication of the new street.

f. An owner of a subject or adjacent property, prior to any actions being taken, may apply to the LDR Administrator for a Certificate of Land Development Regulation Compliance pertaining to proposed access related actions, in order to obtain written confirmation that such actions will result in a developable lot or parcel.

4. And other applicable criteria contained within these LDR.

5. Nonconforming lot(s) which are deemed to be ineligible for development, when proposed in a manner consistent with zoning and LDR standards, may, collectively along with other adjacent lots, be proposed to be re-platted to include new public rights-of-ways, and lot configurations which could then be considered conforming and thus eligible for development.

4.1.6.2**.** Nonconforming uses of land.

Where, at the effective date of Ordinance No. 817, lawful use of land existed which would not be permitted by these LDR, such use may be continued, so long as it remains otherwise lawful, subject to:

1. Enlargement, increase, intensification, alteration.
   No nonconforming use of land shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of Ordinance No. 817;
2. Movement.
   No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of Ordinance No. 817;
3. Discontinuance.
   If a nonconforming use of land ceases, as documented by the City, for any reason for a period six or more consecutive months (for manufactured home parks this refers to all existing stands being unoccupied), any subsequent use of such land shall conform with the regulations specified by these LDR for the district in which such land is located;
4. Structure additions.
   No structures shall be added on such land, except for the purposes and in a manner conforming with the regulations for the district in which such land is located; and,
5. Destruction.
   Should such nonconforming use of land be destroyed by any means to an extent of more than 70 percent of its property tax assessed value at time of destruction, it shall not be replaced except in conformity with the regulations specified by these LDR for the district in which such land is located.

4.1.6.3. Nonconforming structures.

Where a building or special use structure lawfully existed at the effective date of Ordinance No. 817, that could not be built under these LDR by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to:

1. Enlargement or alteration.
   No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Destruction.
   Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 70 percent of the building's property tax assessed value at time of destruction, it shall not be reconstructed except in conformity with these LDR;
3. Movement.
   Should such structure be moved or removed for any reason for any distance whatsoever, it and/or any replacement shall thereafter conform to the regulations which apply for the applicable district.

4.1.6.4. Nonconforming characteristics of use.

If characteristics of use are made nonconforming by these LDR as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with these LDR, see also 4.1.6.5.

4.1.6.5. Nonconforming use of structures and premises.

Where a lawful use of a structure, or of a structure and premises in combination, existed at the effective date of Ordinance No. 817, which would not be allowed in the district under the terms of these LDR, the lawful use may be continued so long as it remains otherwise lawful, subject to:

1. Enlargement, extension, alteration, etc.
   No existing structure devoted to a use not permitted by these LDR in the district in which such use is located shall be moved, enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a permitted use;
2. Extension of use.
   No nonconforming use shall be extended to occupy any part of a building and/or land outside the building or any other building or structure on the same lot or parcel not documented by the City as used for such nonconforming use at the effective date of adoption of the City's Comprehensive Plan;
3. Change in tenancy or ownership.
   A change in tenancy, ownership, or management of a nonconforming use does not affect the status of the nonconformity, provided there is no change in the nature or character of such nonconforming use, and provided the use is not discontinued, as defined herein;
4. Change in use shall require future conformity with district regulations.
   A structure, or structure and premises in combination, in or on which a nonconforming use is superseded or replaced by another use, such use shall thereafter conform with the regulations of the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall another nonconforming use be permitted;
5. Discontinuance.
   If a nonconforming use of a structure, or structure and premises in combination, ceases, as documented by the City, for any reason for a period of six or more consecutive months, any subsequent use shall conform to the regulations for the district in which the structure/premises is located;
6. Structure additions.

No structures shall be added on such premises except for an allowed use and in a manner conforming to the regulations for the district in which such premises are located; and,

7. Destruction.
   Should a structure containing a nonconforming use be destroyed by any means to the extent of more than 70 percent of the building's property tax assessed value at the time of destruction, its status as a nonconforming use is terminated, and it shall not be reconstructed except in conformity with these LDR.

4.1.6.6. Casual, temporary, or illegal use.

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

4.1.6.7. Uses under special exception provisions not nonconforming uses.

A use documented to be in existence at the effective date of Ordinance No. 817, which is listed as a use currently permitted by method of application for and approval of a special exception in the zoning district in which it is located, under the terms of the applicable LDR, shall not be deemed a nonconforming use in such district, but shall without further action, be deemed a conforming special exception use in such district. However, an enlargement, expansion, discontinuance, or alteration of such use or premises shall be subject to procedures for securing special exceptions, see also Sec. 3.9., for additional criteria.

4.1.7. Vested rights.

Certain land development rights of property owners may be vested with respect to the City's Comprehensive Plan and these LDR adopted to implement the Comprehensive Plan. For instance, development specifically approved in a development of regional impact development order is vested in accordance with F.S. § 163.3167(8), as amended, and is exempt from the provisions of this section. This section sets forth the procedure for determining those vested rights. A person claiming vested rights to develop property may make application for a vested rights certificate pursuant to this section, notwithstanding the preceding sections.

4.1.7.1. Determination of vested rights.

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

4.1.7.1.2. An application for a vested rights certificate may be filed within one year of the adoption of Ordinance No. 817 for the subject property. Except as provided in the section below, failure to file an application within the required period constitutes an abandonment of any claim to vested rights. Judicial relief is not available until administrative remedies set forth in the section are exhausted.

4.1.7.1.3. If a property owner is absent from the State of Florida during the entire filing period and does not have an agent present in the state during such period, such property owner may, with documentation

sufficient to indicate a probable lack of notice, be granted leave by the City council to file an application within one year after the individual's return to the State of Florida.

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

4.1.7.2. Standards for vested rights.

4.1.7.2.1. An application for vested rights determination shall be approved if the applicant demonstrated:

1. The applicant:
    a. Owned the property proposed for development on September 10, 1991, the effective date of the City's Comprehensive Plan; or
    b. Entered into a contract or option to purchase the property on or before such date; or
    c. Presents facts such that it would be inequitable, unjust or fundamentally unfair to deny an application for vested rights where the applicant acquired ownership after such date;
2. There was a valid, unexpired act of an agency or authority of government upon which the applicant reasonably relied in good faith;
3. The applicant, in reliance upon the valid unexpired act of government, made a change in position or incurred extensive obligations or expenses; and
4. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant. In making this determination, the City may consider a number of factors including, but not limited to:
    a. Whether construction or other development activity has commenced and is continuing in good faith; and
    b. Whether or not the expense or obligation incurred can be substantially used for a development permitted by the City's Comprehensive Plan and these LDR.

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

1. Costs for legal and other professional services that are not related to the design or construction of improvements;
2. Taxes; and,
3. Costs for acquisition of the land.

4.1.7.3. Presumptive vesting.

Notwithstanding the criteria set forth in this section, presumptive vesting for consistency and concurrency is applied to any structure on which construction has been completed pursuant to a valid building permit such presumptive vesting for the purposes of consistency and concurrency means there is no requirement to file an application to preserve vested rights status.

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

a. Lots of record as of the adoption of the City's Comprehensive Plan, whether located within a subdivision or without, but only to the extent of one single family residence per lot; however, such lots shall not be contiguous on the same frontage as of the adoption of the City's Comprehensive Plan to any other lot(s) owned by or under contract for deed to the person(s) applying for the single-family residence building permit; and,
b. Contiguous lots of record as of the adoption of the City's Comprehensive Plan, whether located within a subdivision or without, where such lots are treated as one lot for one single-family residence.

4.1.7.4. F.S. § 380.06 vested rights.

Developments of regional impact authorized under F.S. § 380.06, as amended, pursuant to a valid, unexpired binding letter of vested rights issued by the state land planning agency, including approved modifications to such binding letter of vested rights (the "binding letter"), shall automatically qualify for a vested rights certificate to be issued upon completion of the procedure set forth in this paragraph.

This certificate shall recognize the vesting of the development as set forth in the binding letter. In lieu of sub-section 4.1.7.7., below, such vesting shall continue until development approved in the binding letter is complete or until the expiration or invalidation of the binding letter, whichever occurs first. Notwithstanding sub-section 4.1.7.7., a proposed change to a development vested hereunder shall be reviewed pursuant to the substantial deviation or change criteria provided for in F.S. § 380.06, as amended.

A substantial deviation after September 10, 1991, shall cause those development rights that are the subject of such deviation to become subject to the Comprehensive Plan, these LDR and concurrency requirements. The request for issuance of the vested rights certificate shall consist of the binding letter along with a master plan of development or similar document previously approved by the City council and submitted to the Land Development Regulation Administrator for verification of authenticity.

The Land Development Regulation Administrator may require additional documents or materials necessary for the City to determine the extent of development vested and to estimate the capital improvements required by the development.

Submission of the binding letter along with the appropriate master plan or similar document and additional materials required by the Land Development Regulation Administrator shall entitle the applicant to a vested rights certificate which shall be issued by the City council upon receipt of verification of authenticity by the Land Development Regulation Administrator.

Development of Regional Impact development is vested under F.S. § 380.06 and for which a binding letter has not been issued shall qualify for a vested rights certificate in accordance with the procedures set forth in these LDR, upon establishment that prior to September 10, 1991, the City issued a building permit or other authorization to commence development and that in reliance on such permit there has been a change of position as required under the provisions of F.S. § 380.06(20) vested rights; provided however, in lieu of the limitation set forth in sub-section 4.1.7.7., such vesting shall continue until such development is complete or until the state land planning agency determines that such development is not entitled to be vested under F.S. § 380.06, whichever occurs first.

4.1.7.5. Statutory vesting.

The right to develop or continue the development of property shall exist if:

1. A valid and unexpired final development order was issued by the City prior to adoption of this Comprehensive Plan;
2. Substantial development has occurred on a significant portion of the development authorized in the final development order or is completed; or
3. Development is continuing in good faith as of the adoption of this Comprehensive Plan. A "final development order" is a development order which approved the development of land for a particular use of uses at a specified density of use and which allowed development activity to commence on the land for which the development order was issued. "Substantial development" means all required permits necessary to commence and continue the development have been obtained; permitted clearing and grading has commenced on a significant portion of the development; and the actual construction of roads and the stormwater management system on that portion of the development is complete or is progressing in a manner that significantly moves the entire development toward completion.

4.1.7.6. Common law vesting.

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

4.1.7.7. Limitation on determination of vested rights.

4.1.7.7.1. Development subject to a vested rights certificate shall be consistent with the terms of the development approval(s) upon which the certificate was based. Substantial deviation from a prior approval, except as required by governmental action, shall cause the development to be subject to policies and implementing decisions and regulations of the City's Comprehensive Plan. The City council shall determine if a proposed or actual deviation change is a substantial deviation based upon:

1. A change in use or intensity of use that would increase the development's impacts on those public facilities subject to concurrency by more than five percent;
2. A change in access to the project that would increase the development's transportation impacts by more than five percent on any road subject to concurrency unless the access change would result in an overall improvement to the transportation network.

4.1.7.7.2. A vested rights certificate applies to the land and is therefore transferrable from owner to owner of the land subject to the permit.

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

4.1.7.8. Vested rights applications.

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

Sec. 4.2. CSV – Conservation.

4.2.1. Districts and intent.

The CSV conservation category includes one zoning district: CSV lands in this district are lands devoted to the conservation of the unique natural functions within these lands. To ensure their intended purpose, no use other than non-intensive resource based recreation activities shall be permitted.

4.2.2. Permitted principal uses and structures:

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

4.2.3. Permitted accessory uses and structures:

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

4.2.4. Prohibited uses and structures:

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

4.2.5. Special exceptions:

Reserved.

4.2.6. Minimum lot requirements:

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

4.2.7. Minimum yard requirements (see section 4.19 for right-of-way setback requirements):

Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

1. The location of a structure other than docks, piers, or walkways elevated on pilings are prohibited;
2. The clearing of natural vegetation are prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
3. Residential, commercial and industrial improvements are prohibited; and
4. Resource-based recreational activities are permitted.

4.2.8. Maximum height of structures: Unrestricted.

4.2.9. Minimum lot coverage: None.

4.2.10. Minimum landscaped buffering requirements: None.

4.2.11. Minimum off-street parking requirements: None.

Sec. 4.3. A – Agricultural.

4.3.1. Districts and intent.

The A – Agricultural category includes one zoning district: A-1. Lands in this district are intended to provide for areas primarily consisting of agricultural and residential uses consistent with the areas as designated agriculture within the City's comprehensive plan.

4.3.2. Permitted principal uses and structures:

1. Crop cultivation and silviculture/forestry.
2. The raising of livestock animals, limited to a density of one animal per acre, of the more common North American equine or bovine species.
3. Conventional single-family dwelling.
4. Type I and Type II manufactured home single-family dwelling.
5. Homes of six or fewer residents which otherwise meet the criteria of a community residential home (see section 4.19).
6. Plant nurseries and greenhouses.
7. Non-residential modular building.
8. Park model single-family dwelling.

No structure used for the housing or feeding of animals shall be located within 300 feet of any lot line.

4.3.3. Permitted accessory uses and structures:

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot as the permitted or permissible principal use or structure or on a contiguous lot in the same ownership; and
   c. Do not involve operations or structures not in keeping with the character of an agricultural area.
2. Examples of permitted accessory uses and structures include:
   a. Barns and stables;
   b. Private garages;
   c. Private swimming pools and cabanas;
   d. On-site signs (see section 4.19); and
   e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.3.4. Prohibited uses and structures (except as provided for under Section 14.10):

1. Slaughterhouses, milking barns, open feedlots, chicken houses and holding pens, and the raising of goats, hogs, and poultry.
2. Junkyard or automobile wrecking yard and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.
3. Mobile Home Dwelling.

4. Any type of existing mobile or manufactured home dwelling unit which is abandoned, uninhabitable, or which is determined by the Building or Zoning Official to not meet the minimum standards for residential occupancy. Such a structure shall not be permitted to be maintained or retained on the property for any purposes, including as a storage or accessory building.

4.3.5. Special exceptions (see also Article 3):

Special Exceptions shall only be considered on parcels which meet the minimum lot area as specified under 4.3.6.

1. The processing, storage, and sale of agricultural products and commodities raised or not raised on the premises (excluding livestock or poultry slaughterhouses), provided no building used for these activities is located within 100 feet of any side or rear lot line.
2. Recreational activities such as racetracks and speedways; golf courses; country clubs; tennis and racquet clubs; golf and archery ranges; rifle, shotgun, and pistol ranges; travel trailer parks or campgrounds, hunting or fishing camps, including day camps; and similar uses.
3. Veterinary clinics, including: indoor animal recovery related boarding up to seven (7) days, and associated outside exercise areas.
4. Airplane landing fields.
5. Child care centers, provided:
   a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.
   b. Provision is made for areas for off-street pick-up and drop-off of children.
6. Churches and other houses of worship.
7. Cemeteries and mausoleums.
8. Commercial kennels and animal shelters, provided: animals are housed at a minimum from dusk to dawn in soundproof buildings, no open runs are located within 100 feet of any lot line, and no buildings used for housing of animals are located within 300 feet of any lot line.
9. Crematories.
10. Home occupations (see also article 4.19).
11. Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers and Retirement or Senior Housing Facilities.
12. Livestock auction arenas.
13. Off-site signs (see also section 4.19).
14. Private clubs and lodges.
15. Public buildings and facilities (see section 4.19).
16. Public or private schools offering curricula comparable to that of public schools.
17. Riding or boarding stables, provided no buildings used for housing of animals are located within 300 feet of any lot line.
18. Bed and breakfast inns.
19. Foster Group Homes
20. Radio and television stations and/or associated towers/antenna up to 130 feet in height, provided tower/antenna minimum setback from all property lines shall be a distance equal to the height of the proposed tower, unless the tower will be constructed using engineered “breakpoint” design technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the tower to the “breakpoint” level of the tower. Certification by a professional engineer licensed by the State of Florida of the “breakpoint” design and the design’s fall radius must be provided together with the other information required. All towers shall be engineered so that in the case of collapse, all parts of the structure will fall within the site.

4.3.6. Minimum lot requirements (area, width):

1. Conventional single-family dwellings, manufactured homes:

A-1	Minimum lot area: five acres
	Minimum lot width: 200 feet

2. Other permitted principal uses and structures (unless otherwise specified): none, except as necessary to meet other requirements as set out herein.

3. Uses permitted by Special Exception:

A-1	Number: 3, 5, 6, 10, 13, 14, 15, 18, 19
	Minimum lot area and width: none, except as necessary to meet other requirements as set out herein.
A-1	Number: 7, 9, 11, 16, 20
	Minimum lot area: one acre
	Minimum lot width: 100 feet
A-1	Number: 1, 2, 4, 8, 12, 17
	Minimum lot area: five acres
	Minimum lot width: 200 feet

4.3.7. Minimum yard requirements (depth of front and rear yard, width of side yard): (See section 4.19 for right-of-way setback requirements.)

1. Permitted Residential Dwelling Units, including any residential accessory structures:

   Front: 20 feet.
   Side: 20 feet (for each side yard).
   Rear: 20 feet.

2. Permitted or permissible non-residential uses and structures (unless otherwise specified):

   Front: 30 feet.
   Side: 25 feet (for each side yard).
   Rear: 25 feet.

3. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
   a. The location of a structure other than docks, piers, or walkways elevated on pilings are prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and

d. Resource-based recreational activities are permitted.

4.3.8. Maximum height of structures:

No portion shall exceed: unrestricted (see also section 4.19 for exceptions).

4.3.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
Residential	0.30	0.40	0.30
Non-residential	0.20	0.30	0.20

4.3.10. Minimum landscaped buffering requirements (see also section 4.19):

1. Permitted principal uses: None, except as necessary to meet other requirements as set out herein.
2. Uses permitted by Special Exception: To be determined and imposed by the Board of Adjustment.

4.3.11. Minimum off-street parking requirements (see also section 4.19):

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

4.3.12. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

Sec. 4.4. Residential-(conventional, unconventional and infill) Single-Family.

4.4.1. Districts and intent:

4.4.1.1. The R residential, (conventional) single-family category includes three zoning districts: RSF-1, RSF-2 and RSF-3. It is the intent of these districts to provide for conventional single-family areas of low, moderate and medium densities, together with public and semi-public buildings and facilities, and accessory structures as may be desirable and compatible with such uses, as well as surrounding uses.

Nonresidential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the single-family residential character of these districts. Variation among the RSF-1, RSF-2 and RSF-3 districts is in requirements for lot area, width, and certain yards, as well as other criteria as applicable.

4.4.1.2. The R residential, (unconventional) single-family category includes two zoning districts: RSFU-1 and RSFU-2. No provision in this zoning district shall serve to supersede any applicable building code regarding subsequent construction. It is the intent of these districts to:

1. Provide for unconventional single-family areas of medium and high density, and accessory structures as allowed for and compatible with such uses, as well as surrounding uses;
2. Permanently preserve open space which is of use and value to the residents, and which would not normally be preserved under development undertaken according to other zoning districts;
3. Encourage creative site planning which is sensitive to the natural characteristics of the land;
4. Provide for economical development, efficient provision of public services and minimizing road and driveway construction and paving;
5. Promote aesthetics and other amenities; and
6. Use less land per dwelling unit than permitted under normal zoning requirements.

These districts do allow for a mixture of conventional single-family dwellings together with unconventional single-family dwellings. Such districts and subsequent subdividing and development shall be required to comply with the following criteria:

1. Any such amendment proposed for this district shall be proposed for a surveyed area, on contiguous parcels, not less than 1.5 acres and not more than 10 acres. Parcels which total more than 10 acres shall be proposed under the PRD Planned Residential Development District;
2. Subsequent contiguous parcels, or parcels under the same ownership within 500 linear feet, which are proposed to be amended to such a RSFU district, shall only be proposed once the initial RSFU district is 75% built-out and occupied;
3. When roads are needed to be extended to serve such a district, such roads shall be extended within the interior of the property, all subsequent lots shall only front the interior roads, and no dwelling shall be located less than 25 feet from a boundary of the zoning district;
4. Entrances into such a development shall number one for the first 60 dwellings. Developments with 61-125 dwellings shall be required to have a second entrance no closer than 300 feet to the first entrance. Developments over 125 dwellings shall be required to have additional entrances as deemed necessary, through the site and development approval process, to assure safety and wellbeing of the residents;
5. Combinations of various residential densities and housing types are permitted, as long as the overall gross density does not exceed the allowed number of dwelling units allowed by the Comprehensive Plan for the proposed district, as well as other criteria as provided for herein;

6. All exposed exterior wall materials on primary or accessory structures shall be either: stone, brick, stucco, cement composition board, or of similar fire-retardant material. Vinyl siding, wood or similar type exterior materials are prohibited. If shingled, roofs must utilize architectural type composition shingles;
7. Exterior home designs shall not repeat more than one design type for every 5 dwelling units;
8. Overall density shall be limited by the Future Land Use Plan Map which allows a density of 8 units per acre on Residential Medium Density and 20 units per acre on Residential High Density. Wetlands, water bodies, and land prohibited from development by reason of legally enforceable restrictions, easements, covenants, soils or topography shall be excluded from the calculation of permissible building lots;
9. To ensure common open space is preserved for use of the residents, when a subdivision plat is proposed, at least 25 percent of the buildable area covered by the zoning district shall be established by conservation restriction or easement as open space for conservation and/or recreation purposes. Not more than 20 percent of this conservation area may be improved by construction of amenities. Access to this open space shall be made available to all residents, either by lots fronting such area or by common easement to a public street or road. The open space land area required shall be contained in no more than two (2) non-contiguous parcels. Open space shall be protected in perpetuity by restrictive covenants and deed restrictions by way conveyance to a corporation or trust comprising a home owner's association whose membership includes the owners of all lots or units contained in the tract. The subdivider shall include in the deeds to owners of individual lots beneficial rights in said open land with a conservation restriction, to insure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways, nor more than 20 percent utilized for common amenities such as a club house, pool, playground or similar uses. In addition, the subdivider shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the home owner's association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the subdivider shall cause to be recorded at the Suwannee County Clerk of the Circuit Court, a Declaration of Covenants and Restrictions which shall, at a minimum, provide the following:
    a. Mandatory membership in an established home owner's association, as a requirement of ownership of any lot in the tract;
    b. Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the home owner's association. Failure to pay such assessments shall create a lien on the property assessed, enforceable by either the home owner's association or the owner of any lot;
    c. Provisions which, so far as possible under existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law; and
    d. The covenant must be submitted to the City for review and approval as part of the subdivision review and approval process.
10. The location of High Density Land Use Classifications and associated RSFU-2 Districts shall be limited to areas adjacent to arterial or collector roads, as designated on the Comprehensive Plan;
11. Each dwelling unit shall have a separate front entry and off street parking or garages;
12. A maximum of 5 dwelling units may be attached together in a single dwelling unit cluster;
13. The minimum building width shall be 20 feet per dwelling unit;
14. The minimum dwelling unit building footprint shall be 800 square feet for duplexes or single story dwellings**;** and 500 square feet for townhomes or multi-story dwellings;
15. Each dwelling with a shared wall shall be reviewed, approved and permitted collectively as a cluster, and each cluster shall be constructed concurrently by the licensed building contractor;

16. Units in clusters shall be offset in front-yard setbacks as follows: no more than 2 abutting units in a cluster may be setback an equal distance from the right-of-way and the variation for units which must be offset shall be a minimum of 5 feet;
17. To promote a walkable development, common areas adjacent to public rights-of-way, or leading to designated open space areas, shall have standard sidewalks and lighting installed prior to acceptance by the City Council as a subdivision; and all subsequent construction on lots adjacent to public rights-of-way, or leading to common areas, shall have standard sidewalks and lighting installed prior to a certificate of occupancy being issued. Proposed subdivision plats must show the location of all sidewalks and lighting for the entire subdivision;
18. Paved driveways may be contiguous for up to 5 contiguous dwelling units only if utilization of minimum lot width requires the entire front to be paved to meet parking size requirements, otherwise, between each driveway shall be sodded or landscaped green space, except required sidewalks; and all areas between clusters shall be sodded or landscaped green space, except required sidewalks.

4.4.1.3. The R residential, (infill) single-family category includes three zoning districts: RSFI-1, RSFI-2, and RSFI-3. It is the intent of these districts to provide for conventional single-family areas of low, moderate and medium densities, within or abutting existing and numerically matching, RSF-1, RSF-2 and RSF-3 zoning districts; to facilitate development or redevelopment on previously platted lots which, according to their size, may be difficult to develop under current zoning standards. It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities as a means to achieve balanced growth, and to provide a cost-effective method for municipal service delivery. Within the residential areas designated as the Urban Core Area of Live Oak, there exists an opportunity to achieve maximum utilization of land resources that have been by-passed or under-utilized in the development of the urban area. An allowance for non-standard criteria is deemed an appropriate incentive to promote infill development and redevelopment within this Core Area for single-family residential detached dwellings. For the purposes of this district, the Urban Core Area is defined as all legally platted subdivision lots recorded prior to January 1, 2009 within the Territorial Boundaries described under Sec. 7, Part I - Charter, of the Code of Ordinances of the City of Live Oak, Florida. Existing lots which do not meet the minimum lot width or size are still considered buildable under the provisions of nonconforming lots of record, Section 2.3.1, so long as required setbacks can be met, as well as other criteria as may be required according to the building or land development codes. To facilitate this as an affordable option for a zoning district, a single owner or corporation of record, which owns multiple such lots within the City, which are currently zoned RSF-1,2 or 3, may file a petition for consideration to amend the zoning on up to 5 lots under a single petition and with remittance of the associated fee, so long as the zoning district sought is consistent with existing adjacent conventional single-family zoning and permissible with the current future land use plan map classification. The Ordinance for rezoning for said lots may be approved, denied, or modified in whole or part as the current amendment process allows for. LDR rezoning ordinances proposed which do not meet these criteria or which also require a CPA land use amendment to the future land use shall not be submitted under this provision and each non-contiguous lot shall be considered a separate application petition. No provision in this zoning district shall serve to supersede any applicable building code regarding subsequent construction.

4.4.2. Permitted principal uses and structures:

4.4.2.1. Permitted principal uses and structures (<u>conventional</u>):

1. Conventional single-family dwellings.
2. Public parks and recreational areas.

3. Homes of six or fewer residents which otherwise meet the criteria of a community residential home.

4.4.2.2. Permitted principal uses and structures (unconventional):

1. Conventional single-family dwellings of a minimum of 1,200 or more square feet each of heated and cooled gross floor area.
2. Attached single-family dwellings, including: one story duplexes, triplexes and quad-plexes, of a minimum of 800 or more square feet each of heated and cooled gross floor area**;** and two or more story attached townhouses, with a ground floor footprint of a minimum of 500 or more square feet each of heated and cooled floor area.
3. Public parks and public recreational areas.
4. Private parks, common open space, and recreation facilities, owned and maintained in common by the residents of the subdivision or a homeowners association, and deed recorded as such.
5. Homes of six or fewer residents which otherwise meet the criteria of a community residential home.

4.4.2.1. Permitted principal uses and structures (infill):

1. Conventional single-family dwellings.
2. Public parks and recreational areas.
3. Homes of six or fewer residents which otherwise meet the criteria of a community residential home.

4.4.3. Permitted accessory uses and structures:

All permitted accessory uses and structures - are uses and structures which:

1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
2. Shall be located on the same lot or parcel as the permitted or permissible principal use or structure, and only when a principal use or structure is in existence on said lot or parcel;
3. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood;
4. Do not involve operations or structures, including business or trade operations or storage, not in keeping with the character of single-family residential development;
5. Which shall be located, unless otherwise provided, in: the rear yard of interior lots, the side yard of corner lots, or the yard which faces the secondary (non-addressed) street frontage of a through lot;
6. Which are limited in height, unless otherwise restricted, to that which the primary structure is;
7. Which are permitted, constructed and fully comply as required to meet other requirements herein set forth, including Section 4.19, 4.19.4, and other building codes as applicable;
8. To qualify as a bonafide addition to a principal structure and not an accessory structure, said addition shall be of like-kind materials, construction and design as the principal structure;
9. The City Development Manager and City Building Official shall be contacted prior to any accessory structure being erected and a site plan provided to obtain written zoning approval and to determine what other Zoning and/or Building Codes/Permitting are required.

4.4.3.1. Permitted accessory uses and structures (conventional):

1. Not more than two accessory buildings, including: private garages, portable or permanent sheds, carports, cabanas, pole barns, and noncommercial greenhouses/plant nurseries, for household use only; and limited, unless otherwise restricted, in total and combined lot coverage (gross floor area): 40% of the size of the existing principal structure or 3% of the total lot size, whichever is greater, subject to total lot coverage provided for herein, height limited to be equal to or less than the height of the primary structure on the property;
2. A metal carport may be located in the required front yard or side yard of an interior or through lot, or the front yard of a corner lot, so long as the following criteria are met [in addition to that listed above]:
   a. Not more than one per parcel within these yards.
   b. Shall meet a 10 foot setback from all property lines.
   c. Shall meet a 5 foot setback from the principal structure, per 4.19.4. (4).
   d. Shall be of a standard type and design, commercially manufactured and mass produced, by a company whose principal product line is metal structures, subject to review and approval by the Building Official.
   e. Shall be permanently installed to current applicable building codes in effect.
   f. Shall be entirely all metal construction.
   g. Shall be maintained to be free of rust, chipping or peeling paint or other deteriorated conditions.
   h. If damaged or deteriorated by any natural or unnatural force or condition, must be repaired, restored or removed within 30 days of written notice from the City Code Enforcement Officer.
   i. Shall not exceed 400 square feet in overall footprint size.
   j. Shall not exceed 8 feet in overall sidewall height.
   k. Any rolled-corner roofing panels or boxed eve panels shall not extend downward more than 22 inches below where said roof panel becomes vertical, or below a line forming the horizontal edge of the drip line of the roof structure and the remainder of the structure from the ground up shall always remain open, unencumbered space with no panels or other material or screening installed so as to close in the structure.
   l. Shall not be utilized as a space for storage of anything other than a registered, tagged and fully operational street legal non-commercial motorized vehicle.
3. Private decks, cement slabs, sidewalks or otherwise paved areas which may or may not be utilized as or in conjunction with a vehicular driveway, subject to total lot coverage provided herein;
4. Private swimming pools with or without screened in enclosures, and non-commercial man-made ponds under 200 square feet, subject to total lot coverage provided for herein; and
5. Permanent playground equipment and play-houses not exceeding 12 feet in overall height, subject to total lot coverage provided for herein.

4.4.3.2. Permitted accessory uses and structures (<u>unconventional</u>):

Not more than one accessory building, including: private garages, portable or permanent sheds, carports, cabanas, and noncommercial greenhouses/plant nurseries, (no pole barns), for household use only, and limited to a maximum of 144 square feet in gross floor area, subject to total lot coverage provided for herein, and not to exceed 12 feet in overall height.

1. Private decks, cement slabs, sidewalks or otherwise paved areas which may or may not be utilized as or in conjunction with a vehicular driveway, subject to total lot coverage provided for herein;
2. Private swimming pools with or without screened in enclosures, subject to total lot coverage provided for herein; and

3. Permanent playground equipment and play-houses not exceeding 12 feet in overall height, subject to total lot coverage provided for herein.

4.4.3.3. Permitted accessory uses and structures (infill):

1. Not more than two accessory buildings, including: private garages, portable or permanent sheds, carports, cabanas, pole barns, and noncommercial greenhouses/plant nurseries, for household use only; and limited, unless otherwise restricted, in total and combined lot coverage (gross floor area) to: 40% of the size of the existing principal structure or 3% of the total lot size, whichever is greater, subject to total lot coverage provided for herein;
2. Private decks, cement slabs, sidewalks or otherwise paved areas which may or may not be utilized as or in conjunction with a vehicular driveway, subject to total lot coverage provided herein;
3. Private swimming pools with or without screened in enclosures and non-commercial man-made ponds under 200 square feet, subject to total lot coverage provided for herein; and
4. Permanent playground equipment and play-houses not exceeding 12 feet in overall height, subject to total lot coverage provided for herein.

4.4.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. Type I and Type II manufactured home single-family dwelling.
2. Mobile Home Dwelling.
3. Any type of existing mobile or manufactured home dwelling unit which is abandoned, uninhabitable, or which is determined by the Building or Zoning Official to not meet the minimum standards for residential occupancy. Such a structure shall not be permitted to be maintained or retained on the property for any purposes, including as a storage or accessory building.

4.4.4.1. Prohibited uses and structures (conventional):

Trade or service establishments or storage in connection with such establishments, business or home occupations not previously approved as required, storage or overnight parking of commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), storage or accumulations of debris or materials or articles in such a way which would permit animal or vermin harborage, signs except as specifically permitted in section 4.19, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.4.4.2. Prohibited uses and structures (unconventional):

Trade or service establishments or storage in connection with such establishments, business or home occupations not previously approved as required, storage or overnight parking of commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), storage or accumulations of debris or materials or articles in such a way which would permit animal or vermin harborage, signs except as specifically permitted in section 4.19, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.4.4.3. Prohibited uses and structures (infill):

Trade or service establishments or storage in connection with such establishments, business or home occupations not previously approved as required, storage or overnight parking of commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), storage or accumulations of debris or materials or articles in such a way which would permit animal or vermin harborage, signs except as specifically permitted in section 4.19, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.4.5. Special exceptions (see also Article 3)**:**

4.4.5.1. Special Exceptions (conventional):

1. Public or private schools offering curricula comparable to that of public schools.
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private non-profit clubs and lodges.
6. Parks maintained by a private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see section 4.19).
8. Home occupations (see section 2.1 and 4.19).
9. Child care centers and overnight child care centers provided:
    a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
    b. Outdoor play areas shall be fenced and, where possible, located in the rear yard of the property.
    c. A circular drive is provided for ingress and egress safety for drop-off and pick-up.
    d. Drop-off and pick-up shall be conducted on the property and not in the public right-of-way.
10. Commercial greenhouses and plant nurseries.
11. Guest house or guest cottage (see Section 2.1, Definitions).
12. Bed and breakfast inns.
13. Non-commercial, man-made ponds, 200 or more square feet in size.
14. An accessory building or structure on a contiguous lot or parcel to the principal structure, both of which are under the same ownership or, on a vacant or undeveloped lot or parcel; limited in total and combined lot coverage (gross floor area) to: 3% of the total lot size.
15. Neighborhood Community Center, provided:

    a. Shall be located on a parcel one or more acres in size;
    b. Activities which may take place outside of enclosed buildings shall be limited, except as provided herein, to dawn to dusk hours;
    c. Lighted exterior recreational facilities which are located a minimum of 100 feet from any adjacent residence, may be utilized after dusk;
    d. May be leased or reserved on a temporary basis by individuals or families for the hosting of events such as receptions, reunions, anniversaries and similar gatherings;
    e. May provide facilities and activities to serve children from the surrounding neighborhoods, however shall not be operated as an after-school care, day care, or similar facility without applying and being approved for such under that classification;

f. Such facilities are intended to provide a residential community resource, as such, any use which is commercial in nature, including but not limited to, alcoholic or non-alcoholic clubs, raves, commercial recreation facilities, and service industries is prohibited;
g. Said buildings and site shall be developed or altered and subsequently maintained in a manner which is consistent with the adjacent residential community;
h. When deemed appropriate and necessary by the Board of Adjustment, and in addition to any generally required buffer standards, a combination of opaque fencing and a planted landscaped buffer may be required in certain areas to provide for mitigation of visual, noise and similar conditions beyond the property line of the site;
i. Any exterior lighting shall not cast glare onto adjacent residential properties;
j. Vehicular ingress and egress to the property shall be provided by connection to a road network which will not cause additional traffic impacts to existing local platted neighborhood streets, unless said center is privately owned and operated as part of a residential development where there is unified control by a deed restricted home-owner's association;
k. Consumption of any alcoholic beverages by individuals leasing said facility, and guests thereof, shall be conducted wholly within a completely enclosed building, provided however, said consumption shall only be allowable if said facility is in compliance with the adopted criteria for a Banquet Hall as described within the distance separation table in Chapter 18 of the Live Oak Code of Ordinances;
l. Other appropriate conditions may be implemented by the Board of Adjustment during the Special Exception consideration process, including but not limited to, hours of operation;
m. All facilities and activities are also subject to all other development or usage criteria, as applicable, found in the Land Development Regulations and/or Code of Ordinances for the City of Live Oak.

16. Non-residential modular building.

4.4.5.2. Special exceptions (unconventional):

1. Golf courses, country clubs, and racquet and tennis clubs.

4.4.5.3. Special Exceptions (infill):

1. Public or private schools offering curricula comparable to that of public schools.
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private non-profit clubs and lodges.
6. Parks maintained by a private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see section 4.19).
8. Home occupations (see section 2.1 and 4.19).
9. Child care centers and overnight child care centers provided:
   a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
   b. Outdoor play areas shall be fenced and, where possible, located in the rear yard of the property.
   c. A circular drive is provided for ingress and egress safety for drop-off and pick-up.
   d. Drop-off and pick-up shall be conducted on the property and not in the public right-of-way.
10. Commercial greenhouses and plant nurseries.

11. Bed and breakfast inns.
12. Non-commercial, man-made ponds, 200 or more square feet in size.
13. An accessory building or structure on a contiguous lot or parcel to the principal structure, both of which are under the same ownership or, on a vacant or undeveloped lot or parcel; limited in total and combined lot coverage (gross floor area) to: 3% of the total lot size.

4.4.6. Minimum lot requirements (area, width):

1. Single-family dwellings (conventional):

RSF-1:	Minimum lot area: 20,000 square feet
	Minimum lot width: 100 feet
RSF-2:	Minimum lot area: 10,000 square feet
	Minimum lot width: 80 feet
	Note: RSF-2 districts shall be permitted only where community potable water systems are available and accessible
RSF-3:	Minimum lot area: 5,445 square feet
	Minimum lot width: 50 feet
	Note: RSF-3 districts shall only be permitted where community potable water systems, and centralized sanitary sewer systems are available and accessible

2. Single-family dwellings (unconventional):

RSFU-1:	Maximum Density 8 Units Per Acre
- Townhomes	Minimum lot area: 1,200 square feet
- **Conventional Single-family dwellings,** duplexes, triplexes or quad-plexes	Minimum lot area: 2,250 square feet
- Townhomes	Minimum lot width: 20 feet
- **Conventional Single-family dwellings,** duplexes, triplexes or quad-plexes	Minimum lot width: 30 feet
	Note: RSFU-1 districts shall only be permitted where City provided: community potable water systems, and centralized sanitary sewer systems are available, accessible and utilized.
RSFU-2:	Maximum Density 20 Units Per Acre

- Townhomes	Minimum lot area: 1,200 square feet
- **Conventional Single-family dwellings,** duplexes, triplexes or quad-plexes	Minimum lot area: 2,250 square feet
- Townhomes	Minimum lot width: 20 feet
- **Conventional Single-family dwellings,** duplexes, triplexes or quad-plexes	Minimum lot width: 30 feet
	Note: RSFU-2 districts shall only be permitted where City provided: community potable water systems, and centralized sanitary sewer systems are available, accessible and utilized.

3. Single-family dwellings (infill):

RSFI-1:	Minimum lot area: 20,000 square feet
	Minimum lot width: 100 feet
RSFI-2:	Minimum lot area: 10,000 square feet
	Minimum lot width: 80 feet
	Note: RSFI-2 districts shall be permitted only where community potable water systems are available and accessible
RSFI-3:	Minimum lot area: 5,445 square feet
	Minimum lot width: 50 feet
	Note: RSFI-3 districts shall only be permitted where community potable water systems, and centralized sanitary sewer systems are available and accessible

4. Other permitted or permissible non-residential uses and structures: to be determined and imposed by the Board of Adjustment.

4.4.7. Minimum yard requirements
(Depth of front and back yard, width of side yards) and
(See section 4.19.27 for right-of-way setback requirements):

1. Single-family dwellings (conventional):

RSF-1:	Front: 30 feet
	Side: 15 feet for each side yard
	Rear: 15 feet
RSF-2:	Front: 25 feet
	Side: 10 feet for each side yard
	Rear: 15 feet
RSF-3:	Front: 20 feet
	Side: 10 feet for each side yard
	Rear: 15 feet

2. Single-family dwellings (unconventional):

RSFU-1:	
Interior Lots	Front: 15 feet
	Side: none, unless required between clusters, which shall require a minimum spacing of 20 feet between outside wall to outside wall.
	Rear: 15 feet
Corner Lots	Primary Street Frontage: 15 feet
	Secondary Street Frontage: 10 feet
	Yards perpendicular to primary frontage which fronts no street: none, unless required between clusters, which shall require a minimum spacing of 20 feet between outside wall to outside wall.
	Rear parallel to primary street frontage: 15 feet
RSFU-2:	
Interior Lots	Front: 15 feet
	Side: none, unless required between clusters, which shall require a minimum spacing of 30 feet between outside wall to outside wall.
	Rear: 15 feet
Corner Lots	Primary Street Frontage: 15 feet
	Secondary Street Frontage: 10 feet
	Yards perpendicular to primary frontage which fronts no street: none,

	unless required between clusters, which shall require a minimum spacing of 30 feet between outside wall to outside wall.
	Rear parallel to primary street frontage: 15 feet

3. Single-family dwellings (infill):

All Districts	Corner lots shall be permitted one street frontage to be to front yard standards and the secondary street frontage to be to the applicable side yard standard; and likewise one shared property line to rear yard standards and the secondary shared property line to side yard standards.
RSFI-1:	Front: 15 feet
	Side: 8 feet for each side yard
	Rear: 10 feet
RSFI-2:	Front: 15 feet
	Side: 8 feet for each side yard
	Rear: 10 feet
RSFI-3:	Front: 15 feet
	Side: 8 feet for each side yard
	Rear: 10 feet

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

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

5. Wetland protection in all zoning districts shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

   a. The location of a structure other than docks, piers, or walkways elevated on pilings is be prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted.

4.4.8. Maximum height of all structures: See also section 4.19 for exceptions)

In all zoning districts no portion shall exceed 35 feet.

4.4.9. Maximum lot/parcel coverage by all buildings, structures and uses:

1. Conventional and Infill Zoning Districts: Single-Family Dwellings, together with all accessory buildings, structures or uses, unless otherwise restricted: 60 percent.
2. Unconventional Zoning Districts: Single-Family Dwellings, together with all accessory buildings, structures or uses, unless otherwise restricted: 80 percent.
3. Uses granted through a Special Exception: Principal building together with all accessory buildings, structures or uses, unless otherwise restricted: 50 percent.

4.4.10. Minimum landscaped buffering requirements (See also section 4.19):

All permitted or permissible non-residential uses erected, expanded, re-established, re-located to, or issued a new business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.4.11. Minimum off-street parking requirements (See also section 4.19):

1. Each residential dwelling unit: two spaces for each dwelling unit.
2. Schools:
   a. Elementary and junior high schools: two spaces for each classroom or office room, plus one space for each three seats in any auditorium or gymnasium.
   b. Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
   c. Plus safe and convenient on-premise drop-off and pick-up areas.
3. Churches and houses of worship:

   One space per 4 fixed seats in the largest assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats or a combination of fixed and movable seats, in the largest assembly room, whichever is least;

   All other gross area besides the main meeting room shall be required an additional space per each 400 square feet of gross building area.
4. Public buildings and facilities (unless otherwise specified): one space for each 200 square feet of floor area.
5. Private clubs and lodges: one space for each 300 square feet of floor area.
6. Child care centers and overnight child care centers:

   One space for each 400 square feet of gross floor area, plus safe and convenient drop-off and pick-up areas.
7. Commercial greenhouses and plant nurseries: one space for each 150 square feet of non-storage floor area.
8. For other uses or special exceptions as specified or provided for herein: to be determined by findings in the particular case.
9. Neighborhood Community Centers: one space for each 300 square feet of floor area of building or pavilion area and one space for each 500 square feet of lot or ground area devoted to outside recreation facilities or equipment.

In addition to required improved vehicular access drives and aisles, a minimum of fifty percent of the required parking shall be improved in accordance with Section 4.19. The remainder may be grass parking, however, all spaces, unless striped on cement or asphalt, must be clearly marked with cement vehicle stops.

Landscaping requirements shall apply to the total area devoted to required vehicular access and parking, whether improved or grass.

4.4.12. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

Sec. 4.5. RSF/MH – Residential-(mixed) Single-Family/Manufactured Home.

4.5.1. Districts and intent.

The RSF/MH residential, (mixed) single-family/manufactured home category includes three zoning districts: RSF/MH-1, RSF/MH-2, and RSF/MH-3. It is the intent of these districts to provide for single-family residential areas of low to medium density for conventional single-family dwellings and individual manufactured homes.

The mixed single-family/manufactured home category should be applied primarily to already developed land areas: however, this category may also be applied, to a limited degree, to new subdivision areas. In addition to providing for mixed single-family/manufactured home areas, this district also provides for public and semi-public buildings and facilities and accessory structures. In these districts, permitted nonresidential uses and special exceptions may be subject to restrictions and requirements necessary to preserve and protect the residential character of these districts.

The minimum size for a single-family, manufactured home district shall be ten acres in order to avoid spotty development and the intermixing of single-family/manufactured home districts in conventional single-family areas. Variation among the RSF/MH-1, RSF/MH-2 and RSF/MH-3 districts is in the requirements for lot area, width and certain yards.

4.5.2. Permitted principal uses and structures:

1. Conventional single-family dwellings.
2. Type II manufactured home single-family dwelling.
3. Public parks and recreational areas.
4. Homes of six or fewer residents which otherwise meet the criteria of a community residential home (see section 4.19).

4.5.3. Permitted accessory uses and structures:

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership;
   c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and
   d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
   a. Private garages;
   b. Private swimming pools and cabanas;
   c. Noncommercial greenhouses and plant nurseries; and
   d. On-site signs (see section 4.19).

4.5.4. **Prohibited uses and structures** (except as provided for under Section 14.10)**:**

1. Type I manufactured home single-family dwelling.

2. Mobile Home Dwelling.
3. Any type of existing mobile or manufactured home dwelling unit which is abandoned, uninhabitable, or which is determined by the Building or Zoning Official to not meet the minimum standards for residential occupancy. Such a structure shall not be permitted to be maintained or retained on the property for any purposes, including as a storage or accessory building.
4. Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), manufactured home parks, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.5.5. Special exceptions (see also Article 3):

1. Public or private schools offering curricula comparable to that of public schools.
2. Churches and other houses of worship.
3. Golf courses, country clubs, racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see section 4.19).
8. Home occupations (see section 2.1 and 4.19).
9. Child care centers, provided:
    a. No outdoor play activities are conducted before 8 a.m. or after 8 p.m.
    b. Provision is made for off-street pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.
11. Bed and breakfast inns.
12. Non-residential modular building.

4.5.6. Minimum lot requirements (area, width):

1. Conventional single-family dwellings and manufactured homes zoning:

Minimum site area for a zoning district amendment to RSF/MH: Ten acres, and shall only be permitted where city provided potable water and sanitary sewer systems are available and accessible.

RSF/MH-1:	Minimum lot area: 20,000 square feet
	Minimum lot width: 100 feet (new plat); 85 feet (existing)
RSF/MH-2:	Minimum lot area: 10,000 square feet
	Minimum lot width: 85 feet (new plat); 70 feet (existing)
RSF/MH-3:	Minimum lot area: 5,445 square feet
	Minimum lot width: 55 feet (new plat); 40 feet (existing)

2. Other permitted or permissible non-residential uses and structures:

To be determined and imposed by the Board of Adjustment.

4.5.7. Minimum yard requirements (depth of front and rear yard, width of side of yards)

(See section 4.19 for right-of-way setback requirements):

1. Conventional single-family dwellings and manufactured homes:

RSF/MH-1:	Front: 25 feet
	Side: 15 feet for each side yard
	Rear: 15 feet
RSF/MH-2:	Front: 20 feet
	Side: 10 feet for each side yard
	Rear: 15 feet
RSF/MH-3:	Front: 15 feet
	Side: 10 feet for each side yard
	Rear: 10 feet

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

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

3. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted.

4.5.8. Maximum height of structures:

No portion shall exceed (see also section 4.19 for exceptions) 35 feet.

4.5.9. Maximum lot coverage by all buildings:

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

4.5.10. Minimum landscaped buffering requirements (see also section 4.19):

All permitted or permissible non-residential uses erected, expanded, re-established, re-located to, or issued a new business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.5.11. Minimum off-street parking requirements (see also section 4.19):

1. Each residential dwelling unit: two spaces for each dwelling unit.
2. Elementary and junior high schools: two spaces for each classroom or office room, plus one space for each three seats in any auditorium or gymnasium.
3. Senior high schools: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one space for each six permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one space for each 200 square feet of floor area. (See also section 4.19.)
6. Child care centers: one space for each 300 square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one space for each 300 square feet of floor area.
8. Commercial greenhouses and plant nurseries: one space for each 150 square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.5.12. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

Sec. 4.6. Reserved.

Sec. 4.7. RMH-P – Residential-Manufactured Home Park.

4.7.1. Districts and intent.

The RMH-P residential, manufactured home park category includes one zoning district: RMH-P. It is the intent of this district to provide for residential dwelling units in approved parks, occupied as one-family dwellings.

This zoning district shall require a medium density future land use classification, and is designed to create an environment of residential character and permitting only those uses, activities, and services compatible with the residential environment. The RMH-P district is a residential district and not a commercial district, however due to the nature of having more than one dwelling unit on a single parcel of record, it is deemed to be multi-family in nature.

The minimum size for a manufactured home park shall be as provided for herein, to avoid spotty development and to provide enough area for adequate site design.

New or expanded uses shall require connection of all units to city potable water and sanitary sewer services.

4.7.2. Permitted principal uses and structures:

(Site and development plan review and approval is required for new and expansion of use - See Article 3.)

Within a Manufactured Home Park:

1. Manufactured home parks with Type I and Type II manufactured home single-family dwellings.
2. Park model single-family dwelling (Limited to no more than twenty percent of the permissible manufactured home stands).
3. Homes of six or fewer residents which otherwise meet the criteria of a community residential home (see section 4.19).
4. Conventional and modular single-family dwellings.
5. Parks maintained by any private association of persons residing in the district.

4.7.3. Permitted accessory uses and structures:

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

d. Storage rooms;
e. Manufactured home park administrative/management offices and recreational and laundry facilities intended for use solely by the residents of the manufactured home park and their guests; and
f. On-site signs (see section 4.19).

4.7.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. Mobile Home Dwelling.
2. Campers or travel trailers used as a dwelling unit.
3. Any type of existing mobile or manufactured home dwelling unit which is abandoned, uninhabitable, or which is determined by the Building or Zoning Official to not meet the minimum standards for residential occupancy. Such a structure shall not be permitted to be maintained or retained on the property for any purposes, including as a storage or accessory building.
4. Any use or structure not specifically permitted herein or permissible as a special exception.

4.7.5. Special exceptions (see also Article 3):

Within a Manufactured Home Park:

1. Golf courses, country clubs, and racquet and tennis clubs.
2. Home occupations (see sections 2.1 and 4.19).
3. Private clubs and lodges.
4. Non-residential modular building.

4.7.6. Minimum lot requirements (area, width):

Mobile home stands may contain a dwelling unit as a leased rental, owned and maintained by the property owner; or the stand itself may be leased, with the dwelling unit owned and maintained by a private individual.

1. Manufactured home parks:

   Site requirements:

   Minimum site area: Ten acres for a newly established use.
   One acre for a use which is documented by the city to have existed prior to the adoption of Ordinance No. 817.
   Minimum site width or depth: 100 feet.
   Minimum land area per dwelling unit: 5,445 square feet. (8 units per acre)

   Manufactured home stand requirements:
   (Maximum density according to assigned future land use)

   Minimum manufactured home stand size: 3,500 square feet.
   Minimum average width of manufactured home stand: 40 feet.

2. Other permitted or permissible non-residential uses and structures: to be determined and imposed by the Board of Adjustment.

4.7.7. Minimum yard requirements (depth of front and rear yard, width of side yards) (See section 4.19 for right-of-way setback requirements):

1. Manufactured home park dwelling units, accessory structures and/or any approved by method of Special Exception:
   (To be applied at site perimeter)

   Front: 35 feet – Primary Street as addressed and with main entrance.
   Side: 25 feet for each side yard or Secondary Street frontage.
   Rear: 25 feet.

Special provisions: In a manufactured home park, no manufactured home shall be located closer than 20 feet to: (a) another manufactured home, or (b) a manufactured home park access or circulation drive.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities is permitted.

4.7.8. Maximum height of structures:

No portion shall exceed (see also section 4.19 for exceptions) 35 feet.

4.7.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
Residential Dwelling Units	0.40	0.60	0.30
Other permitted or approved buildings	0.40	0.60	0.35

4.7.10. Minimum landscaped buffering requirements (see also section 4.19):

Manufactured home parks, and any permitted uses contained therein erected, expanded, re-established, re-located to, or issued a new business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.7.11. Minimum off-street parking requirements (see also section 4.19):

1. Each residential dwelling unit: two spaces.
2. Private clubs and lodges: one space for each 300 square feet of floor area.
3. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.7.12. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

4.7.13. Additional requirements for manufactured home parks:

1. Manufactured home stands:
   a. A manufactured home shall be sited on a stand to permit sufficient supported and anchorage in compliance with the state standards for anchoring manufactured homes.
   b. An approved manufactured home stand shall be clearly defined by stakes or other markers which physically delineate the location of each stand within the manufactured home park.
   c. A skirt or apron shall surround each manufactured home between the bottom of the unit and the ground. This skirt or apron shall be continually and properly maintained by the owner of the manufactured home.
2. Street improvements. Streets shall be constructed using generally accepted engineering practices so as to allow proper drainage of the entire area and to provide access to each manufactured home site. Minimum construction standards are:
   a. Pavement base: Six inches lime rock base extending one foot beyond edge of payment. Work and materials shall be in accordance with the Florida Department of Transportation standard specifications for lime rock base.
   b. Pavement course: Asphaltic concrete surface 1 1/4 inches thick, or in the alternative, a bituminous surface treatment. Work and materials shall be in accordance with the Florida Department of Transportation standard specifications for the type surface chosen.
   c. Pavement width: Streets shall have a minimum pavement width of 20 feet.
3. Street lighting. Streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 foot-candle.
4. Usable open space. A minimum of 15 percent of the gross land area within the manufactured home park shall be designed and designated for recreational and/or open/green-space purposes (shall not include storm-water facility areas).
5. Parking. No parking shall be allowed on a manufactured home park access or circulation drive.
6. State regulations. In addition to the requirements listed above, the manufactured home park shall comply with all applicable rules and regulations of the State of Florida including F.A.C. ch. 10D-26, as amended.

Sec. 4.8. RMF – Residential-Multiple-Family.

4.8.1. Districts and intent.

The RMF residential, multiple-family category includes two zoning districts: RMF-1 and RMF-2. It is the intent of these districts to provide for a variety of residential uses by right, as well as certain recreational or institutional uses by Special Exception, located on land classified as either Residential Medium Density (for RMF-1) or Residential High Density (for RMF-2) on the Future Land Use Plan Map.

Proposed multiple-family development which does not meet the requirements listed under this RMF Zoning section may be proposed consistent with that provided under Section 4.9. R-O – Residential-Office.

These zoning districts allow for a desirable variety of housing types together with accessory structures as may be compatible with residential development. Nonresidential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the residential character of these districts.

4.8.2. Permitted principal uses and structures (See also Section 14.10 for temporary uses):

1. Conventional single-family dwellings.
2. Duplex dwellings.
3. Multiple-family dwellings.
4. Public parks and recreational areas.
5. Homes of six or fewer residents which otherwise meet the criteria of a community residential home (see section 4.19).
6. Community residential homes in accordance with F.S. ch. 419.

4.8.3. Permitted accessory uses and structures:

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to existing permitted or permissible uses and structures; and
   b. Are located on the same conforming lot or parcel as an existing permitted or permissible housing or dwelling unit, principal use or structure; or on a contiguous conforming lot or parcel to an existing house or dwelling unit, principal use or structure, which is in the same ownership; and
   c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and
   d. Do not involve uses, operations or structures not in keeping with the character and allowances of residential development, including but not limited to: occupancy as a dwelling unit, and utilization for commercial business storage or commercial business operations, excluding Guest House, Guest Cottage, or Accessory Dwelling, as provided for in 4.8.5.

2. Examples of permitted accessory uses and structures include:
   a. Private garages, sheds, carports and similar structures;
   b. Private swimming pools and cabanas;
   c. Noncommercial greenhouses and plant nurseries;

d. For multiple-family dwellings: administrative/management offices for the multiple-family complex and recreational and laundry facilities intended for use solely by the residents of the multiple-family complex and their guests; and
e. On-site signs (see section 4.19).

4.8.4. Prohibited uses and structures:

1. Type I and Type II manufactured home single-family dwelling.
2. Mobile Home Dwelling.
3. Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry; and
4. Any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a Special Exception.

4.8.5. Special exceptions (See also Article 3):

1. Golf courses, country clubs, and racquet and tennis clubs;
2. Home occupations, only in conventional single-family dwellings (See also section 4.19);
3. Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers, Retirement or Senior Housing Facilities, and Residential Homes for the Aged;
4. Parks maintained by a private association of persons residing in the district;
5. Foster Group Homes; and
6. Guest House, Guest Cottage, or Accessory Dwelling (See Section 2.1, Definitions), limited to one in addition to an existing principal single-family dwelling on a parcel, permanently constructed, with separate City utilities and meters to said dwelling unit.

4.8.5.1. Institutional Use Requirements:

1. Proposed Institutional uses as listed in 4.8.5., numbers 3 and 5, which involve any new construction on a vacant lot, or any demolition of an existing structure for new construction, a re-zoning amendment to Office-Institutional Zoning shall be required prior to plan submittal and permit issuance (See Section 4.10. O-I – Office-Institutional).

2. Existing Institutional uses as listed in 4.8.5., numbers 3 and 5, may be applied to be altered or expanded without a zoning change, through the Special Exception application process.

3. An existing improved site and existing building may be applied to be repurposed and internally altered for an Institutional use as listed in 4.8.5., numbers 3 and 5, without a zoning change, through the Special Exception application process.

4.8.6. Minimum lot requirements (area, width):

1. Conventional single-family dwellings (one dwelling unit on a single conforming parcel):
   Minimum lot area: 5,445 square feet.
   Minimum lot width: 55 feet (new plat); 45 feet (existing).

2. Duplexes (a two-family or duplex dwelling unit as defined in Article 2, or two conventional single-family dwellings on a single conforming parcel):
   Minimum lot area: 10,890 square feet.
   Minimum lot width: 80 feet.

3. Multiple-family dwelling unit development:
   Minimum site area: 3 Acres, for new construction on a vacant parcel, including also demolition, clearing and new construction.
   1 Acre, for redevelopment to an existing improved site, to repurpose an existing building into residential dwelling units.
   Minimum site width: 150 feet, for properties 3 or more acres in size.
   100 feet, for properties between 1 and less than 3 acres in size.

   Minimum gross land area per dwelling unit:
   RMF-1: 5,445 square feet (maximum 8 units per acre).
   RMF-2: 2,178 square feet (maximum 20 units per acre).

4. Other permitted or permissible non-residential uses and structures: to be determined and imposed by the Board of Adjustment.

4.8.7. Minimum yard requirements (depth of front and rear yards, width of side yards)

(See section 4.19 for Special right-of-way requirements):

1. Conventional single-family dwellings, and duplexes:

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

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted subject to best management practices.

3. Multiple-family dwellings: (to be applied to site perimeter or parcel boundary)

   Front: 20 feet.

Side: 20 feet for each side yard, for structures up to 45 feet in height, or those not otherwise specified below.

Side: 35 feet for each side yard, for structures greater than 45 feet in height, when permitted by zoning district, when located along a property line shared with a platted or developed single-family zoning district.

Rear: 20 feet, for structures up to 45 feet in height, or those not otherwise specified below.

Rear: 35 feet, for structures greater than 45 feet in height, when permitted by zoning district, when located along a property line shared with a platted or developed single-family zoning district.

4. Special Exception Uses:

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

4.8.8. Special Provisions:

1. All proposed development or redevelopment upon land located in the adopted Community Redevelopment Area (CRA) District: see Section 4.19.12. for overlay standards which apply.

2. All new or expanded uses shall require individual connection and service of all units and structures to City potable water, City sanitary sewer services, and City garbage/refuse collection.

   Any proposed dumpsters shall be located on properly sized and designed cement slabs providing an improved area for the dumpster as well as garbage truck access and maneuverability, and completely enclosed with an opaque wall or fence not less than 6 feet in height with matching opaque swinging access doors.

3. All new, expanded or redeveloped multiple-family development shall install City natural gas supply and connection infrastructure to each new dwelling unit, in order for this alternate energy source to be available for each end-user.

   Additionally, any other type of proposed non-residential permitted principal or accessory structures shall also install City natural gas supply and connection infrastructure to each applicable building or structure, in order for this alternate energy source to be available, when said buildings or structures will contain or utilize appliances or apparatus which have the potential to run on natural gas.

   A request for a waiver to this requirement shall require a written request and supporting documentation to be submitted, and the matter being placed on the next available agenda of the City Council for consideration and action to approve, approve with stated conditions or deny, in whole or part, the waiver request.

4. Locations proposed for RMF-2 Zoning and Residential High Density Land Uses shall be limited to areas along, adjacent to, or in close proximity to existing arterial, collector or through-

connection / by-pass type roads, where the developer can demonstrate through a submitted traffic analysis and study that trip generation and traffic impacts as a result of the development will be within adopted levels of services for such designated road segments which the development fronts or will connect to from any driveway or frontage road.

For frontage and connecting road segments which have no adopted level of service, the developer shall also provide a before and after traffic count and impacts study for those road segments as part of the site plan submittal process.

5. Along the right-of-way of any street frontage portion of a new or expanded proposed development where public sidewalks are not present, the developer shall include sidewalks to the same specifications as found in Article 5, Subdivision Regulations, as well as provide a network of internal on-site sidewalks which connect to any existing or new public sidewalk system on the right-of-way.

6. All new, expanded or repurposed multiple-family development shall provide at least 2 permanent surface-mount bicycle racks for the first 10 units, and 1 additional rack for each multiple of 10 units, or portion thereof related to total units existing or proposed. Required dimensions for each shall be 36 inches in height and a minimum of 42 inches in length.

7. On-site stormwater facilities shall not be fenced unless the slope of the proposed pond mandates fencing by Florida Building Code or Rule. If fencing is required, it shall be limited to 48 inches in height, and shall be estate style fencing.

8. Where two or more single or multiple-family structures are located together on one site, no detached residential structure shall be closer than 20 feet to another. This separation shall also apply to clubhouses, indoor recreational facilities, offices and similar on-site non-residential structures intended for occupancy.

9. Proposed newly constructed multiple-family structures along or in the vicinity of any property line considered a front-yard shall be designed and developed with the respective dwelling units facing said adjacent street right-of-way(s), however, all vehicular use access for said units shall be provided by dedicated and shared development ingress/egress curb-cut(s), with access driveways and parking contained within the development.

10. Along all parcel street frontage which has proposed newly constructed multiple-family development(s) in which the units or structures are proposed in a manner contrary to "9" above, shall provide a landscaped buffer green-space with no other structures of at least 20 feet in width, along the affected front-yard areas, which past the interior mid-point meets the same requirements as an interior property line buffer would [see 4.19.11.], and the remaining exterior width of the buffer area landscaped in accordance to fifty percent of the formula as specified in Section 4.19.15.10, with no further reductions provided if an opaque fence is also proposed.

11. Multiple-family developments which contain 100 or more dwelling units shall provide at least two separate and dedicated ingress/egress curb-cut entrances (each curb-cut with both an ingress and egress lane) to a public right-of-way, to the internal vehicular use areas. Developments containing 160 or more dwelling units may be required additional public or emergency response vehicle ingress/egress access points to a right-of-way, as determined by the Planning and Zoning Board or

Board of Adjustment, with recommendations by the Land Development Regulation Administrator, and other city departments as appropriate.

4.8.9. Maximum height of structures:

(See also section 4.19 for exclusions from height limitations.)
(See also Article 2 Definitions for Building, height of determinations and examples.)

No portion shall exceed:

1. Conventional single-family dwellings, and duplexes: 35 feet
2. Special Exception Uses: 45 feet
3. Multiple-family dwellings: RMF-1: 45 feet
   RMF-2: 60 feet.

4.8.10. Floor Area Ratio, Impervious Lot Coverage, Building Coverage (Including accessory buildings):

	FAR	ILC	BC
Conventional Single-Family Dwelling Units	0.40	0.60	0.40
Duplex Dwellings	0.50	0.60	0.50
Multiple-Family RMF-1	2.0	0.70	0.50
Multiple-Family RMF-2	3.0	0.70	0.50
Other permitted or approved buildings	0.40	0.60	0.35

4.8.11. Minimum landscaped buffering requirements (see also section 4.19):

Separate from landscaping requirements as stated in Section 4.19.15.10, all multiple-family dwelling developments and uses permitted by Special Exception erected, expanded, established, repurposed, re-located to, or issued a new certificate of use and business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.8.12. Minimum off-street parking requirements (see also section 4.19):

1. Each single-family or duplex residential dwelling unit: two spaces for each dwelling unit.
2. Multiple-family: up to twenty-four dwelling units – 1.25 spaces per dwelling unit.
3. Multiple-family: twenty-five or more dwelling units - one space per efficiency, one or two bedroom unit; and two spaces per three or more bedroom unit; plus one space for each on-site employee of any office or facility; plus one space for each six dwelling units for visitor parking.

4. Nursing homes, Long-Term Care Facilities: one space for each three beds, plus one space per employee on any shift.
5. Residential homes for the aged, Retirement or Senior Housing Facilities, Group Living Facilities: one space for each dwelling or rooming unit.
6. Adult Day Care Centers: one space for each 300 square feet of floor area.
7. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.8.13. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

Sec. 4.9. R-O – Residential-Office.

4.9.1. Districts and intent.

The R-O Residential-Office category includes one zoning district: R-O. This district is permitted in lands classified on the Future Land Use Plan Map as Residential Medium Density. It is intended to allow for single-family and small to medium scale multiple-family residences and developments together with business and professional offices, which are not incompatible with residential uses and accessory structures, as may be desirable with such development, as well as surrounding development.

Where appropriate, R-O can serve as viable zoning for transitional areas between higher intensity commercial districts, and lower density residential areas. Structures which were built as a residence may be converted to serve as dual-purpose for both owner-occupied residential along with professional offices, or as stand-alone offices. Additionally, new development of certain permitted uses can be proposed on vacant R-O property.

This district is not to be deemed a commercial district, however, all uses, structures or site developments, whether principle, by special exception or accessory in nature, which are more intense than one single-family residence on a single lot, and/or one duplex on a single lot, are deemed to be commercial in nature.

When such a use, structure or site development is proposed to be established, re-established, expanded or altered, commercial site and development plan review and approval shall be required in accordance with Article 3, and when applicable, shall be subject to compliance with the criteria as listed under nonconforming situations, in Article 2.

4.9.2. Permitted principal uses and structures:

1. Conventional single-family dwellings.
2. Duplexes.
3. Multiple-family dwellings.
4. Medical and dental offices, clinics, and laboratories (but not animal or veterinary clinics, facilities or shelters).
5. Business and professional offices.
6. Homes of six or fewer residents which otherwise meet the definition of a community residential home.
7. Community residential homes.

4.9.3. Permitted accessory uses and structures:

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot as the permitted or permissible principal use or structure; and
   c. Are not of a nature likely to be incompatible with residential development due to traffic, noise, dust, glare, odor, or fumes.
2. Examples of permitted accessory uses and structures include:
   a. Private garages;
   b. Private swimming pools and cabanas;
   c. Noncommercial greenhouses and plant nurseries; and

   d. On-site signs as permitted herein.

4.9.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

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

1. Sales, display, or outside storage of goods or merchandise.
2. Restaurants.
3. Automotive service stations and car washes.
4. Bars, cocktail lounges, taverns, and package store for sale of alcoholic beverages.
5. The keeping of horses, cows, swine, sheep, goats, or poultry.
6. Type I and Type II manufactured home single-family dwelling.
7. Mobile Home Dwelling.

4.9.5. Special exceptions:

1. Parks maintained by any private association of persons residing in the district.
2. Art galleries, community or little theaters (but not moving picture theaters or drive-in movies).
3. Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers and Retirement or Senior Housing Facilities.
4. Home occupations.
5. Professional, business, vocational, trade, ministerial, and training and technical schools/centers, provided all activities are conducted in completely enclosed buildings.
6. Child care centers, provided:
   a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.
   b. Provision is made for areas for off-street pick-up and drop-off of children.
7. Dance, art and music studios.
8. Bed and breakfast inns.
9. Foster Group Homes
10. Non-residential modular building.

4.9.6. Minimum lot requirements (area, width):

1. Conventional single-family dwellings:
   Minimum lot area: 5,445 square feet.
   Minimum lot width: 55 feet (new plat); 45 feet (existing).

2. Duplexes:
   Minimum lot area: 10,890 square feet.
   Minimum lot width: 80 feet.

3. Multiple-family development:
   Minimum site area: 16,335 square feet.
   Minimum site width: 100 feet.
   Minimum land area per dwelling unit: 5,445 square feet.
   (Density: eight dwelling units per acre).
   Maximum site area: 3 acres / 24 dwelling units. (Over three acres – see RMF Zoning)
4. Other permitted or permissible non-residential uses and structures:

To be determined and imposed by the Board of Adjustment.

4.9.7. **Minimum yard requirements** (depth of front and rear yard, width of side yards):

1. Conventional single-family dwellings and duplexes and business, professional, medical/clinic offices, clinics, laboratories, community residential homes and similar uses requiring fewer than ten parking spaces:

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

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

   Front: 20 feet.
   Side: 20 feet for each side yard.
   Rear: 20 feet.

Special provisions (apply to 1 and 2):

a. Where two or more multiple-family structures are located together on one site, no detached residential structure shall be closer than 20 feet to another. This separation shall also apply to clubhouses, indoor recreational facilities, offices and similar on-site non-residential structures intended for occupancy.
b. Proposed multi-family structures along or in the vicinity of any property line considered a front-yard shall be designed and developed with the respective dwelling units facing said adjacent street right-of-way.
c. Structures and properties originally established as a residence and subsequently converted in whole or part to a non-residential use, said parking shall be located in the side or rear yards only.

3. Permitted uses not otherwise described, and Special Exception Uses:

   Front: 25 feet.
   Side: 25 feet.
   Rear: 25 feet.

Special provisions apply to uses under 1. (For ten or more parking spaces), 2. (For 5 or more dwelling units) and 3.:

As a minimum, no less than one-half the depth of any required front yard shall be maintained as a landscaped area; the remainder may be used for off-street parking, but not for buildings. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of and be contiguous to the designated property line or lines. This landscape area may be penetrated at right angles by driveways.

4. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

a. The location of a structure other than docks, piers, or walkways elevated on pilings are prohibited;
b. The clearing of natural vegetation are prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
c. Residential, commercial and industrial improvements are prohibited; and
d. Resource-based recreational activities are permitted.

4.9.8. Maximum height of structures: No portion shall exceed 35 feet.

4.9.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage (Including accessory buildings):

	FAR	ILC	BC
Conventional Single-Family Dwelling Units	0.40	0.60	0.40
Duplex Dwellings	0.50	0.60	0.50
Multi-Family	0.80	0.70	0.50
Other permitted or approved buildings	0.40	0.60	0.35

4.9.10. Minimum landscaped buffering requirements:

All multiple-family dwelling developments, permitted or permissible non-residential uses, and uses permitted by Special Exception erected, expanded, re-established, re-located to, or issued a new business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.9.11. Minimum off-street parking requirements:

1. Each single-family or duplex residential dwelling unit: two spaces for each dwelling unit.
2. Multi-family: up to twenty-four dwelling units – 1.25 spaces per dwelling unit.
3. Medical or dental offices, clinics, and laboratories: one space for each 150 square feet of floor area.
4. Business and professional offices: one space for each 200 square feet of non-storage floor area.
5. Art galleries: one space for each 300 square feet of non-storage floor area.
6. Community or little theaters: one space for each four seats.
7. Dance, art, and music studios: one space for each 350 square feet of non-storage floor area.
8. Professional, business, and technical schools: one space for each 200 square feet of floor area.
9. Nursing homes, Long-Term Care Facilities: one space for each three beds, plus one space per employee on any shift.

10. Child care centers and overnight child care centers: one space for each 300 square feet of floor area devoted to child care activities.
11. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.9.12. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

Sec. 4.10. O-I – Office-Institutional.

4.10.1. Districts and intent.

The O-I office-institutional category includes one zoning district: O-I. This district is intended for: office uses as well as institutional uses and accessory structures as may be desirable with such development, as well as surrounding development.

This district may be proposed in Residential Medium and High Density Land Uses for small to medium-scale uses which serve adjacent neighborhoods, as well as Commercial Land Uses for larger scale uses on higher classified roadways, depending on the scale and nature of the uses and development.

For any new construction on a vacant lot for a proposed institutional use, a re-zoning amendment to this zoning shall be required prior to plan submittal and permit issuance.

4.10.2. Permitted principal uses and structures:

1. Medical and dental offices, clinics, and laboratories (but not animal or veterinary clinics, facilities or shelters).
2. Business and professional offices.
3. Banks and financial institutions.
4. Charter and private pre-school, elementary, middle and high schools, located on private (not publically or governmentally owned) property.
5. Churches and other houses of worship, including ancillary buildings and uses which support the mission of the church or ministry.
6. Ministry thrift stores, when located on Commercial Land Uses.
7. Conventional Single-Family parsonage homes on the same premises or adjacent parcels to the church or ministry operations, also subject to 4.19.7., and Article 9.
8. Non-profit organization offices and headquarters.
9. Hospitals, Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers and Retirement or Senior Housing Facilities/Residential Homes for the Aged.
10. Professional, business, vocational, trade, ministerial, and training and technical schools/centers, provided all activities are conducted in completely enclosed buildings.
11. Child care centers and overnight child care centers provided:
    a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
    b. Provision is made for dedicated areas for off-street pick-up and drop-off of children.
12. Dance, art and music studios.
13. Photography Studios.
14. Foster Group Homes.
15. Similar office or institutional uses as determined by the Land Development Regulation Administrator.

4.10.3. Permitted accessory uses and structures:

1. Uses and structures which:
    a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
    b. Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership; and

c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see also section 4.19.).
3. On the same premises and in conjunction with fire and building codes, within permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

4.10.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

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

1. New residential uses, except as specified herein;
2. Sales, display, or outside storage of goods or merchandise;
3. Restaurants;
4. Automotive service stations and car washes;
5. Bars, cocktail lounges, taverns, and package store for sale of alcoholic beverages; and
6. Off-site signs.
7. Type I and Type II manufactured home single-family dwelling; and
8. Mobile Home Dwelling.

4.10.5. Special exceptions (see also Article 3):

1. Public buildings and facilities.
2. Art galleries, community or little theaters (but not moving picture theaters or drive-in movies).
3. Private clubs and lodges.
4. Funeral homes without crematories.
5. Non-residential modular building.
6. Cemeteries and mausoleums.

4.10.6. Minimum lot requirements (area, width); permitted or permissible uses and structures:

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

4.10.7. Minimum yard requirements (depth of front and rear yard, width of side yards):

(See section 4.19 for Special right-of-way requirements):

1. All permitted or permissible uses considered small scale (on less than 1 acre of land):

   Front: 20 feet.
   Side: 10 feet.
   Rear: 10 feet.

2. All permitted or permissible uses (on 1 or more acres of land):

   Front: 30 feet.
   Side: 20 feet for each side yard.
   Rear: 20 feet.

Special provisions (apply to 1. and 2.):

a. As a minimum, no less than one-half the depth of any required front yard shall be maintained as a landscaped areas; the remainder may be used for off-street parking, but not for buildings.
b. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of and be contiguous to the designated property line or lines.
c. This landscape area may be penetrated at right angles by driveways.
d. For uses which desire covered public entrance-ways and/or covered drop-off/pick-up areas, such a structure may be permitted as follows:
    (1) Said structure may extend in length out up to the property line, with a maximum width of 12 feet.
    (2) Any vertical supports or columns to support said structure shall not be located any closer than 3 feet to any public sidewalk.
    (3) Said structure may be fabric awning style, or site-built to match or complement the existing structure, however shall not be a metal carport style structure (if proposed in any area between the building and the street right-of-way/front-yard area).
    (4) Proposed driveways to serve said areas shall include one-way traffic flow, and shall be designed so that drop-off and pick-up areas are off rights-of-ways, and underneath said structures, rather than adjacent to them.

3. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
    a. The location of a structure other than docks, piers, or walkways elevated on pilings are prohibited;
    b. The clearing of natural vegetation are prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
    c. Residential, commercial and industrial improvements are prohibited;
    d. Resource-based recreational activities are permitted; and
    e. Existing conventional single-family dwellings and duplexes.
    f. Existing multiple-family dwellings (to be applied to site perimeters):

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

4.10.8. **Maximum height of structures:** No portion shall exceed (see also section 4.19) 35 feet.

4.10.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
All Uses Residential Land Use	0.40	0.60	0.40
All Uses Commercial Land Use	1.0	0.80	0.50

4.10.10. Minimum landscaped buffering requirements (see also section 4.19):

All permitted or permissible uses, and uses permitted by Special Exception erected, expanded, re-established, re-located to, or issued a new business tax receipt for a change of use on:

1. Land abutting or adjacent (See Article 2 – Definitions) to a residential zoning district, or property used residentially, shall provide a landscaped buffer of at least 10 feet in width along the affected front yard(s), and at least 15 feet in width along the affected side or rear property line yard(s), as the case may be.

4.10.11. Minimum off-street parking requirements (see also section 4.19):

1. Medical or dental offices, clinics, and laboratories: one space for each 150 square feet of floor area.
2. Business and professional offices/headquarters: one space for each 200 square feet of non-storage floor area.
3. Banks and financial institutions: one space for each 150 square feet of non-storage floor area.
4. Public buildings and facilities: one space for each 200 square feet of floor area.
5. Art galleries: one space for each 300 square feet of floor area.
6. Community or little theaters: one space for each four seats.
7. Dance, art, music and photography studios: one space for each 350 square feet of floor area.
8. Private clubs and lodges: one space for each 300 square feet of floor area.
9. Churches and other houses of worship: One space per 4 fixed seats in the largest assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats or a combination of fixed and movable seats, in the largest assembly room, whichever is lesser. All other buildings and uses, non-storage area besides the main meeting room shall be required an additional space per each 400 square feet of gross building area.
10. Funeral homes: one space for each three seats in chapel.
11. Schools:
    a. Nursery, head-start, kindergarten, elementary and junior high schools: two spaces for each classroom or office room, plus one space for each three seats in any auditorium or gymnasium.
    b. Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
    c. Plus safe and convenient on-premise drop-off and pick-up areas.
12. Professional, business, vocational, trade, ministerial, and training and technical schools/centers: one space for each 200 square feet of non-storage floor area.
13. Hospitals: one space for each bed.

14. Nursing homes, Long-Term Care Facilities: one space for each three beds, plus one space per employee on any shift.
15. Adult Day Care Centers: one space for each 300 square feet of floor area.
16. Residential homes for the aged, Retirement or Senior Housing Facilities, Group Living Facilities, Foster Group Homes: one space for each dwelling or rooming unit.
17. Child care centers and overnight child care centers: one space for each 300 square feet of floor area devoted to child care activities.
18. For other permitted uses or special exceptions as specified herein: to be determined by findings in the particular case, or as specified for similar uses in other zoning section standards.

Sec. 4.11. C-N – Commercial-Neighborhood.

4.11.1. Districts and Intent:

The C-N commercial, neighborhood, category includes one zoning district: C-N. It is the intent of this district to provide for small scale and certain: retail commercial establishments, service related establishments, professional offices, restaurants, similar non-residential uses, and school developments which will serve the convenience needs of adjacent areas (i.e., a neighborhood). Neighborhood commercial activities are not shown on the Future Land Use Plan Map; rather, these activities should be accommodated throughout the City as market forces determine the need.

Development on and/or rezoning to a Commercial - Neighborhood Zoning district is subject to the following criteria:

a. Shall be considered in Medium and High Density Residential land use classifications, only in areas which will not infringe on, or change the character of, established residential neighborhoods; and shall be considered in Agriculture, Commercial and Industrial land use classifications, as deemed appropriate by the Governing Body; and
b. Shall be located on parcels which contain required frontage on, or are identified as being in transitional areas with access to, Level 2 or 3: local, arterial or collector roads, as identified in the Transportation Plan Element and/or also on the Future Traffic Circulation Map, and only where public facilities and utilities are available or will be constructed in coordination with said development, to support such higher density or intensity; and
c. The parcel area for any proposed rezoning to Commercial - Neighborhood shall not be less than 21,780 square feet, nor exceed 1.5 acres; and
d. Sale, display, preparation and storage shall be conducted completely within an enclosed building; and
e. Where Commercial - Neighborhood facilities and uses are proposed, development shall be limited to an intensity of less than or equal to 0.40 floor area ratio and 0.60 overall impervious lot coverage, regardless of land use classification.

4.11.2. Permitted Principal Uses and Structures:

1. Certain retail commercial outlets for sale of goods.
2. Certain service establishments, such as barber or beauty shop, hair and nail salons, shoe repair shop, self-service laundry or dry cleaner, laundry or dry cleaning pick-up station, music or dance instruction, jewelry repair, and fitness or weight-loss center.
3. Professional Offices including: business, accounting, tax preparation, engineers, architects, surveyors, insurance agents, real-estate and other licensed professionals.
4. Medical Offices including: medical and dental offices, clinics and laboratories, chiropractors, psychologist, counseling, therapists: physical and massage, and other licensed medical professionals.
5. Veterinary Clinics, provided:
   a. The entire business must be conducted wholly within a completely enclosed soundproofed and air-conditioned building.
   b. Noise and odors created by activities within the building shall not be perceptible beyond the property line.

   c. No animals shall be kept outside the building at any time.
6. Restaurants.
7. Churches and other houses of worship.
8. Charter and private pre-school, elementary, middle and high schools, located on private (not publically or governmentally owned) property.
9. Farmer's or community market and/or community garden, greenhouses and plant nurseries.

4.11.3. Permitted Accessory Uses and Structures:

1. On the same premises and in connection with an existing or proposed permitted principal use and structure, dwelling units which share the same structure which contains the principal use, and only for occupancy by owners or employees thereof of said licensed, on-premise establishment, however, if the Future Land Use is a residential classification, may be otherwise occupied as a conventional single-family residence, subject to fire and building codes and inspections.
2. On-site signs (see section 4.19 for allowances).
3. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot and utilized in conjunction with a licensed and operating permitted or permissible use or structure; and
   c. Do not involve operations or structures not in keeping with the character of the district.

4.11.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. Any use or structure not specifically or provisionally permitted herein.
2. Tattoo parlors, body piercing studios, and similar type establishments, pawn and title pawn establishments, and pay-day loan establishments, and similar type establishments.
3. Bars, taverns, pubs, bottle-clubs, and commercial recreation, reception or meeting centers, clubs or halls, whether public or private.
4. Residential uses, except as specified under C-N accessory uses.
5. Sales and rental of: new and used automobiles, trucks, motorcycles, boats, manufactured homes, recreational vehicles, golf carts, or any other vehicles or machinery, or equipment.
6. Machine, welding, carpentry and cabinet shops, sign manufacturing, paint and body shops, or any similar type manufacturing or assembly establishments.

4.11.5. Special Exceptions: (See also Article 3)

1. Automotive fuel stations (see section 4.19 for special design standards for automotive fuel stations).
2. Child care centers and overnight child care centers provided:
   a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
   b. Outdoor play areas shall be fenced and, where possible, located in the rear yard of the property.
   c. A paved or 6" thickness of #57 or similar type loose rock circular drive shall be provided for ingress and egress safety for child drop-off and pick-up, subject also to 4.19.3 Access Control.
   d. Drop-off and pick-up shall be conducted on the property and not in the public right-of-way.
3. Financial institutions, including loan offices, banks and credit unions.
4. Hospitals, Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers and Retirement or Senior Housing Facilities.

5. Foster Group Homes.
6. Community Residential Home.
7. Professional, business, vocational, trade, ministerial, and training and technical schools/centers, provided all activities are conducted in completely enclosed buildings.
8. Retail sales for off-premise consumption; or sales, service and consumption for on-premises at a restaurant, of alcoholic beverages.
9. Non-residential modular building.

4.11.6. Minimum Lot requirements: (Area, width)

Shall not be less than 21,780 square feet, nor exceed 1.5 acres.

4.11.7. Minimum Yard Requirements: (Depth of front and rear yard, width of side yards)

(See section 4.19 for right-of-way setback requirements)

1. All permitted or permissible uses and those granted by way of a Special Exception (unless otherwise specified or required):

Front: 25 feet.
Side: 10 feet.
Rear: 15 feet.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:
    a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
    b. The clearing of natural vegetation are prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
    c. Residential, commercial and industrial improvements are prohibited; and
    d. Resource-based recreational activities are permitted.

4.11.8. Maximum Height of Structures: (See also section 4.19 for exceptions)

No portion shall exceed Thirty-five (35) feet.

4.11.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
All Uses	0.40	0.60	0.40

4.11.10. Minimum Landscaped Buffering Requirements: (See also section 4.19)

All permitted or permissible uses and those granted by way of a Special Exception, unless otherwise specified or required, erected, expanded, re-located to, or issued a new occupational license on, land abutting a residential district, or property used residentially, shall provide a landscaped buffer at least 10 feet in width along the affected side yard(s), and 15 feet along the affected rear yard(s), as the case may be.

4.11.11. Minimum Off-Street Parking requirements: (See also section 4.19)

Multi-story buildings shall have their square footage totaled for all floors.

1. Retail stores and Markets of all: One space for each 150 square feet of non-storage area.
2. Service Establishments and Medical Offices / Veterinary Clinics: One space for each 200 square feet of non-storage area.
3. Professional Offices and Financial Institutions: One space for each 300 square feet of non-storage area.
4. Restaurants: One space for each three public seats.
5. Schools:
   d. Nursery, head-start, kindergarten, elementary and junior high schools: two spaces for each classroom or office room, plus one space for each three seats in any auditorium or gymnasium.
   e. Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
   f. Plus safe and convenient on-premise drop-off and pick-up areas.
6. Automotive Fuel Stations: One space for each fuel dispensing hose and additional spaces as required for retail sales or other uses.
7. Child care centers and overnight child care centers: One space for each 400 square feet of gross floor area, plus safe and convenient drop-off and pick-up areas.
8. Churches and houses of worship: One space per 4 fixed seats in the largest assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats or a combination of fixed and movable seats, in the largest assembly room, whichever is least; All other non-storage area besides the main meeting room shall be required an additional space per each 400 square feet of gross building area.
9. Each residential dwelling unit: Two spaces for each dwelling unit.
10. Professional, business, vocational, trade, ministerial, and training and technical schools/centers: one space for each 200 square feet of non-storage area.
11. Community Gardens, greenhouses and plant nurseries: In addition to that required for buildings, one space for each 1,000 square feet of lot or ground area uses for such purposes.
12. Other uses permitted by Special Exception: To be determined and imposed by the Board of Adjustment.

Sec. 4.12. C-G – Commercial-General.

4.12.1. Districts and intent:

The C-G commercial, general, category includes one zoning district: C-G. This district is intended for general retail commercial, office, and service activities which serve a market area larger than a neighborhood. While some of the same types of uses are found in C-G and C-N areas, the C-G areas are generally greater in scale and intensity. Businesses in this category require locations convenient to automotive traffic, and ample off-street parking is required. Because, pedestrian traffic may also be found in higher concentrations, this district is not suitable for highly automotive-oriented uses other than parking.

4.12.2. Permitted principal uses and structures:

1. Retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, wallpaper, jewelry (including repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennels), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories (but not junkyards or automotive wrecking yards), and similar uses.
2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, self-service laundry or dry cleaner, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home, radio and television repair shop, appliance repair shop, letter shops and printing establishments, pest control, and similar uses.
5. Medical or dental offices, clinics, and laboratories.
6. Business and professional offices.
7. Newspaper offices.
8. Public buildings and facilities, except those otherwise specified.
9. Banks and financial institutions.
10. Professional, business, vocational, trade, ministerial and technical schools / training centers.
11. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, skating rink, and similar uses.
12. Hotels and motels.
13. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable off the premises to normal senses.
14. Art galleries.
15. Union hall.

16. Automotive Car Wash, Hand; Automotive Car Wash, Self-Service; Automotive Car Wash, Automated; when located at a physical storefront property which contains primary street frontage on an Arterial Street, and when applicable, subject to 4.19 regulations.
17. Automotive servicing, light.
18. Minor Retail Display, see Article 2.
19. Churches and other houses of worship.

Unless otherwise specified, the above uses are subject to the following:

a. Sales, service, display, preparation, and storage to be conducted within a completely enclosed building, and no more than 60 percent of floor space to be devoted to storage;
b. Products to be sold only at retail.

4.12.3. Permitted accessory uses and structures:

1. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
   c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see also section 4.19).
3. On the same premises and in conjunction with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
4. In conjunction with Light Automotive Servicing (or Automotive Repair Garage as allowed in higher intensity zoning districts), on the same premises and in conjunction with the permitted principal use, an area not to exceed 350 square feet outside of a completely enclosed building, may be used to temporarily store used tires or other related items slated for disposal.

   Said area shall be located in the side or rear yard of the property, and such yard shall be completely enclosed by an opaque fence or wall, and opaque access gates that remain otherwise closed, between six and ten feet high.

   No such storage shall be visible above the top of said screened yard. No vehicular fluids, contaminates or contaminated run-off shall be permitted within or to exit from said yard.

   Tires holding water deemed to be in violation of the city's mosquito ordinance shall be immediately drained or removed.

   Tires and other items shall be recycled according to a schedule so that capacity is retained for normal business operations.

   Said establishments may temporarily store outdoors not more than four (4) immovable vehicles, so long as they are in the process of being serviced – not to exceed more than ten (10) calendar days for any one vehicle, otherwise said vehicles shall be within a completely enclosed building, or shall be in an enclosure, as described above [if zoning allows for outdoor enclosed storage yards].

5. A commercial or industrial development on a parcel of record within a subdivision which abuts another commercial or industrial development on a separate parcel of record under different ownership, shall be permitted to erect a covered (or elevated) walkway across property lines, for

pedestrian access, to be contained wholly on private property, in order to connect the two separate buildings. May also incorporate an improved sidewalk across property lines.

Said structure, if it crosses onto any vehicular use area (parking or driveway), shall contain a painted crosswalk and pedestrian signage. It shall be constructed in a manner which will not impede or prevent safe and convenient vehicular traffic and/or pedestrian flow and access.

Natural or man-made storm-water drainage areas and easements shall be maintained, and if necessary, said design shall incorporate raised areas or culverts to maintain proper surface flows. Gutters and downspouts shall be designed and included so that run-off generated from said structure is directed proportionally from the structure to the associated private property which it is located upon.

All applicable property owners shall enter into a written agreement agreeing to such, which shall be recorded at the County Clerk of the Court, with a copy provided to the City, at the same time plans are submitted for review and permit issuance.

4.12.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. Manufacturing activities, except as specifically permitted or permissible.
2. Warehousing or storage, except in connection with a permitted or permissible use.
3. Off-site signs.
4. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment, lumber and building supplies, and monuments.
5. Automotive Repair Garage.
6. New residential uses, except as specified under C-G accessory uses.
7. Off-site sales of new and used automobiles, trucks, motorcycles, boats, manufactured homes and recreational vehicles.
8. Major Retail Display.
9. Any other uses or structures not specifically, provisionally, or by reasonable implication permitted herein. A use which is potentially dangerous, noxious, or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons is incompatible with the character of the district. Performance standards apply (see section 4.19).

4.12.5. Special Exceptions (See also Article 3):

1. Automotive fuel stations (see section 4.19 for special design standards for automotive fuel stations).
2. Child care centers and overnight child care centers provided:
   a. No outdoor play activities are conducted before 8:00 a.m. or after 8:00 p.m.
   b. Provision is made for off-street pick-up and drop-off of children.
3. Hospitals, Long-Term Care Facilities, Group Living Facilities, Adult Day Care Centers.
4. Package store for sale of alcoholic beverages, bar, tavern, or cocktail lounge.
5. Motor bus or other transportation terminals.
6. Private clubs and lodges.
7. Rental of automotive vehicles, trailers, and trucks.

8. Automotive Car Wash, Hand; Automotive Car Wash, Self-Service; Automotive Car Wash, Automated; when located at a physical storefront property which does not contain any street frontage on an Arterial Street, and when applicable, subject to 4.19 regulations.
9. Foster Group Homes.
10. Bed and Breakfast Inns.
11. Charter and private pre-school, elementary, middle and high schools, located on private (not publically or governmentally owned) property.
12. Non-residential modular building.

4.12.6. Minimum lot requirements (area, width):
None, except as necessary to meet other requirements herein set forth.

4.12.7. Minimum yard requirements (depth of front and rear yard, width of side yards):
See section 4.19 for right-of-way setback requirements.

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

   Front: 20 feet.
   Side: 10 feet.
   Rear: 15 feet.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are be prohibited; and
   d. Resource-based recreational activities are permitted.

4.12.8. Maximum height of structures (see also section 4.19 for exceptions):
No portion shall exceed 70 feet.

4.12.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
All Uses	1.0	0.80	0.60

4.12.10. Minimum landscaped buffering requirements (see also section 4.19):

1. A permitted or permissible use (unless otherwise specified), erected or expanded on land abutting a residential district or property used for residential purposes in a residential/office district shall provide a landscaped buffer at least 25 feet in width along the affected rear and/or side yards as the case may be.

4.12.11. Minimum off-street parking requirements (see also section 4.19):

1. Commercial and service establishments (unless otherwise specified): one space for each 150 square feet of non-storage floor area.
2. Commercial establishments selling home furnishings and major appliances, and office equipment and furniture: one space for each 500 square feet of non-storage floor area.
3. Restaurants, cocktail lounges, bars, and taverns: one space for each three seats in public rooms.
4. Funeral homes: one space for each three seats in the chapel.
5. Medical or dental offices, clinics, or laboratories: one space for each 150 square feet of floor area.
6. Business and professional offices: one space for each 200 square feet of floor area.
7. Newspaper office: one space for each 350 square feet of floor area.
8. Public buildings and facilities (unless otherwise specified): one space for each 200 square feet of floor area.
9. Banks and financial institutions: one space for each 150 square feet of non-storage floor area.
10. Professional, business, vocational, trade, ministerial and technical schools / training centers: one space for each 200 square feet of floor area.
11. Community and little theaters, indoor motion picture theaters: one space for each four seats.
12. Hotels and motels: one space for each sleeping room, plus two spaces for the owner or manager, plus required number of spaces for each accessory use such as restaurant, bar, etc., as specified.
13. Dry cleaning and laundry package plants: one space for each 150 square feet of non-storage floor area.
14. Internet Café Establishments: one space per machine, PC, or kiosk station, for the first 15; and one additional parking space for every 3 machines, PCs, or kiosk stations over the first 15.
15. Churches and houses of worship: one space for each six permanent seats in the main auditorium.
16. Art galleries: one space for each 300 square feet of floor area.
17. Dance, art, and music studios: one space for each 350 square feet of floor area.
18. Private clubs and lodges: one space for each 300 square feet of floor area.
19. Hospitals: one space for each bed.
20. Nursing Homes, Long-Term Care Facilities: one space for each three beds, plus one space per employee on any shift.
21. Child care centers and overnight child care centers / Adult Day Care Centers and Group Living Facilities: one space for each 300 square feet of floor area devoted to use.
22. Union hall: one space for each 200 square feet of floor area.
23. Motor bus or other transportation terminals: one space for each 350 square feet of floor area.
24. For other special exceptions as specified herein: to be determined by findings in the particular case.
25. Fitness Centers: One space for each 300 square feet of non-storage area.
26. Other uses permitted by Special Exception: To be determined and imposed by the Board of Adjustment.
27. Other uses not specified, the LDR Administrator may utilize standards as applicable under other zoning districts or to be determined by findings in the particular case.

Note: Off-street loading required (see section 4.19).

Sec. 4.13. C-I – Commercial-Intensive.

4.13.1. Districts and intent.

All criteria, as for C-G, and in addition, except where more restrictive:

The C-I commercial, intensive, category includes one zoning district: C-I. This district is intended for intensive, highly automotive-oriented uses that are limited to areas adjacent to arterial or collector roads where public facilities are available to support such intensity. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire City and greater portion of the surrounding county.

4.13.2. Permitted principal uses and structures: As for C-G, and in addition:

1. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments, and outdoor retail commercial display areas associated with sale of said items.
2. Service establishments such as repair and service garage, motor vehicle body shop, car wash, auction house (but not including livestock auction arena), plant nursery or landscape contractor, carpenter or cabinet shop, home equipment rental, ice delivery station, upholstery shop, marina and boat sales, commercial water softening establishment, rental of automotive vehicles, trailers, and trucks.
3. Commercial recreation facilities such as golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track, and similar uses.
4. Reserved.
5. Palmist, astrologist, psychic, clairvoyant, phrenologists and similar.
6. Wholesaling from sample stocks only, providing no manufacturing or storage for distribution is permitted on the premises.
7. Service establishments such as crematory.
8. Tow Truck Servicing Office and Facility (shall not include a wrecking yard or any storage of junk vehicles).
9. Hospitals, Long-Term Care Facilities, Adult Day Care Centers.
10. Non-residential modular building (single structure, for business or office use, otherwise as per 4.12.5.).

4.13.3. Permitted accessory uses and structures:

1. Uses and structures which:

    a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
    b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
    c. Do not involve operations or structures not in keeping with the character of the district.

2. On-site signs (see also section 4.19).

3. On the same premises and in conjunction with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

4.13.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. New residential use, except as specified under C-I accessory use.
2. Manufacturing activities, except as specifically permitted or permissible.
3. Off-site sales of new and used automobiles, trucks, motorcycles, boats, manufactured homes and recreational vehicles.
4. Any other uses or structures not specifically, provisionally, or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious, or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district. Performance standards apply (see section 4.19).

4.13.5. Special Exceptions (see also Article 3 and standards in 4.19):

1. Agricultural fairs and fairground activities, livestock auction arenas.
2. Building trades contractor with on-premises storage yard for materials and equipment.
3. Commercial tourist attractions.
4. Off-site signs along an Arterial Road (see also section 4.19).
5. Package store for sale of alcoholic beverages, bar, tavern, or cocktail lounge.
6. Truck stops and automotive fuel stations (see section 4.19 for special design standards for automotive fuel stations).
7. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted, except as provided for under number 9 below.
8. Residential dwelling units which lawfully existed within this district on the date of adoption or amendment of these land development regulations.
9. Outdoor storage yard and/or above ground fuel bulk storage and dispensing facility/yard, in conjunction with permitted or permissible uses only, provided:
   a. Such yard or facility shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall, as defined in Article 2, not less than six feet high; and
   b. Parcels proposed to contain above ground fuel bulk storage and dispensing facilities/yards shall be a minimum of 3 acres in size, and such structures and facilities proposed thereon shall meet a minimum 50' setback from all property lines; and
   c. This provision shall not permit wrecking yards (including automobile wrecking yard), junkyards, or yards used in whole or in part for scrap or salvage operation or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.
10. Group Living Facilities.
11. Foster Group Homes.
12. Wholesale, warehouse, storage or distribution facility or center in completely enclosed buildings, however bulk storage of flammable liquids is not permitted.
13. Light manufacturing, assembling, processing (including food processing, but not slaughterhouses), packaging, or fabricating in a completely enclosed building.

For the purpose of these land development regulations minor outdoor retail commercial display areas associated with the sale of new and used automobiles, motorcycles, trucks, tractors, manufactured homes, boats, heavy machinery and equipment, plants and garden supplies, and similar uses shall not be considered outdoor storage yards. Such display areas are permitted without the restrictions associated with outdoor storage areas.

4.13.6. **Minimum lot requirements** (area, width):

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

4.13.7. **Minimum yard requirements** (depth of front and rear yard, width of side yard):

See section 4.19 for right-of-way setback requirements.

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

   Front: 20 feet.
   Side: 10 feet.
   Rear: 15 feet.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted.

4.13.8. **Maximum height of structures** (see also section 4.19 for exceptions):

No portion shall exceed 70 feet.

4.13.9. **Floor Area Ratio, Impervious Lot Coverage, Building Coverage:**

	FAR	ILC	BC
All Uses	1.0	0.80	0.60

4.13.10. **Minimum landscaped buffering requirements** (see also section 4.19):

1. A permitted or permissible uses (unless otherwise specified) erected or expanded on land abutting a residential district, or property used for residential purposes in a residential/office district shall provide a landscaped buffer which shall be at least ten feet in width along the affected rear and/or side yards as the case may be.

4.13.11. **Minimum off-street parking requirements** (see also section 4.19):

1. For uses specifically listed under C-G: as for C-G off-street parking requirements.
2. Commercial or service establishments (unless otherwise specified); agricultural fairs and fairgrounds; livestock action arena: one space for each 350 square feet of floor area, plus, where applicable, one space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Express or parcel delivery office, motor bus or other transportation terminal: one space for each 350 square feet of floor area.
4. Palmist, astrologist, psychics, clairvoyants, and phrenologist: one space for each 200 square feet of floor area.
5. Wholesale establishments: one space for each 500 square feet of floor area.
6. Warehouse or storage use only: one space for each 1,500 square feet of floor area.

Note: Off-street loading required (see section 4.19).

Sec. 4.14. C-CBD / C-D – Commercial-Central Business District / Central – Downtown.

4.14.1. Districts and intent.

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

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

All criteria, as for C-G, and in addition, except where more restrictive:

4.14.2. Permitted principal uses and structures:

1. Retail commercial outlets for sale of new and used automobiles, trucks and golf-carts.
2. Convention centers and auditoriums.
3. Wholesaling from sample stocks only provided no manufacturing or storage for distribution occurs on the premises.
4. Motor bus or other transportation terminal.
5. Mixed-use residential dwelling units consistent with the Comprehensive Plan Central – Downtown Land Use Classification.
6. Minor Retail Display, see Article 2.

4.14.3. Permitted accessory uses and structures:

1. Uses and structures which:

    a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
    b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
    c. Do not involve operations or structures not in keeping with the character of the district.

2. On-site signs (see also section 4.19).

3. On the same premises and in conjunction with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.

4.14.4. Prohibited uses and structures (except as provided for under Section 14.10):

1. Reserved.
2. Manufacturing, except of goods for sale at retail on the premises.

3. Warehousing and storage except as accessory to the permitted principal use.
4. Major Retail Display. Retail commercial outlets for the sale of new and used automobiles, trucks and golf-carts are exempted from the provision prohibiting outside display.
5. Heavily automotive uses such as sale of motorcycles, commercial trucks, tractors, manufactured homes, boats, heavy machinery, agricultural machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, and monuments.
6. Off-site sales of new and used automobiles, trucks, motorcycles, boats, manufactured homes and recreational vehicles.
7. Off-site signs.
8. Pet shops or the sales, display or housing of any domesticated animals.
9. Non-residential modular building.
10. Other uses or structures not specifically, provisionally (see Article 14), or by reasonable implication permitted herein.

4.14.5. **Special exceptions** (commercial, central business district, C-CBD): See also section 4.19.

1. Automotive fuel stations (see section 4.19 for special design standards for automotive service sections).
2. Reserved.
3. Package store for sale of alcoholic beverages; bar, tavern, or cocktail lounge.
4. Reserved.
5. Automobile leasing and rentals.

4.14.6. **Minimum lot requirements (area, width):**

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

4.14.7. **Minimum yard requirements** (depth of front and rear yard, width of side yard):

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

4.14.8. **Maximum height of structures** (see also section 4.19 for exceptions):

No portion shall exceed 70 feet, however no more than three (3) stories.

4.14.9. **Maximum lot coverage by all buildings:**

Floor area ratio 3.0.

4.14.10. **Minimum landscaping buffering requirements** (see also article 4.19):

1. Permitted or permissible uses (unless otherwise specified) erected or expanded on land abutting a residential district shall provide a landscape buffer at least ten feet in width along the affected rear and/or side yards as the case may be.
2. Existing one- and two-family dwellings: none, except as necessary to meet other requirements herein set forth.

4.14.11. **Minimum off-street parking requirements** (see also section 4.19):

Required parking applies to new development or expansions of existing uses into new areas. Owner or developer must create new spaces which do not currently exist, which may be on the subject property, or may be new private or public parking lots or garages, within 880 feet of the property line of the subject property.

1. Churches and other houses of worship: one space for each six permanent seats in main auditorium, and one space for each 300 square feet of gross floor area for any other types of related, secondary or accessory uses.
2. Private clubs and lodges: one space for each 300 square feet of floor area.
3. Hotel, Convention Center, Assembly Hall, Professional Office Building or Governmental Building: one space per hotel room and/or one space for each 300 square feet of non-storage floor area.
4. New Multi-Family Construction of 5 or more units on a single parcel of record: one space per efficiency or bedroom.
5. Other permitted or permissible uses not specified: none.
6. Reserved.

Note: Off-street loading required (see section 4.19).

Sec. 4.15. CSC – Commercial-Shopping Center.

4.15.1. Districts and intent.

The CSC commercial, shopping center, category includes one zoning district: CSC.

For any new planned and unified shopping centers (defined as having three of more tenant spaces on a single lot or parcel of record), a re-zoning amendment to this zoning shall be required prior to plan submittal and permit issuance.

Since a new shopping center may well extend into residential areas, great care is required in fitting it into its surroundings. This district is intended to encourage the development of planned facilities with depth rather than strip type commercial development.

The tracts on which shopping centers are located should be of a size, shape, and location as to enable development of well-organized commercial facilities with proper access streets, ingress and egress, off-street parking and loading space, and other pertinent requirements and amenities.

4.15.2. Permitted principal uses and structures:

1. Full line department stores; retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationary, leather goods and luggage, paint, glass, wallpaper, hardware, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennel), musical instruments, optical goods, television and radio (including repair incident to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories (but not junk yards or automotive wrecking yards), and similar uses.
2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales), office equipment or furniture, and similar uses.
3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, radio or television station, self-service laundry or dry cleaner, tailor or dressmaker, laundry or dry cleaning pickup station, and similar activities.
4. Medical or dental offices, clinics, and laboratories.
5. Business and professional offices.
6. Public buildings and facilities, except those otherwise specified.
7. Banks and financial institutions.
8. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
9. Art galleries.
10. Miscellaneous uses such as telephone exchange and commercial parking lots and parking garages.
11. Warehouses and storage with side or rear access only.
12. Automotive servicing, light.
13. Minor Retail Display, see Article 2.
14. Churches and other houses of worship.

Unless otherwise specified, the above uses are subject to the following limitations:

a. Products to be sold only at retail; and
b. Site and development plan approval is required (see Article 3).

4.15.3. Permitted accessory uses and structures:

1. Uses and structures which:

    a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
    b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
    c. Do not involve operations or structures not in keeping with the character of the district.

2. On-site signs (see section 4.19).

4.15.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

1. Manufacturing activities, except as specifically permitted or permissible.
2. Off-site signs.
3. Automotive Repair Garage.
4. Off-site sales of new and used automobiles, trucks, motorcycles, boats, manufactured homes and recreational vehicles.
5. Any other uses or structures not specifically, provisionally, or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious, or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district.
6. Major Retail Display.
7. Non-residential modular building.

4.15.5. Special exceptions (see also Article 3):

1. Automotive fuel stations; provided any automotive fuel station shall be so located that there will be no interference with pedestrian traffic (see section 4.19 for special design standards for automotive fuel stations).
2. Package store for sale of alcoholic beverages; bar, tavern, or cocktail lounge.
3. Motor bus or other transportation terminals.
4. Child care centers and overnight child care centers, provided:
    a. No outdoor plan activities shall be conducted before 8 a.m. or after 8 p.m.
    b. Provision is made for areas for off-street pick-up and drop-off of children.
5. Reserved.
6. Reserved.
7. Reserved.
8. Reserved.

4.15.6. Minimum lot requirements (area, width):

Shopping centers

Minimum site area: Four acres.
Minimum frontage on Public Street [or internal frontage within a platted subdivision]: 250 feet.

4.15.7. Minimum yard requirements (depth of front and rear yard, width of side yards):

1. Shopping centers:

Front: 30 feet.
Side: 30 feet.
Rear: 30 feet.

Special provisions:

In addition to off-street parking area landscaping, and landscaped buffer areas, as applicable; no less than 15 feet of the depth of the required front yard shall be maintained as a landscaped area.

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

This landscaped area may be penetrated at right angles by driveways. The remainder of the required yard may be used for off-street parking, but not for buildings.

Said area shall be landscaped in accordance to the formula specified in Sec. 4.19.15.10.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

a. The location of a structure other than docks, piers, or walkways elevated on pilings is be prohibited;
b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
c. Residential, commercial and industrial improvements are prohibited; and
d. Resource-based recreational activities are permitted.

4.15.8. Maximum height of structures (see section 4.19 for exceptions):

No portion shall exceed 70 feet.

4.15.9. Floor Area Ratio, Impervious Lot Coverage, Building Coverage:

	FAR	ILC	BC
All Uses	1.0	0.80	0.30

4.15.10. Minimum landscaped buffering requirements (see also section 4.19):

Shopping centers: Where a shopping center is erected or expanded on land abutting either:

a. Residential district, or
b. Property used for residential purposes in a residential/office district, then the shopping center shall provide a landscape buffer which shall be not less than 25 feet in width along the affected rear and/or side yards as the case may be.

4.15.11. Minimum off-street parking requirements (see also section 4.19).

1. All permitted or permissible uses (unless otherwise specified): One space for each 150 sq. ft. of non-storage floor area. Warehouse and storage only requires one space for each 1,500 sq. ft. of floor area.
2. Commercial establishments selling home furnishing and major appliances, and office equipment and furniture: One space for each 500 sq. ft. of non-storage floor area.
3. Business and professional offices: One space for each 200 sq. ft. of floor area.
4. Reserved.
5. Reserved.
6. Reserved.
7. Note: Off-street loading required (see section 4.19)

4.15.12. Additional requirements for shopping centers:

1. Curb breaks. See section 4.19 and in addition:

   a. The maximum number of curb breaks permitted on any one street frontage is two.
   b. Curb breaks shall be located at least 100 feet from an intersection of public streets.

Note: For roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with chapters 14-96 and 14-97, Rules of the Florida Department of Transportation and the Departments Access Management Manual.

2. Rubbish. Rubbish, trash, garbage, and litter of owners or lessees to be stored in closed containers screened from general view of the public.

Sec. 4.16. ILW – Industrial-Light and Warehousing.

4.16.1. Districts and intent:

The ILW industrial, light and warehousing, category includes one zoning district: ILW. This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities relating to the character of the district and supporting its activities are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district is not deemed commercial in character. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial districts. Performance standards are applied at lot lines (see article 14). ILW zoning districts shall have direct access to arterial and collector streets.

4.16.2. Permitted principal uses and structures:

As for C-N, C-G, C-I (except that where in conflict, the more restrictive shall apply), and in addition:

1. Wholesale, warehousing, storage, or distribution establishments and similar uses.
2. Research laboratories and activities in completely enclosed buildings.
3. Light manufacturing, assembling, processing (including food processing, but not slaughterhouse), packaging, or fabricating in completely enclosed building.
4. Printing, lithographing, publishing, photographic processing, blue printing, or similar establishments.
5. Outdoor storage yards and lots, provided, such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six feet high and this fence or wall shall not be built of tin or galvanized metal sheets; and this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive parts. For the purpose of this land development regulation, minor outdoor retail commercial display areas associated with the sale of new and used automobiles, motorcycles, trucks, tractors, manufactured homes, boats, heavy machinery and equipment, and similar uses shall not be considered outdoor storage yards. Such display areas are permitted without the restrictions associated with outdoor storage yards.
6. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junkyards or automotive vehicle wrecking yards), and similar uses.
7. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, hiring and union halls, employment agency, sign company, pest control, water softening establishment, and similar uses.
8. Service establishments such as crematory.
9. Vocational, technical, trade, or industrial schools and similar uses.
10. Medical clinic in connection only with industrial activity.
11. Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and garages, motor bus or truck or other transportation terminal.

12. Radio and television stations and/or associated towers/antenna up to 130 feet in height, provided tower/antenna minimum setback from all property lines shall be a distance equal to the height of the proposed tower, unless the tower will be constructed using engineered “breakpoint” design technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the tower to the “breakpoint” level of the tower. Certification by a professional engineer licensed by the State of Florida of the “breakpoint” design and the design’s fall radius must be provided together with the other information required. All towers shall be engineered so that in the case of collapse, all parts of the structure will fall within the site.
13. Building trades contractor including on premises storage yard for materials and equipment (see above for requirements covering outdoor storage yards) but no manufacturing of concrete or asphalt is permitted.
14. Railroad switching, freight, and storage yards; railroad buildings and maintenance structures.
15. Public buildings and facilities (unless otherwise specified).
16. Professional and business offices located only within a platted industrial or commercial park.
17. Tow Truck Servicing and Facility (shall not include a wrecking yard or any storage of junk vehicles).
18. Non-residential modular building (single structure, for business or office use, otherwise as per 4.12.5.).

4.16.3. Permitted accessory uses and structures:

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures. No residential facilities shall be permitted in the district except facilities for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quarter on the premises.
2. On-site signs (see section 4.19).

4.16.4. Prohibited uses and structures (except as provided for under Section 14.10)**:**

Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including the following, which are listed for purposes of emphasis:

1. Petroleum bulk storage and sales.
2. Yards or lots for scrap or salvage operations or for processing, storage, display, or sale of any scrap, salvage, or secondhand building materials and automotive vehicle parts.
3. Wrecking yards (including automotive vehicle wrecking yards) and junkyards.
4. Manufacturing activities not in completely enclosed buildings.
5. Any use not conforming to performance standards of section 4.19.
6. Residential uses (including motel and hotel) except as provided under accessory uses.

4.16.5. Special exceptions (see also Article 3):

As for C-N, C-G, C-I (except that where in conflict, the more restrictive shall apply), and in addition:

1. Off-site signs along an Arterial Road (see also section 4.19).
2. Truck stops and automotive fuel stations (see section 4.19 for special design standards for automotive fuel stations).
3. Reserved.

4.16.6. **Minimum lot requirements** (area, width):

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

4.16.7. **Minimum yard requirements** (depth of front and rear yard, width of side yard):

See section 4.19 for right-of-way setback requirements.

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

Front: 20 feet, of which no less than one-half the depth shall be maintained as a landscaped area; the remainder may be used for off-street parking, but not for buildings. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of and contiguous with the designated property line or lines. This landscaped area may be penetrated at right angles by driveways.
Side and rear: 15 feet except where railroad spur abuts side or rear property line, in which case no yard is required.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted.

4.16.8. **Maximum height of structures:** (see also section 4.19 for exceptions)

No portion shall exceed 35 feet.

4.16.9. **Floor Area Ratio, Impervious Lot Coverage, Building Coverage:**

	FAR	ILC	BC
All Uses	2.0	0.80	0.60

4.16.10. **Minimum landscaped buffering requirements** (see also section 4.19):

A permitted or permissible use (unless otherwise specified) erected or expanded on land abutting a residential district or property used for residential purposes in a residential/office district shall provide a landscaped buffer at least 25 feet in width along the affected rear and/or side yards as the case may be.

4.16.11. **Minimum off-street parking requirements** (see also section 4.19):

1. Warehousing and storage only: one space for each 1,500 square feet of floor area.
2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment,

and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; crematories; and similar uses: one space for each 350 square feet of floor area, plus, where applicable, one space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display, or activity.

3. Restaurants: one space for each three seats in public rooms.
4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one space for each 350 square feet of floor area.
5. Reserved.
6. For uses specifically listed under CI: as for CI off-street parking requirements.
7. Other permitted or permissible uses (unless otherwise specified): one space for each 500 square feet of floor area.
8. Business and professional offices: one space for each 200 square feet of floor area.

Note: Off-street loading required (see section 4.19).

Sec. 4.17. I – Industrial.

4.17.1. Districts and intent.

The I industrial category includes one zoning district: I. This district is intended primarily for manufacturing and closely related uses. It is intended to preserve such lands for the functions of industrial activity, wholesaling, warehousing, and distribution. To allow maximum latitude for operations, performance standards are applied at district boundaries so that uses which might otherwise not be permitted are allowable in portions of the district well away from district boundary lines.

4.17.2. Permitted principal uses and structures:

As for ILW (except that outdoor storage yards are not required to be enclosed by an opaque fence or wall), and in addition, any industrial use which is otherwise lawful (except those uses requiring special controls and permissible as special exceptions) and which conforms to performance standards as set out in article 14.

4.17.3. Permitted accessory uses and structures:

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures provided, however, that no residential facilities shall be permitted in the district except facilities for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.

2. On-site signs (see section 4.19).

4.17.4. Prohibited uses and structures (except as provided for under Section 14.10):

Uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including any use not conforming with performance standards of section 4.19.

4.17.5. Special exceptions (see also Article 3):

1. Reserved.
2. Wrecking yards (including automobile wrecking yard); junkyards; or yards used for scrap, salvage, secondhand building materials, junk automotive vehicles, or secondhand automotive parts; provided any such yard shall be completely enclosed by an opaque fence or wall not less than six feet high; provided that this fence or wall shall not be built of tin or galvanized metal sheets.
3. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and state fire codes.
4. Chemical and fertilizer manufacture.
5. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture.
6. Paper and pulp manufacture.
7. Petroleum refining.
8. Rendering plant.
9. Storage, sorting, collecting or baling of rags, iron, or junk.
10. Off-site signs along an Arterial Road (see section 4.19).

11. Truck stops and automotive fuel stations (see section 4.19 for special design standards for automotive fuel stations).
12. Electric or gas generating plants.
13. Explosives, manufacturing or storage.
14. Uses which are similar to the ones listed above.

4.17.6. Minimum lot requirements (area, width):

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

4.17.7. Minimum yard requirements (depth of front and rear yard, width of side yards):

See section 4.19 for right-of-way setback requirements.

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

   Front: 20 feet.
   Side and rear: 15 feet except where railroad spur abuts side or rear property line, in which case no yard is required.

2. Wetland protection shall be provided by a minimum 35-foot natural buffer from wetlands to improved areas, subject to the following conditions:

   a. The location of a structure other than docks, piers, or walkways elevated on pilings is prohibited;
   b. The clearing of natural vegetation is prohibited, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Residential, commercial and industrial improvements are prohibited; and
   d. Resource-based recreational activities are permitted.

4.17.8. Maximum height of structures: (see also section 4.19)

No portion shall exceed 35 feet.

4.17.9. **Floor Area Ratio, Impervious Lot Coverage, Building Coverage:**

	FAR	ILC	BC
All Uses	2.0	0.80	0.60

4.17.10. Minimum landscaped buffering requirements (see also section 4.19):

A permitted or permissible use (unless otherwise specified) erected or expanded on land abutting a residential district or property used for residential purposes in a residential/office district shall provide a landscaped buffer at least 25 feet in width along the affected rear and/or side yards as the case may be.

4.17.11. Minimum off-street parking requirements (see also section 4.19):

1. Warehousing and storage only: one space for each 1,500 square feet of floor area.

2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; wrecking yards; and similar uses: one space for each 350 square feet of floor area, plus where applicable, one space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Restaurants: one space for each three seats in public rooms.
4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one space for each 350 square feet of floor area.
5. For uses listed under ILW: as for ILW off-street parking requirements.
6. Other permitted or permissible uses (unless otherwise specified): one space for each 500 square feet of floor area.

Note: Off-street loading required (see section 4.19).

Sec. 4.18. PRD – Planned Residential Development.

4.18.1. Districts intent and relation to the comprehensive plan amendment process.

The PRD, planned residential development, category includes one zoning district: PRD. The purpose of this district is to:

1. Encourage the planned residential development of land;
2. Encourage flexible and creative concepts of site planning;
3. Preserve the natural amenities of the land by encouraging scenic and functional open areas;
4. Accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
6. Provide a stable environmental character compatible with surrounding areas.

Because the balance of this article assumes a proposed planned residential development will be consistent with the City's comprehensive plan in terms of land use, dwelling unit densities, collector and arterial street layout and similar, the City treats such proposals herein as zoning changes. Proposals which ratify the comprehensive plan, in addition to the following, shall require the comprehensive plan amendment process be followed prior to considering the planned residential development as a zoning change.

4.18.2. Permitted principal uses and structures:

1. Residential dwellings including conventional single-family dwellings, duplex dwellings, and multiple-family dwellings.
2. Churches and other houses of worship.
3. Golf courses, county clubs, and racquet and tennis clubs.
4. Community residential homes including homes of six or fewer residents which otherwise meet the definition of "community residential home."

4.18.3. Permitted accessory uses and structures:

1. On-site signs (see also section 4.19).
2. Uses and structures which:
   a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
   b. Are located on the same lot as the permitted or permissible use or structure or on a contiguous lot in the same ownership; and
   c. Do not involve operations or structures not in keeping with the character of the district.

4.18.4. Prohibited uses and structures:

1. Type I and Type II manufactured home single-family dwelling.
2. Mobile Home Dwelling.
3. Non-residential modular building.
4. Trade or service establishments or storage in connection with such establishments, business or home occupations not previously approved as required, storage or overnight parking of

commercial or industrial vehicles weighing in excess of 7,000 pounds empty weight, storage of building materials (except in connection with active construction activities on the premises), storage or accumulations of debris or materials or articles in such a way which would permit animal or vermin harborage, signs except as specifically permitted in section 4.19, the keeping of horses, cows, swine, sheep, goats, or poultry, and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.18.5. Special exceptions (see also Article 3):

1. Public or private schools offering curricula comparable to that of public schools (see section 4.19).
2. Public buildings and facilities (see section 4.19).
3. Home occupations (see sections 2.1 and 4.19).

4.18.6. Definitions.

In addition to definitions contained in article 2, the following terms, phrases, words, and derivations shall have the following meanings in this section:

1. Applicant. Applicant is the landowner or the landowner's authorized agent who files a petition for a zoning amendment to create or amend a planned residential development district.
2. Common open space. Common open space is an area of land or water, or a combination of land and water, within the planned residential development which is designed and intended for the use and enjoyment of residents of the planned residential development which is designed and intended for the use and enjoyment of residents of the planned residential development in common. Common open space may contain recreational structures and improvements as are desirable and appropriate for the common benefit and enjoyment of the residents of the planned residential development.
3. Development plan. Development plan is the proposal for development of a planned residential development, including plats of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space, and public facilities. A development plan is submitted first as a preliminary development plan and, if appropriate, later as a final development plan.
4. Gross density. Gross density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a planned residential development.
5. Net residential acreage. Net residential acreage is the total number of acres within the perimeter boundaries of a planned residential development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted nonresidential uses.
6. Planned residential development. Planned residential development (PRD):
   a. Is a concept which required land to be under unified control, planned and developed as a whole in a single development or an approved programmed series of developments for dwelling units and related uses and facilities;
   b. Is a plan which when adopted, becomes the controlling land development regulations for the land to which it applies;
   c. Includes principal and accessory structures substantially related to the character of the development itself and to the surrounding area of which it is a part; and
   d. Is a concept which, when implemented, allows for development according to comprehensive and detailed plans that include not only streets, utilities, building sites, off-street parking,

common open spaces, and the like, but also site plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings.

4.18.7. Procedure for approval of a planned residential development.

The procedure for obtaining a change in zoning for the purpose of undertaking a planned residential development is:

1. Planned residential development zoning and preliminary development plan approval: The applicant shall submit to the land development regulation administrator:
   a. A statement of objectives describing:
      (1) The general purpose of the development.
      (2) The general character of the proposed development.
   b. A vicinity map showing the location of the proposed planned residential development in relation to:
      (1) Surrounding streets and thoroughfares.
      (2) Existing zoning on the site and surrounding areas.
      (3) Existing land use on the site and surrounding areas.
   c. A boundary survey and legal description of the property.
   d. A topographic survey. The most recent United States Geological Service topographic survey may be used if better topographic information is not available.
   e. A site analysis map at the same scale as the preliminary development plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five percent, areas of soils which are marginally suited for development purposes, and existing tree cover.

The vicinity map shall be drawn at a scale suitable to show an area of no less than 1,000 feet surrounding the property. A greater area may be required if the planning and zoning board determines information on a larger vicinity is needed.

   f. A preliminary development plan, drawn at a scale suitable for presentation, showing and/or describing the following:
      (1) Proposed land uses.
      (2) Lot sizes shall be indicated by lot lines drawn in their proposed location or in a statement noted on the face of the preliminary development plan concerning proposed lot sizes including minimum lot sizes.
      (3) Building setbacks defining the distance buildings will be set back from:
         (a) Surrounding property lines.
         (b) Proposed and existing streets.
         (c) Other proposed buildings.
         (d) Centerlines of rivers, streams, and canals.
         (e) High water lines of lakes and other bodies of water.
         (f) Other manmade or natural features which would be affected by building encroachment.
      (4) Maximum heights of buildings.
      (5) Common open space.
      (6) Arterial, collector and local streets and private streets intended for interior circulation.
      (7) Common outside storage areas.
      (8) Screening, buffering and landscaped buffer areas.
      (9) Wetland protection addressed by either:

(a) A statement if none are involved, or
(b) A larger scale drawing of the affected area and following the guidelines found in section 4.19.

g. A table showing acreage for each category of land use.
h. A statement concerning gross density and net residential acreage (see section 2 for definition of gross density and net residential acreage).
i. A statement concerning proposed floor area ratios (percent of building floor area to lot area) and proposed building coverage expressed as a percent of the total site area.
j. A preliminary utility service plan including sanitary sewers, storm drainage, and potable water supply, showing general locations of major water, sewer and drainage lines, plant locations, lift stations, and indicating whether gravity or forced systems are planned. Sizes of lines, specific locations, and detailed calculations are not required at this stage.
k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.

2. Processing the planned residential development zoning application and preliminary development plan submittals. When the land development regulation administrator has received the application and accompanying submittal and is satisfied they are complete, the application shall be processed as any other zoning application in accordance with these land development regulations.

3. Final development plan: If rezoning for the planned residential development is approved, the applicant shall submit a final development plan covering all or part of the approved preliminary development plan within 12 months to the land development regulation administrator. If a final development plan is not submitted within this 12-month period, a substantial change shall have been deemed to occur and the application shall be required to submit a new petition for consideration by all applicable boards. As a courtesy, 30 days prior to a lapse date the land development regulation administrator shall notify the City Council and the applicant of such date. The City Council may extend the lapse date for a period not to exceed an additional 12 months, provided the request for extension is made by the applicant prior to the expiration of the initial approval period. Failure of the land development administrator to provide the 30-day notice above shall not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification. The final development plan shall include the following exhibits:
   a. A statement of objectives:
      (1) The general purpose of the proposed development.
      (2) The general character of the proposed development.
   b. A topographic map drawn to a scale of 100 feet to one inch by a surveyor and/or engineer registered in the State of Florida showing:
      (1) The location of existing private and public property rights-of-way, streets, buildings and structures, watercourses, transmission lines, sewer mains, drainage or potable water wells, bridges, culverts, and drain pipes, water mains, public utility easements, and other similar information.
      (2) Wooded areas, streams, lakes, marshes, wetlands, and other existing physical conditions affecting the site.
      (3) Existing contours at intervals of one foot.
   c. A development plan drawn to a scale of 100 feet to one inch and showing:
      (1) The boundaries of the site and proposed topography and grading.
      (2) Width, location, and names of surrounding streets.
      (3) Surrounding land use.

(4) Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking.
(5) The use, size, and location of existing and proposed buildings and major structural sites.
(6) Location and size of common open spaces and public or semi-public areas.

d. A utility service plan showing:
(1) Existing drainage and sewer lines.
(2) The disposition of sanitary waste and stormwater.
(3) The source of potable water on or adjacent to the site including wells and proposed cones of influence.
(4) Location and width of utility easements and rights-of-way.
(5) Plans for the special disposition of stormwater drainage where it appears that said drainage could substantially harm a body of surface water.

e. A landscaping plan showing:
(1) Landscaped areas.
(2) Location, height, and material for walks, fences, walkways, and other manmade landscape features.
(3) Special landscape features such as, but not limited to, manmade lakes, land sculpture, and waterfalls.

f. Statistical information:
(1) Total acreage of the site.
(2) Maximum building coverage expressed as a percent of the total acreage of the site.
(3) Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area.
(4) Calculated gross density and net residential acreage for the proposed development (see section 4.19.5 for definition of gross density and net residential acreage).

g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All legal documents, including homeowners associations and deed restrictions, shall be approved by the City attorney before final approval of the plan.

4.18.8. Issuance of building permits.

No building permit shall be issued for any portion of a proposed planned residential development until the final development plan has been approved.

4.18.9. Revision of a planned residential development.

Proposed changes in the approved preliminary development plan which affect the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes shall be reviewed by the planning and zoning board and the City Council in the same manner as the initial application. A request for revision to the preliminary development plan shall be supported by a written statement and by revised plans demonstrating reasons the revisions are necessary or desirable. Revisions to the approved preliminary development plan shall be consistent with the original purpose, intent, overall design, and integrity of the approved preliminary development plan. Examples of substantial change include:

1. Perimeter changes.
2. Major street relocation.

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

Minor changes and/or deviations from the preliminary development plan which do not affect the intent or character of the development shall be reviewed by the land development regulation administrator and, at his or her direction that the proposed revisions are compatible with the original development plan, approved. Upon approval of the revision, the applicant shall make revisions to the preliminary development plan and shall submit and file two copies of the revised plans with the land development regulation administrator within 30 days. Examples of minor change include:

1. Adjustments change in alignment, or length of local street;
2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density;
3. Reorientation or slight shifts in building locations; and
4. Changes of similar nature to the changes indicated in subsection 1., 2. or 3. above or of less than substantial magnitude.

4.18.10. Planned residential development time limitations.

If substantial construction as determined by the land development regulation administrator has not begun within two years after approval of the final development plan, the approval of the planned residential development will lapse. As a courtesy, 30 days prior to a lapse date, the land development regulation administrator shall notify the City Council and the applicant of such date. Failure of the land development administrator to provide the 30-day notice shall not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification. At the request of the applicant, [the] City Council may extend the lapse date for beginning construction for a period not to exceed an additional two years, provided the request for extension is made prior to the expiration of the initial approval period. If the planned residential development lapses under this provision, the land development regulation administrator shall cause the planned residential development district to be removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the applicant, and reinstate the zoning district in effect prior to approval of the planned residential development.

4.18.11. Deviation from the final development plan.

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

4.18.12. Phasing.

The City Council may permit or require the phasing or staging of a planned residential development. When provisions for phasing are included in the final development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the planned residential development or surrounding properties.

4.18.13. Development standards for planned residential developments:

1. The minimum size parcel to be considered for planned residential development shall be five acres.
2. Conformance with the comprehensive plan: Densities for planned residential developments shall be based upon and be consistent with the comprehensive plan. No final development plan may be approved unless it conforms with the comprehensive plan.
3. Relationship to zoning district: An approved planned residential development is a separate zoning district in which the final development plan, as approved, establishes the restrictions and regulations in which development may occur. Upon approval, the Official Zoning Atlas shall be changed to indicate the area as a planned residential development.
4. Residential density and housing types: Combinations of residential density and housing types are permitted for a planned residential development as long as the overall gross density does not exceed the allowed number of dwelling units allowed by comprehensive plan for the project site.
5. Dimensional and bulk restriction: The location of proposed building sites shall be shown on the final development plan subject to minimum lot sizes, setback lines, lot coverage, and floor area specified in the preliminary development plan approved by the City Council.
6. Wetland protection shall be provided with a minimum 35-foot natural buffer from wetlands to improved areas which:
   a. Exclude structures other than docks, piers, or walkways elevated on pilings;
   b. Prohibit the clearing of natural vegetation, except for a minimum amount associated with permitted docks, piers, and walkways;
   c. Prohibit residential, commercial and industrial improvements; but
   d. Allow resource-based recreational activities.
7. Internal compatibility: Land uses proposed within a planned residential development shall be compatible with other proposed uses. That is, no use may have an undue adverse impact upon a neighboring use. An evaluation of the internal compatibility by a planned residential development shall be based on:
   a. The existence or absence of and the location of common open spaces and recreational areas;
   b. The use of existing and proposed landscaping;
   c. The treatment of pedestrian ways;
   d. The use of topography, physical environment, and other natural features;
   e. The traffic and pedestrian circulation pattern;
   f. The use and variety of building setback lines, separations, and buffering;
   g. The variety and design of dwelling types;
   h. The use and variety of building groupings;
   i. The use and variety of building sizes;
   j. The separation and buffering of parking areas and sections of parking area;
   k. The proposed land uses and the conditions and limitations thereon;
   l. The form of ownership proposed for various uses; and
   m. Other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of proposed uses and future residents within the planned residential development.
8. External compatibility: Land uses proposed within a planned residential development shall be compatible with existing and planned uses of properties surrounding the planned residential development. That is, no internal use may have avoidable or undue adverse impact on existing or planned surrounding uses, nor shall an internal use be subject to undue adverse impact from existing or planned surrounding use. An evaluation of external compatibility of a planned residential development shall be based on:
   a. Other factors listed in this section with particular attention to those areas of the planned residential development located on or near its perimeter;

b. Uses proposed near the planned residential development perimeter and the conditions and limitations thereon;
c. The type, number, and location of surrounding external uses;
d. The comprehensive plan designation and zoning on surrounding lands; and
e. Other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of lands and residents surrounding the planned residential development including planned future uses of such lands.

9. Intensity of development: The residential density and intensity of use of a planned residential development shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands. They shall comply with policy and density limitations set forth in the comprehensive plan, and specific densities and intensities of use within a planned residential development shall be based on:
   a. The locations of various proposed uses within the planned residential development and the degree of compatibility of such uses with each other and with surrounding uses;
   b. Amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the planned residential development;
   c. Existing residential density and intensity of use of surrounding lands;
   d. Availability and location of utility services and public facilities and services;
   e. Amount and size of common open spaces and recreation areas;
   f. Existence and treatment of environmentally sensitive areas on the planned residential development property or surrounding lands;
   g. Access to and suitability of transportation arteries proposed within the planned residential development to and with the existing external transportation system; and
   h. Other factors deemed relevant to the intensity of development for the benefit of the public health, welfare, and safety.
10. Common open space: At least 15 percent of the area covered by a final development plan shall be usable, common open space owned and operated by the applicant or dedicated to a homeowner association or similar group, provided that in establishing the density per gross acre the City Council may increase the percentage of common open space to further the intent of this article; and provided that a planned residential development which only consists of one-family dwellings with individually deeded lots shall be required to have only five percent usable, common open space. No more than one-half the total common open space area may be in floodplain, buffer area, and/or water bodies.
11. Access and parking: Streets, thoroughfares, and access ways shall be designed to relate effectively with the major thoroughfare plans of the area. Adequate off-street parking shall meet requirements specified for the particular uses found in the district regulations and in section 4.19 of these land development regulations.
12. External transportation access: A planned residential development shall provide direct access to a major street (arterial or collector) unless, due to the size of the planned residential development and the type of uses proposed, it will not adversely affect traffic on adjoining local streets.
13. Internal transportation access: A dwelling unit or other use permitted in a planned residential development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed according to City specifications found in the City's subdivision regulations (article 5). If the planned residential development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group with all users dependent upon private roads for access to public streets guaranteed that access.
14. Perimeter requirements: The City Council may impose the requirement that structures, buildings, parking areas, and streets located at the perimeter of the development be permanently screened by

a landscaped buffer to protect the privacy of adjacent existing uses. (See section 4.19 for buffers and right-of-way setback requirements.)

15. Control of area following completion: After completion of a planned residential development, the use of the land and/or modification or alteration of a building or structure within the area covered by the final development plan shall continue to be regulated in accordance with that plan except as otherwise provided for herein.
    a. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the land development regulation administrator provided they are substantially consistent with the original purpose, intent, overall design, and integrity of the final development plan.
    b. Substantial change in permitted uses, location of buildings, or other specifications of the final development plan may be permitted following public hearing and approval by the City Council upon receipt of recommendations of the planning and zoning board as long as such changes are consistent with the original purpose, intent, overall design, and integrity of the final development plan.

4.18.14. Additional requirements for Housing/Dwellings:

All dwellings are further governed, by (including but not limited to):

1. Section 4.19.7. – Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
2. Article 9 – Housing Regulations and Code.

ARTICLE FOUR: ZONING REGULATIONS – SUPPLEMENTAL – II, III, & IV

Sec. 4.19. Supplementary district regulations.

(Part II)

4.19.1. Scope.
4.19.2. Accessibility for the physically disabled or handicapped.
4.19.3. Access control.
4.19.4. Accessory uses and structures.
4.19.5. Alcoholic beverages.
4.19.6. Automotive fuel stations.
4.19.7. Development of land and structures thereto, on a platted or un-platted parcel(s) of record.
4.19.8. Exclusions from height limitations.
4.19.9. Fallout shelters.
4.19.10. Fences, walls, and hedges.
4.19.11. Landscaped buffer areas.
4.19.12. Community Redevelopment Area (CRA) District Development Standards.
4.19.13. Reserved.
4.19.14. Moving of buildings and structures.
4.19.15. Off-street parking and loading.
4.19.16. Parking, storage, or use of major recreational equipment.
4.19.17. Parking and storage of certain vehicles.
4.19.18. Performance standards.
4.19.19. Railroad right-of-way.

(Part III)

4.19.20. Sign Regulations

(Part IV)

4.19.21. Distance buffer area separation requirements.
4.19.22. Travel trailer parks and campgrounds.
4.19.23. Use of land in a residential district for access.
4.19.24. Visibility at intersections and curb breaks.
4.19.25. Waterfront yards; minimum requirement.
4.19.26. Yard encroachments.
4.19.27. Special right-of-way requirements.
4.19.28. Special community residential home requirements.
4.19.29. Special home occupation requirements.
4.19.30. Special septic tank requirements.
4.19.31. Special requirements for public uses.
4.19.32. Airport obstruction.
4.19.33. Airport land use restrictions.
4.19.34. Conflicting regulations.
4.19.35. Bed and breakfast inn requirements.
4.19.36. Hospital, long-term care facility, group living facility, adult day care center and retirement or senior housing facility requirements.

4.19.1. Scope.

Provisions set forth in this section apply to areas subject to these land development regulations unless exceptions are specifically provided relating to one or more zoning districts or except as otherwise provided in these land development regulations.

4.19.2. Accessibility for the physically disabled or handicapped.

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

4.19.2.1. Application.

The requirements of section 4.19.2 shall apply to all levels and areas of buildings and uses and to all types of uses with the exceptions that one-family and two-family (duplex) dwellings are exempted from these requirements.

4.19.2.2. Requirements for access to buildings and uses.

1. Accessibility to buildings and uses shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one entrance generally used by the public. Such pathway shall be cleared of obstructions related to construction activity prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for access by wheelchairs.
2. Unless otherwise specified herein, required off-street parking areas shall have off-street parking space reserved for the physically handicapped. (See also section 4.19, off-street parking: handicapped parking spaces, for detailed requirements for handicapped parking.)

4.19.3. Access control.

To provide maximum safety with least interference to traffic flow on public streets while at the same time providing ease and convenience for ingress and egress to private property, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street.

For streets which are part of the State of Florida highway system or otherwise under the jurisdiction of the Florida Department of Transportation, the number and location of curb breaks shall be in compliance with, and as permitted by, all statutes, policies and rules as implemented by the Florida Department of Transportation.

The costs for design, installation and maintenance for all curb cuts and associated driveways which provide access to public streets shall be the responsibility of the developer or property owner of said property.

All development and redevelopment seeking access to public streets shall conform to these standards; see also 4.19.6.4., for automotive fuel station curb breaks.

4.19.3.1. Number and location of curb breaks.

A curb break is defined in section 2.1. The number and location of curb breaks shall be regulated as follows:

1. One curb break is permitted for ingress and egress purposes to a single property or development.
2. Two curb breaks entering a particular street from a single property or development may be permitted if other requirements of this section are met and if the minimum distance between the two curb breaks equals or exceeds 20 feet.
3. Three curb breaks entering a particular street from a single property or development may be permitted if other requirements of this section are met and if the minimum distance between adjacent curb breaks equals or exceeds 100 feet.
4. In general, no more than three curb breaks entering on a particular street will be permitted from a single property or development. However, in extensive developments (property exceeding ten acres and/or containing more than 1,000 parking spaces), additional curb breaks may be permitted provided other relevant requirements of this section are met and the minimum distance between adjacent curb breaks equals or exceeds 300 feet.

4.19.3.2. Width of curb break and associated driveways.

1. The width of a curb break measured at the street right-of-way line, shall be within the following minimum and maximum limits:

Location	Minimum	Maximum
Residential – to a single parcel of record	12 feet	24 feet
Residential – shared common easement access to two parcels of record	20 feet (split evenly)	24 feet
Planned shopping centers, industrial developments, multiple-family developments (with parking for 300 or more vehicles)	24 feet	60 feet
Automotive fuel stations and truck stops which also provide diesel or off-road diesel sales, semi-truck and tractor trailer repair and inspection facilities, and manufactured home dealerships	24 feet	60 feet
Other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

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

4.19.3.3. Curb break and driveway standards, subject further to any FDOT standards which may be applicable.

1. No curb break shall be constructed in the radius return (curved arc between intersecting street pavements) of an intersection.
2. No curb break shall be constructed nearer than twenty feet from the intersection of street right-of-way lines
3. No curb break shall be constructed nearer than five feet from an interior property line unless part of a common access way to two contiguous properties.
4. A six-inch raised curb and/or parking stops shall be constructed at least of three feet inside the street right-of-way line or property line to prevent vehicle overhang on private properties or rights-of-ways located near curb breaks, off-street parking areas, and off-street loading areas.
5. No curb break shall include an aboveground public facility such as traffic signal or signage components, catch-basins, fire hydrants, utility poles, fire alarm supports, or similar structures.
6. Any curb break and associated driveway proposed in a location which will result in conflicts with aboveground public facilities shall require the developer to submit all required plans, and obtain all required approvals in writing from controlling governmental agencies prior to a permit being issued, with the costs of any alterations or relocations of such to be borne by the developer.
7. Any curb break and associated driveway proposed in a location which will result in conflicts with any trees or landscaping established along the ROW, shall require the developer to offset such, by proposing a relocation or re-establishment of existing or new trees or landscaping along adjacent areas of the ROW, as part of the plan submittal and review process.
8. Any curb break and associated driveway proposed in a location which intersects existing sidewalks, curbs, or other ROW improvements shall be required to modify said existing improvements according to the entity which has jurisdiction over said ROW, also including meeting ADA requirements for pedestrians.
9. Any curb break and associated driveway across an area which contains swales or provides other storm water functions, shall be required to install culverts or other improvements; areas and improvements as determined by the Public Works Director or city contracted utility engineer or provider.
10. All curb breaks and associated driveways shall be improved with matched grade asphalt or concrete along the span from the edge of the adjacent road pavement to the abutting property line, at which point off-street parking and loading standards shall control.

4.19.3.4. Curb break permit.

No curb break shall be established or altered without a permit issued by the land development regulation administrator.

4.19.4. Accessory uses and structures.

4.19.4.1. Accessory Uses.

1. Mobile Service Related Activity, Commercial and Mobile Service Related Activity, Residential, as outlined and defined in Article 2, shall be permitted in all non-residential and residential zoning districts, so long as said commercial service company has obtained all local, state and federal licensing, as may be required, and has obtained written review and approval and/or permits from all required City Departments and other applicable governmental agencies, and so long as their services and activities are otherwise permitted by law.

2. Mobile or semi-permanent food truck, trailer or cart vendors shall be permitted to operate, subject to the following, as applicable:

   a. Shall be responsible to operate in compliance with all local code and regulations, as well as state and federal departments, divisions, laws, acts, or rules which pertain to their method of operation, licensing, reporting, etc. of said service, including applicable City licensing;
   b. Proposed locations shall be wholly on private property, within those zoning districts which permit such use, and said use shall either lease a building and site, with available and operating public restroom facilities, or utilize an existing operating business building and site, by method of a co-location written agreement granting shared permission, which would allow access to operating public restroom facilities for patrons;
   c. Parcel consideration and eligibility shall be site-specific, and shall be limited to those which are found by the Land Development Regulation Administrator to contain sufficient space available, which does not conflict with required parking or green space, ingress/egress, line of sight visibility or drainage;
   d. When so created at a future date, may operate within designated 'food court' public parking spaces, subject to the application and reservation criteria, to be determined;
   e. May operate at designated 'food court' areas as part of a City recognized and permitted festival or event, or within a designated famer's market area, subject to application and reservation criteria of the event organizer or market manager;
   f. May operate at licensed operating commercial flea-market establishments, subject to property management or ownership oversight;
   g. A self-contained mobile food or beverage push-cart, which is designed to be moved from place to place under human control and power, may utilize public sidewalks in commercial districts, however said push-cart shall not obstruct free passage of pedestrians or vehicles, and shall not obstruct an entrance or exit, or jeopardize public safety;
   h. All other non-food related retail sales mobile trucks, trailers or carts shall be limited to operating as part of a City recognized and permitted festival or event, or at licensed operating commercial flea-market establishments, subject either to application and reservation criteria of the event organizer, or property management or ownership oversight, as the case may be.

3. Automotive Car Wash, Mobile, as outlined and defined in Article 2, shall be permitted to operate, subject to the following:

    a. Shall be responsible to operate in compliance with all State and Federal Departments, Divisions, Laws, Acts, or Rules which pertain to their method of operation, licensing, reporting, etc. of said service, including applicable City licensing;
    b. Washing is limited to 'Cosmetic Washing', as defined in the Florida Department of Environmental Protection Recommended Best Management Practices (BMPs) for Mobile Vehicle and Equipment Washing, otherwise, BMPs shall be followed in their entirety;
    c. Shall adhere to any guidelines or directives from the City Public Works Director regarding run-off, storm water or wastewater generation or disposal;
    d. May conduct vehicle washing on any property which contains the word "Residential" in its assigned zoning, when hired to do so, and when washing vehicles solely for the owner or resident at said residence;
    e. May conduct vehicle washing on any non-residential property, when hired to do so, which contains a business or entity which has a fleet of vehicles as part of their licensed activity, such as vehicle or manufactured home rental and sales, pest control, delivery, utility services, public transportation, governmental entities and the like;
    f. May conduct vehicle washing on any property which contains the word "Industrial" in its assigned zoning district, when hired to do so or with the owner's permission, for any vehicle located on or brought to said Industrially Zoned property.
    g. Shall not conduct any vehicle washing in or on any public street or railroad right of way, and no run-off shall cross a public sidewalk;
    h. Shall conduct operations away from building entrances, regular and ADA parking spaces and pedestrian walkways, during normal business hours at that location; and
    i. Shall erect no signage pertaining to said activity, except that which is displayed on the vehicle or equipment trailer which is owned or utilized by the operator of the mobile business, which moves from place to place to conduct operations.

4.19.4.2. Accessory Structures.

All accessory structures at non-residential locations shall be permitted according to the applicable zoning standards for the subject property location, as well as pursuant to Section 3.12, Site and Development Plan Review, and associated standards for commercial development.

Detached accessory structures at residential locations shall be permitted according to the applicable zoning standards as found in Section 4.4.3., and in addition:

1. Except as provided for under the 'metal carports' sections, accessory buildings shall be no closer than 5 feet to a primary structure, and no closer than 5 feet to the side or rear property lines;
2. Shall be setback along the primary street frontage, a distance equal to or greater than that which the existing primary structure has been setback, and in addition, (when applicable) for secondary street frontages (corner lots and/or through lots), a minimum of 20 feet back from the property line along the secondary street frontage.

3. The LDR Administrator may reduce the secondary street frontage setback requirement to a minimum of 5 feet, upon finding that sufficient buffering exists along said street frontage, IE: dense evergreen landscaping, 6 foot solid opaque/privacy fence, etc.
4. Accessory structures for the housing of persons, such as guesthouses, and/or accessory structures greater than 12 feet in overall height, when permitted, shall meet the same setbacks as primary structures, for the location, are required to; and shall also be no closer to the primary street than the existing primary structure, if setback more than the minimum for the front yard.

4.19.5. Alcoholic beverages. (See also City Code of Ordinances)

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

4.19.6. Automotive fuel stations.

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

4.19.6.1. Lot type, dimensions and area.

Any new/proposed automotive fuel station lot location shall meet the following requirements:

1. Shall be a corner parcel fronting 2 public street rights-of-way, with a minimum of 150 linear feet of street frontage along the primary street and a minimum of 100 linear feet of street frontage along the secondary street, with a minimum lot area of 0.70 acres (30,492 sf); or
2. Shall be a through parcel, fronting 2 public street rights-of-way, with a minimum of 150 linear feet of street frontage along one of the streets, with a minimum lot area of 0.70 acres (30,492 sf); or
3. Shall be an interior lot, fronting 1 public street right-of-way, with a minimum of 150 linear feet of street frontage, with a minimum lot size of 0.90 acres (39,204 sf); or
4. Shall be a lot contained within a commercial development or center, with singular or shared driveway access through commercial property to a public street right-of-way, with a minimum lot area of 1.00 acres (43,560 sf).

4.19.6.2. Lighting.

Lights and lighting for an automotive fuel station shall be so designed and arranged that no source of direct light glare shall be visible from any zoning district which contains ‘Residential’ in its title.

4.19.6.3. Location of pumps and structures.

No gasoline pump shall be located within 100 feet of the line of any zoning district which contains ‘Residential’ in its title. No gasoline pump shall be located within 25 feet of a street right-of-way line.

4.19.6.4. Curb breaks.

The number of curb breaks for each automotive fuel station shall not exceed one for each 75 feet of street frontage, with each break no more than 40 feet in width and located no closer than 30 feet of right-of-way lines of an intersection, or 20 feet of a property line. There shall be a minimum distance of 30 feet between curb breaks. Curb breaks shall be provided along each portion of property which abuts a public street right-of-way or an internal driveway access lane.

4.19.6.5. Trash storage.

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

4.19.7. Development of land and structures thereto, on a platted or un-platted parcel(s) of record.

Subject further to any other applicable land development codes or standards which may apply:

1. No new parcel(s) shall be created from another parcel of record, when said new parcel(s) would constitute a subdivision, as defined in Florida Statute Chapter 177, as amended, unless proposed on a subdivision plat, filed according to Florida Statutes and the applicable sections of these LDR;
2. Any new parcel of record found to be recorded in a manner which would constitute a subdivision, shall be required to satisfy the requirements for a subdivision, prior to any permit being issued;
3. Any subdivision of un-platted land, which does not meet the statutory definition of a subdivision, upon which any permit is sought for construction, shall produce documentation, including but not limited to signed and sealed paper surveys showing all lot lines and existing structures, which demonstrates that all applicable land development standards for said parcel(s) are or will be met;
4. No permit shall be issued on a newly created platted or un-platted parcel, until official documentation is submitted showing that a new parcel number has been issued by the Property Appraiser's Office, and that the remaining and new parcel is properly coded for City Taxation, and all improvements thereon have been assessed;
5. If a Single-Family Zoned parcel of record contains multiple platted lots, any undeveloped and vacant platted lots upon which a permit is sought for a new residential dwelling unit, shall first comply with number 3 and 4 herein, however, no further subdividing, development or permit may take place on said individual lot(s) if they are determined to be unbuildable according to Housing Regulations and Code, as found in Article 9;
6. Upon written review and approval by the Land Development Regulation Administrator, a parcel of record which contains multiple platted lots sought for development, may reconfigure the lot lines of said lots to keep an equal number or fewer of overall lots, so long as the requirements as enumerated in numbers 3, 4 and 5 herein, are met;
7. No parcel of record located in a Single-Family Zoning District shall be issued a permit for the construction of an additional principal structure on the same parcel where one already exists, unless additional parcels can be created from the parent parcel, as provided for herein;
8. When permitted by Zoning, multi-family and non-residential building construction under common ownership or unified control, shall be permitted more than one principal structure on a parcel of record, so long as other development standards are met.

4.19.8. Exclusions from height limitations.

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

4.19.9. Fallout shelters.

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

4.19.10. Fences, walls, and hedges.

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in a required yard or along the edge of a yard; provided no solid fence, solid wall, or hedge located within the required front yard shall constitute an obstruction to visibility between 2 1/2 and six feet above the centerline grade of the adjacent street. (All fences require a permit and are subject to Ordinance #1255 fence regulations).

4.19.11. Landscaped buffer areas.

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

4.19.11.1. Requirements.

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

1. The landscaped buffer area width shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The buffer area along the associated property line shall be so designed, planted, and maintained as to be 80 percent or more opaque between two and six feet above average ground level when viewed horizontally; provided, however, that plantings located in the required front yard shall not exceed 2 1/2 feet in height.
3. Types and numbers of plantings for landscaped buffers shall be submitted with an application for a building permit. Where these land development regulations require a landscaped buffer area or areas, no building permit shall be issued without such data.
4. Property line buffer plantings shall be of a size and type which will ensure the meeting of the 80 percent opacity requirement. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the land development regulation administrator. At a minimum, 6 foot height evergreen type trees (Southern Red Cedar / Leyland Cypress, etc.) shall be placed at 10' spacing along areas which permit such height. In front yard locations, year-round green plants or shrubs which can be kept trimmed at 2 ½ feet in height, spaced at 5' intervals, shall be placed.

5. The remainder of the required landscaped buffer area not covered by the property line buffer planting shall be landscaped in accordance to the formula as specified in Sec. 4.19.15.10; except as otherwise provided herein, structures including buildings, dumpsters, and off-street parking / loading and vehicular use areas shall not be located in a required landscaped buffer area.
6. The landscaped buffer area shall be maintained by the property owner and successors continued as long as the main use continues. Failure to maintain the landscaped buffer area as prescribed above shall be a violation of these land development regulations.

4.19.11.2. Reduction of landscaped buffer plantings area.

Except where otherwise provided by these land development regulations, a six-foot high opaque fence, as defined in Section 2.1., along the associated property line, may be substituted for the required six-foot high property line planted buffer area within these supplementary regulations; provided, however, that where an opaque fence is located in the required front yard, it shall not exceed 2 1/2 feet in height.

Said proposed opaque fence shall be finished by like-kind materials on all sides.

The substitution of an opaque fence for the required six-foot high property line planted buffer area shall reduce the width and density of plantings for the required remainder buffer area by 50%.

(See definitions for opaque fence criteria, and Ordinance # 1255 for fence regulations).

4.19.11.3. Reserved.

4.19.11.4. Adjustment by land development regulation administrator.

When the land development regulation administrator determines that public safety requires, he or she may adjust or modify the buffer requirements of section 4.19 at street and alley frontages adjacent to any entrance. The finding of the land development regulation administrator shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate the buffer is not required for a certain number of feet from the street or alley entrance or egress in order to protect pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.

Where a nonresidential use is required to provide a landscaped buffer along a property line contiguous to a residential or nonresidential use, the land development regulation administrator may adjust or modify a portion of the landscaped buffer requirements, if it is determined that the buffer along that portion will serve no useful purpose.

4.19.11.5. Reserved.

4.19.11.6. Application where these land development regulations set out different requirements.

In those instances where these land development regulations prescribe different buffering requirements (e.g., greater height or width or different type of buffer), then the specific provisions of these land development regulations applicable to the particular use shall govern.

4.19.12. Community Redevelopment Area (CRA) District Development Standards.

In order to promote, preserve and retain development consistency in the core areas of the city, all development or redevelopment carried out within the established Community Redevelopment Area district shall conform to walkable / compact urban style development principles, rather than the standard suburban style.

For the purposes of this requirement, development is defined as any proposed new construction on a vacant parcel of land; and redevelopment is defined as any proposed alterations which will alter: 25% or more of existing developed land, or demolition or additions which equal 25% or more of the floor-area-ratio of existing buildings.

As part of the pre-development meetings and plan review process, City Planning Department staff shall do an assessment of the subject property, as well as all neighboring properties within 1,320 linear feet of the property boundary of the subject property, in any direction, to make a determination as to the type and nature of existing development which is found in the surrounding area, which includes the desired walkable, pedestrian-orientated and compact-urban style principles to be replicated, as well as using planning expertise, knowledge and skills, and applying best practices implemented in other communities with similar standards, for the desired outcome.

As a result of said assessment and determination, Planning staff will communicate to the owner or developer as to what standards will apply to their proposed development or redevelopment, which shall supersede general standards found under Article 4. These shall include, but are not limited to, adjustments to building setbacks to be street-frontage loaded, with maximum rather than minimum setbacks, and parking, drive-thru lanes, loading areas and retention areas to be located in side and/or rear yards, and internal pedestrian connection of the proposed development to existing or proposed public sidewalks.

Consideration shall also be given to ensure that building walls which face street right-of-ways contain windows and window displays, public entrance points, awnings, and other facade related architectural details which provide aesthetic qualities, and preserve and promote consistency in the CRA District.

Street frontage landscaping shall also be a required element.

If a development or redevelopment in the Community Redevelopment Area seeks to incorporate design standards which are contrary to those adjustments communicated by City Planning Department staff, but within the general standards found under Article 4, the owner or developer may file an application for Planning and Zoning Board Site and Development Plan Review, as described in Section 3.12. The Planning and Zoning Board, by Resolution, shall specify the design standards which shall control said development or redevelopment.

4.19.13. Reserved.

4.19.14. Moving of buildings and structures.

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

4.19.15. Off-street parking and loading.

Public interest, welfare, and safety require buildings and uses, erected, established, expanded or uses changed after the effective date of these land development regulations to be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers, or patrons and in certain cases, off-street parking facilities for the handicapped. Public interest, welfare, and safety also require certain uses provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the associated use continues, and altered as required for a new or changed use, or as otherwise required herein. (For definitions of various parking and loading related terms, see also article 2, definitions).

4.19.15.1. Off-street parking and off-street loading: general.

1. Off-street parking and loading facilities shall be provided as required in these land development regulations. Conforming buildings and uses existing as of the effective date of these land development regulations may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities providing there is no increase in floor area or capacity.
2. Where a conforming building or use existed on the effective date of these land development regulations and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking and off-street loading specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.
3. A change in use of a building or use existing on the effective date of these land development regulations shall require additional off-street parking and/or loading facilities to the extent that the new use shall provide additional parking and/or loading spaces amounting to the difference between the required number of parking and/or loading spaces for the new use and the required number for the previous use.
4. The design, construction, and arrangement regulations herein prescribed for off-street parking and off-street loading facilities do not apply to one and two-family (duplex) dwellings.
5. Required off-street parking areas shall not be used for sales or display, dead storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting off-street parking requirements.
6. Unless otherwise specified and subject to meeting landscaped buffer requirements, a required yard may be used for off-street parking.

4.19.15.2. Off-street parking, loading and vehicular use area facility requirements:

Required off-street parking and off-street loading facilities shall be:

1. Identified as to purpose and location to be clearly evident. Off-street parking facilities - newly constructed, redeveloped, expanded or when a change of use occurs, shall contain vertical traffic flow and directional signage, and painted: arrows, stop bars, cross-walks, regular and ADA spaces, loading areas, no-parking and fire-lane areas/zones, and similar measures to provide for the safety and efficient movement of vehicles as well as pedestrians. Signage, paint and other applicable

criteria shall conform to the most recent edition of the FDOT Facilities Design Manual, and ADA signage shall include a $250.00 fine and other language as shown in city informational brochures.

2. Using hand-held spray-paint to identify off-street parking facilities is prohibited.
3. Surfaced with asphalt, bituminous, or concrete materials.
4. A non-residential use requiring twenty-five or fewer off-street parking spaces may substitute six inches of hard loose rock for the asphalt, bituminous, or concrete surface provided:
   a. The work is curbed or otherwise bordered to maintain loose material within the parking area, and;
   b. The driveway is paved with asphalt or concrete for a minimum distance between the edge of the street pavement and the property line – see 4.19.3., Access Control, and;
   c. The hard rock shall be installed clean and free of foreign material, and;
   d. Required ADA parking and loading aisles and space(s), access aisles and pathways to the building entrance shall not qualify for the rock substitution.
5. Internal driveways, access aisles, and parking spaces, except those providing for ADA compliance, for public schools may be surfaced with grass or lawn.
6. Assembly uses, as determined by the Land Development Regulation Administrator, may provide up to 50% of the required regular parking areas with grass or lawn.
7. Developments with existing improved off-street parking areas, which are documented to have been constructed prior to the adoption of these Land Development Regulations, may be granted an administrative adjustment by the Land Development Regulation Administrator of up to 25% of the required parking number, so that viable business activity can continue to be promoted.
8. All existing or required off-street parking facilities and associated areas and components shall be, regardless of construction date, maintained, with improved surfaces kept in a smooth, well-graded condition. Deficiencies in surface condition which indicate lack of required maintenance include large cracks, potholes, crumbling, uneven settling, uneven pedestrian areas, and areas worn through to subsurface base. Maintenance shall also include all signage maintained or replaced to be clearly identified and to code, and each regular and ADA parking space striping and other painted identification markings repainted when necessary, to be clearly distinguishable and evident.
9. Drained so as not to cause a nuisance on adjacent property.
10. So lighted as to prevent glare or excessive light on adjacent property.
11. Arranged for convenient access and safety of pedestrians and vehicles.
12. Designed to conform with curb break requirements (see section 4.19).
13. So arranged that no vehicle has to back from such facilities directly onto public streets.
14. Designed so that all required regular and ADA spaces provide curbs or motor vehicle stops or similar devices. When spaces are located in proximity to property lines, so placed as to prevent vehicles from overhanging onto public rights-of-way or adjacent property – see 4.19.3., Access Control.

4.19.15.3. Off-street parking; location.

Required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve provided, however, the board of adjustment may allow the establishment of such off-street parking facilities within 300 feet of the premises they are intended to serve when:

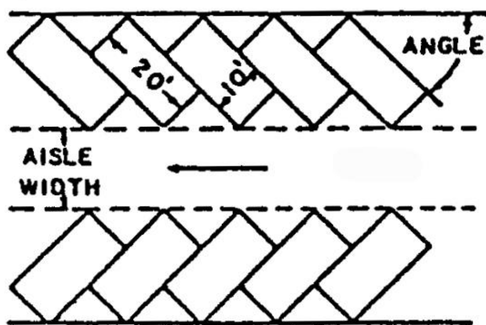
1. Practical difficulties prevent them from being placed on the same lot as the premises they are designed to serve;
2. The owner of the off-street parking area enters into a written agreement with the city council, with enforcement running to the city council, guaranteeing the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building or use which the parking area serves so long as the facilities are required; and
3. The owner agrees the agreement shall be voided by the city council if other off-street facilities are provided in accordance with these land development regulations; and
4. The owner bears the expense of recording the agreement.

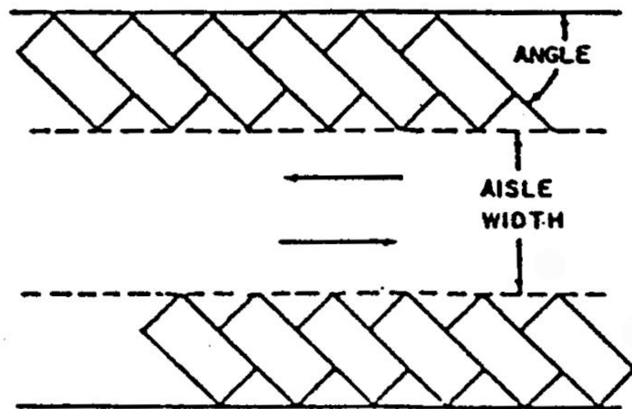
4.19.15.4. Off-street parking; dimensional standards.

Each off-street parking space, with the exception of handicapped parking spaces, shall be a minimum of ten (10') feet by twenty (20') feet in size.

Minimum aisle width shall be as follows:

	Aisle Width	
Angle of Parking	One-Way	Two-Way
Parallel	12 ft.	20 ft.
30°	12 ft.	22 ft.
45°	12 ft.	22 ft.
60°	18 ft.	24 ft.
90°	22 ft.	24 ft.





For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered met only where actual spaces meeting the requirements above are provided and maintained, improved in the manner required by these land development regulations, and in accordance with ordinances and regulations of the city.

4.19.15.5. Off-street parking; handicapped parking spaces.

Except as otherwise specified herein, required off-street parking areas shall have a number of level parking spaces identified by above-grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than 12 feet in width and 20 feet in length. Required handicapped parking spaces for various parking lot sizes are:

Total Spaces in Lot	Required Number of Required Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. These parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators. (See section 4.19.2 for additional provisions regarding accessibility for physically handicapped persons.)

4.19.15.6. Off-street parking; plans required.

A properly scaled off-street parking plan shall be submitted with each application for a building permit which requires provision for off-street parking. The plan shall accurately portray landscaping, the required parking spaces including those designated for the physically handicapped access aisles, driveways, dimensions, and the relation of the off-street parking facilities to the uses or structures they serve.

4.19.15.7. Off-street parking; combined off-street parking.

Two or more owners or operators of buildings or uses requiring off-street parking facilities may make collective provision for such facilities provided the total parking spaces, when combined or used together, shall not be less than the sum required separately. An arrangement for combined off-street parking shall be subject to the filing of a legal instrument satisfactory to the city attorney insuring such off-street parking will be maintained for as long as the use or uses requiring such off-street parking continue. No part of an off-street parking area required for a building or use shall be included as a part of an off-street parking area required for another building or use unless the board of adjustment finds the types of uses involved indicate the periods of usage will not overlap. A subsequent change of one or the other use may bring about a change in off-street parking requirements.

4.19.15.8. Off-street parking; fractional measurements.

Where a calculation results in a fractional space requirement, a fraction equal to or greater than one-half shall require a full off-street parking space.

4.19.15.9. Off-street parking; minimum requirement.

The minimum number of spaces required for any one use, shall be as a result of a determination by the Land Development Regulation Administrator, based on the adopted criteria as described in the various sections of these LDR, in relation to a submitted set of building and site plans, or as a result of an assessment of the existing property, the proposed use, and any other uses which may also exist at the subject property (in the case of a shared lot).

Outparcel developments that are part of a larger commercial or industrial subdivision, or planned development or shopping center, when there is a common access easement recorded to provide access to the interior of said development, where prior or phased development has resulted in existing parking exceeding the required number for the existing center, the Land Development Regulation Administrator may document such as part of plan review, and make adjustments accordingly to the minimum required number for the outparcel(s).

The Land Development Regulation Administrator may also take into account shared parking areas for various uses on the same parcel, which can document they will be utilizing said spaces during different days or hours exclusive of each other, and make adjustments accordingly to the minimum required for any one subject use.

The required parking space minimum count is inclusive of the required ADA parking spaces. IE: If the minimum required count is 20 – 19 would need to be regular sized and 1 would be ADA sized. If a development seeks to construct more than the minimum, the ratio of regular versus ADA will be as described in 4.19.15.5.

4.19.15.10. Off-street parking; landscaping requirements.

All permitted, permissible or approved by special exception non-residential uses erected, expanded, re-located or redeveloped, where off-street parking facilities are required and provided, such shall conform with the minimum landscaping requirements provided in this section, except that one-family and two-family (duplex) residential dwellings and multiple level parking structures shall be exempt from such requirements. (Plan review shall include a Landscape page with the calculations, types, numbers and locations of proposed landscaping and irrigation, if proposed, described; no C/O will be granted until all plants are in and counted on-site.)(See also 2.1 for definitions and Article 3.)

1. Except as otherwise noted herein, an area equal to a minimum of ten percent of all off-street parking, driveway, (loading, fire-lane, display, etc.) areas (whether paved or rock/gravel) shall be landscaped with grass, plants, shrubs, and trees. Required landscaping may, in part, be located around the periphery of the off-street parking area. However, a portion of the required landscaping shall also be located within the interior of the off-street parking area and shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow and direction. These portions shall be installed, at a minimum, as one (1) minimum 3’ wide by 17’ long (50 sq. ft. min.) landscaped island, containing at least one tree each.(Recommended at a ratio of one island between every 10 linear parking spaces.)
2. Each separate landscaped area shall contain a minimum of 50 square feet with a minimum dimension of three feet and shall include at least one tree with the remaining area landscaped with shrubs, ground cover, and/or other landscaping material.
3. The total number of trees shall not be less than one for each 200 square feet or fraction thereof of required landscaping. Trees shall be a minimum of four feet overall height immediately after planting. Trees shall not be planted closer than six feet to a public street or other public works unless the tree root system is completely contained within a barrier that has minimum interior dimensions shall be five feet square and five feet deep and is constructed with four-inch thick concrete reinforced with # 6 road mesh (six × six × six) or equivalent. Plants and shrubs shall be installed to supplement the trees and sod at the ratio of three 5-gallon per shrubs per tree and six 2-gallon plants, per required tree, with the rest sodded.
4. Required landscaped areas shall be maintained by the property owner. Failure to maintain required landscaped area shall be a violation of these land development regulations.
5. See also section 4.19, visibility at intersections and curb breaks.

4.19.15.11. Off-street loading; specifications; amounts.

Off-street loading facilities are required by these land development regulations so that vehicles engaged in loading and unloading goods, materials, or things for delivering and shopping will not encroach on or interfere with public use of streets and alleys. Off-street loading facilities provided to meet the needs of one use may not be considered as meeting the needs of another use. Off-street parking facilities may not be used or counted as meeting off-street loading requirements. When the use of a structure or land or a part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be provided and maintained. Where a structure is enlarged or a use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be provided and maintained for the structure or use in its enlarged or extended size. An off-street loading space shall be directly accessible from a street or alley without crossing or entering another required off-

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

4.19.15.12. Off-street loading; dimensional standards.

An off-street loading space shall have clear horizontal dimensions of 12 feet by 30 feet exclusive of platforms and piers and a clear vertical dimension of 14 feet.

4.19.15.13. Off-street loading; plans required.

An off-street loading plan shall be submitted with an application for a building permit which requires provision for off-street loading facilities. The plan shall accurately portray the required off-street turning bays, loading spaces, access thereto, dimensions, clearance and the relation to surrounding streets or private access-ways.

4.19.15.14. Off-street loading; combined off-street loading.

Collective, joint, or combined provisions for off-street loading facilities for two or more buildings or uses may be made provided they equal in size and capacity the combined requirements of the component buildings or uses and are designed, located, and arranged to be usable thereby. An arrangement for combined off-street loading shall be subject to the filing of a legal instrument satisfactory to the city attorney ensuring that such off-street loading will be maintained in the future so long as the use or uses requiring such off-street loading continue. A subsequent change in use or user may bring about a change in off-street loading requirements.

4.19.15.15. Off-street loading requirements.

Off-street loading spaces shall be provided and maintained as follows:

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

Square Feet		Square Feet	No. of Spaces
Over 5,000	to	25,000	1
25,001	to	60,000	2
60,001	to	120,000	3
120,001	to	200,000	4
200,001	to	290,000	5

plus one additional off-street loading space for each additional 90,000 square feet over 290,000 square feet or major fraction thereof.

2. For each multiple dwelling unit having at least 20 dwelling units but not over 50 dwelling units: one spaces. For each multiple dwelling unit having over 50 dwelling units: one space, plus one space for each additional 50 dwelling units or major fraction thereof.
3. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, bank or financial institution, office building, sports arena, stadium, hospital, or similar use with aggregate floor areas of 10,000 square feet to 40,000 square feet: one space plus one space for each additional 60,000 square feet or major fraction thereof over 40,000 square feet.
4. For a use not specifically mentioned, the off-street loading facilities requirements for a mentioned use which is similar shall apply.

4.19.16. Parking, storage, or use of major recreational equipment.

No major recreational equipment (see section 2.1, definitions) shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot in a residential district or in a location not approved for such use. Major recreational equipment may be parked or stored in a rear or side yard but not in a required front yard provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading and unloading.

4.19.17. Parking and storage of certain vehicles.

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

4.19.18. Performance standards.

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

4.19.18.1. Fire and explosion hazards.

Uses shall comply with applicable standards set forth in the rules and regulations of the state fire marshal.

4.19.18.2. Smoke, dust, dirt, visible emissions, and open burning.

Regulations controlling smoke, dust, dirt, or visible emissions shall be those contained in F.A.C. ch. 17-2, as amended. Regulations controlling open burning shall be those contained in F.A.C. ch. 17-5, as amended.

4.19.18.3. Fumes, vapors, and gases.

Regulations controlling the emission of fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be those contained in F.A.C. ch. 17-2, as amended.

4.19.18.4. Heat, cold, dampness, or movement of air.

Activities which may produce an adverse effect on the motion temperature, or humidity of the atmosphere beyond the lot line shall not be permitted with the exception that with the I industrial district this standard shall be applied at the boundaries of the district and not at industrial lot lines.

4.19.18.5. Noise.

Permitted levels of noise or sound emission at the property lines of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour as generated by street and traffic activity with the exception that in the industrial district this standard shall be applied at the boundaries of the district and not at industrial lot lines. Determination of noise level shall be measured with a sound level meter that conforms with specifications published by the American Standards Association.

4.19.18.6. Odor.

Regulations controlling emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be those contained in F.A.C. ch. 17-2, as amended.

4.19.18.7. Glare.

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

4.19.19. Railroad right-of-way.

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

ARTICLE FOUR: ZONING REGULATIONS – SUPPLEMENTAL PT. III

4.19.20. Sign Regulations.

The provisions of this Sub-Section of the Land Development Regulations, also referred to as 'LDR', shall govern all signs and related matters in the City of Live Oak, Florida. This section shall be known as, and may be referred to as, the "Sign Ordinance" or "Sign Regulations", and understood to be that for the City of Live Oak, Florida. Also understood is that these regulations are a Sub-Section of Section 4.19 – Supplementary District Regulations, which is a section within Article 4 – Zoning Regulations, which is part of the LDR in its entirety. Each applicable Article, Section and Sub-Section within this document is inter-related and works collectively as a whole.

4.19.20.1. Jurisdiction.

These Sign Regulations shall apply to all properties located within the corporate limits of the City of Live Oak, Florida, in addition to any properties which may be annexed into the City limits at a future date. These Sign Regulations shall not relate to the copy or message on athletic field scoreboards, gravestones, commemorative plaques, or display of construction not defined in these LDR as a sign.

4.19.20.2. Applicability of Other Code or Regulatory Requirements or Actions.

Signs or other advertising structures shall be constructed and maintained in accordance with other applicable ordinances, regulations and statutes of the City, as well as those of the State of Florida, and any Federal rules, regulations or laws. Where ordinances, rules or regulations may appear to be in conflict, the more restrictive provisions shall apply.

1. All signage shall be in accordance with the provisions of these Sign Regulations in their entirety.

2. All sign structures shall also be subject to all provisions of: the Code of Ordinances of the City, the Building and Electrical Codes, and all other applicable local, state and federal laws.

3. Any legally permitted sign may contain any message not otherwise prohibited or regulated by law.

4. No City Zoning Board, City Council, Board of Adjustment or other public officer or agency shall issue a permit or grant permission or an adjustment, to erect or maintain any sign in conflict with the provisions of these Sign Regulations, or the standards applied by the Building Department; nor shall any City Department issue approval or a permit for any sign in conflict with any law enacted by any other public board, officer, or agency in the lawful exercise of its powers.

5. A Petition for Variance may be filed pertaining to signage, as follows: for proposed permanent signage on the premises of a licensed business, strictly limited to a relaxation of the existing governing standards for the subject property regarding- placement, face-size or overall height. Said Petition is to be filed in accordance with Article 3, Variances; General, of the LDR, and other applicable Codes, Resolutions or Ordinances.

   The variance petition shall be submitted concurrently with an accompanying standard sign review/approval application and building permit application, including all required drawings and site plans for the proposed signage.

The granting of a variance to one or more of these referenced governing standards, shall then allow the subsequent review of applicable criteria of said sign, by applicable City Departments, in accordance with **Section 4.19.20.5.**, in order to secure the required zoning approval and building permit; however, in no case shall a variance request exceed any current maximum standard for the City as a whole, nor shall the approval of a variance take the place of the required staff review and building permit issuance process.

6. No type of building permit, or occupational business tax license, shall be issued for any location, until all sign standards as provided for herein are found to be met.

7. Proposed signage at certain locations, as identified in the Comprehensive Plan, may also be required to secure a Certificate of Appropriateness through the Historic Preservation Agency, as specified in Article 3 of the LDR. This agency will generally meet within one month of the appropriate application being submitted.

8. It is the responsibility of the Property/Business Owner and/or Sign Contractor to obtain proper review, approval, and permitting prior to any work commencing in the City. Signs found to be erected without proper review and permitting shall be subject to a double review fee and double permit fee as provided for in the Resolutions and Ordinances of the City of Live Oak.

9. A sign erected without proper review and permitting, that exceeds the maximum allowances in height, square footage or any other applicable criteria shall be ordered to be altered and/or removed to conform to the Sign Regulations, in conjunction with obtaining proper review approval and permitting.

10. Signs erected by municipal or governmental entities shall also be governed by these Sign Regulations, as may be applicable.

11. All signs existing at the date of adoption or amendment of these Sign Regulations shall be subject to certain portions herein, however, provisions for signs which may be or become non-conforming in nature are first governed by language found in **Section 4.19.20.12.**

4.19.20.3. Definitions.

Definitions for purposes of these Sign Regulations under these LDR are found, unless otherwise noted, in the Definitions section of these LDR, Article 2.

4.19.20.4. Signs Not Requiring Zoning Review (Exempt-Signs).

Except as otherwise provided or required, the following on-site signs may be erected without zoning review, provided that each is erected in accordance with the prescribed conditions of these Sign Regulations, in their entirety, and with all other applicable codes and regulations.

These signs are allowed in addition to non-exempt signs requiring zoning review.

Any non-exempt situation deemed by the Building Official to be structural, may require a building permit to erect. If in doubt, contact the City Building Official prior to work commencing.

Any sign not exempted by this section shall be required to be reviewed and approved by the Development Manager, and may be required to be permitted by the Building Official, prior to construction and installation.

Any exempt sign erected under this provision, **4.19.20.4.**, that does not meet the prescribed conditions of these Sign Regulations in their entirety, shall be deemed to have been erected in violation of these Land Development Regulations, and thus shall be subject to enforcement.

All signs proposed to be placed in the ground, or on any posts which would require breaking the surface of the ground through digging, etc., shall be placed to meet all required setbacks, including line of sight triangles, and 811 must be called and locates done, before any sign is erected.

Allowable Exempt-Signs:

1. Signs required by public ordinances, regulations and laws.

2. Legal notices, official instruments, municipal signs and public interest signs which are non-permanent in nature.

3. Building marker signs, at non-residential locations, not exceeding four square feet in area, which are mounted on a wall adjacent to a customary public entrance or other appropriate location, and bearing only property name, street-numbers, mail box numbers, building markers, names of occupants of premises, or other identification of premises, which have no commercial connotations.

   Signs may be internally lit, subject to applicable electrical codes.

4. Flags and insignia of a government except when displayed in connection with commercial promotion.

5. Each lot shall be allowed a maximum of three non-commercial flags and flag poles that conform to the standards of this paragraph. No flag may exceed sixty square feet in area, and the height of a flag pole shall not exceed the maximum allowable height of a structure or building in the applicable zoning district, or fifty feet, whichever is less. The hoist side of the flag shall not exceed twenty percent of the vertical height of the flag pole. Government owned parcels are exempt from total flag area and number limitations.

6. Decorative and patriotic flags, banners, and buntings for city-wide celebrations, conventions, and commemorations when such events are specifically recognized by the City Council, for a prescribed event lasting for a prescribed period of time.

7. Holiday and event lights and decorations during the recognized time frames for such celebrations.

8. Traffic or other municipal, city, state, or federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency, or non-advertising signs as may be approved by the City Council or other governmental entity with jurisdiction. Such signs may be located in or may overhang or infringe upon the right-of-way of streets or public ways.

9. Integral decorative or architectural features of buildings, so long they contain no commercial message.

10. Each residential unit is permitted one non-commercial, non-illuminated window sign not to exceed two square feet, and one non-commercial, non-illuminated Incidental Type II Ground 'yard' Sign (defined in Article 2), as provided, per property, per street frontage.

    Residential properties which have been approved for a home occupation or home business may utilize this provision for said on-site occupation or business.

11. Temporary full-panel window poster signs at licensed non-residential locations, however, limited to copy contained in no more than half of the window frames which exist on said building structure. Window lettering applied permanently to windows, subject to allowances for wall signage listed in **Section 4.19.20.9.3.**

12. Neon or other type, lighted or unlit, electronic or LED 'open' or other related copy, as window signs only, at licensed non-residential locations, provided that such signs: are hung or mounted within or flat against the building, do not exceed a maximum of four square feet each, and no more than three are displayed along any one wall of the building, which are visible from the outside.

13. Any sign not visible from public thoroughfares or rights-of-way and within a building, business, office, mall, or other totally enclosed area, except window signs. These signs may require a building permit to install, but will not require zoning review.

14. Temporary signs, provided that they are erected outside public rights-of-way, except certain election and governmental public information related signage as provided for herein, and are subject to the following additional standards:

    a. Governmental Election:

       One temporary non-illuminated freestanding, or Incidental Type II Ground 'yard' Sign (defined in Article 2), is allowed per privately owned lot, per street frontage, per candidate for public office, which may be erected up to one hundred calendar days prior to a governmental election and shall be removed within seven calendar days following said election final voting day.

       No such sign shall exceed four feet in height in any residential zoning district, or six feet in height in any other zoning district (except when used as a wall sign).

       Maximum face size for any such freestanding or wall sign shall be sixteen square feet in residentially zoned districts and thirty-two square feet in all other districts.

       All such signs shall be placed on private property.

       Such signs shall not be converted to any other sign type or purpose without first being reviewed, approved and permitted as a permanent sign.

       For the safety of vehicles, pedestrians and to protect life and property from possible injury or damage, and to meet the requirements for structures per the Florida Building Code: any such freestanding sign erected on posts, provided the sign panel material is either lightweight banner or other lightweight material, as approved by the Building Official.

       Wall banners for elections and political messages may be erected according to banner standards.

In no case shall any political sign of any type be erected or placed in the ground, on or in front of, any city-owned parcels of land, unless part of and only during a political rally, as approved by the City Council.

Incidental Type II Ground 'yard' Sign (defined in Article 2), may also be erected along other non-DOT rights-of-way, provided vehicular and pedestrian, street and driveway intersection sight distance triangle lines of sight are maintained. Signs erected in rights-of-way, in violation, shall be subject to enforcement and immediate removal.

b. Real Estate:

Temporary non-illuminated signs, not to exceed a face size of eight square feet in residential zoning, and thirty-two square feet in any other zoning, when located on a lot or building during the time that it is for sale, lease, or rent.

Such signs are limited to one sign per lot, per street frontage, and if freestanding, to a maximum of six feet in height.

Such signs shall be removed within ten calendar days after the subject lot or building is leased, and, in the case of a sale of property, to display a "sold" sign, shall be removed within thirty calendar days of the closing of sale date.

One on-site open-house or open for inspection sign, not exceeding six square feet in face size, and four feet in height, is allowed in addition to the other limitations in **Section 4.19.20.4.(14)(b)**.

Similar off-site signs for open house event directional purposes may be allowed at street intersections and other locations in proximity to the subject property, during the time the property is open for inspection, provided they are located on private property and with the owner's consent.

c. Temporary non-commercial/non-profit or community event signage:

One temporary non-illuminated Incidental Type II Ground 'yard' Sign (defined in Article 2) is allowed per privately owned lot, per street frontage, per event which is taking place in Suwannee County or the City of Live Oak, which may be erected up to forty-five calendar days prior to the date of the event, and must be removed within three calendar days of the conclusion of the event.

Signs must be located off of any street right-of-way and outside of line of sight triangles.

Banners and other event related signage at the event location or promoting said event may be erected, at the discretion of the Development Manager, in Commercial and Industrial Zoning Districts, subject to time limit, banner and other applicable standards.

Any such sign may dedicate an area subordinate to the primary event message to recognize event promoters, subject to any and all Florida Department of Transportation rules and laws applicable to Outdoor Advertising Signs.

d. Incidental Type II Ground 'yard' Sign (defined in Article 2) at licensed commercial business locations:

(1) Such signs shall be located on private property, on the site or location of the licensed business, not in the public right-of-way, or in required parking areas. No provision is made for signage for unlicensed businesses or for locating off-site of the licensed premises.

(2) Such signs shall be professionally printed and non-permanent in nature, and shall pertain only to a licensed establishment located on the same parcel where the sign is located.

(3) Such signs shall not be illuminated or have any electricity run to it by way of an extension cord or any other electrical wiring.

(4) Such signs shall be removed when the service is no longer available or when the sale or event is no longer in effect, or when inclement weather is approaching.

(5) Three such signs are allowed per parcel, per street frontage, per licensed business establishment located on said parcel.

(6) Signs shall not exceed three feet in height and four square feet per face, maximum two faces.

(7) Signs shall be located outside of line of sight triangles, and shall not obstruct ingress/egress to or from a public entrance or fire escape.

e. Incidental Type II On-site Wall Signs (defined in Article 2) at licensed commercial business locations:

(1) Such signs are to be located only on a principle building or structure and pertaining to the licensed business located on that parcel. No provision is made for signage for unlicensed businesses.

(2) Such signs shall be professionally printed and non-structural in nature; (ie: lightweight materials, framed promotional posters, etc.)

(3) Such signs shall not be illuminated or have any electricity run to it by way of an extension cord or any other electrical wiring.

(4) Such signs shall be securely mounted flat against a door or wall.

(5) Total sign area(s) shall not exceed thirty-six square feet per building side, or per one-hundred linear feet of building length.

15. Incidental Type I (defined in Article 2) signs, banners, portable signs, pole pennants or feather flags, strings of lights, strings of pennants or strings of flags, and inflatable devices, on-site at licensed commercial business locations, provided they meet all applicable requirements contained in these Sign Regulations.

16. Up to three, when visible from the right-of-way, informational bulletin boards are permitted, at a non-residential location, for public, charitable, educational or religious institutions when located on the premises of said institution, and when affixed to a building wall. Bulletin boards may not exceed forty square feet in area and, if illuminated, shall be located at least twenty-five feet from any property line.

Signs may be internally lit, but shall not violate any provisions listed in these Sign Regulations.

Freestanding bulletin boards /kiosks shall be applied for and permitted as a standard freestanding sign, with location and numbers approved on a case-by-case basis.

17. One non-illuminated directory wall sign, per principle building is permitted, at a non-residential establishment, which contains no commercial messages of any kind, when affixed to a building wall.

    Directory signs shall not exceed forty square feet in area and shall be located at building entrances or facing a public walkway.

    Freestanding directory signs shall be applied for and permitted as a standard freestanding sign, with location and numbers approved on a case-by-case basis.

18. Signs or logos incorporated on, or added to, machinery, equipment, or other fixtures, which only identify or advertise the product or service dispensed by the machine or equipment, or business name identification.

    This includes signs customarily affixed to vending machines, newspaper racks, telephone booths, semi-permanent trash containers, and gasoline pumps. Signs may be internally lit, but shall not violate any provision listed in these Sign Regulations.

    Signs are limited in size to the device to which it is attached and shall not increase the overall dimensions of the device by way of an additional attached frame or cabinet. Such signs must be installed as to be an integral part of the device.

19. Signs for temporary residential garage sales, yard sales, and the like, limited to sales located in residential districts at a residence within the City Limits, and subject to the following provisions:

    a. All residents in the City of Live Oak wishing to conduct a yard sale at their home must call City Hall prior to the sale to register and document the sale, in accordance with applicable ordinances.

    b. On-site (at said sale location) signs shall be limited to one per parcel, per street frontage, limited to a maximum face size of six square feet and a maximum height of four feet.

    c. Similar off-site signs for directional purposes, not exceeding four square feet in face size, and three feet in height, may be allowed in proximity to the sale, provided they are located on private properties and with the consent of the property owner. These signs may not be erected in a public right-of-way, or on any utility pole, light pole, fence, rock, tree or other form of vegetation.

    d. All signs must be removed at the close of the sale.

20. Construction signs: no more than four, two-sided signs, per street frontage, are allowed at any one time, located on a single property parcel where building construction is actually in progress under a current building permit.

    These signs shall be a non-illuminated, freestanding signs, not exceeding four feet in height in residential districts and six feet in height in non-residential districts. Maximum size per sign face is

sixteen square feet in all residential districts, and thirty-two square feet in all non-residential districts.

An owner/builder, which is a licensed building contractor, may place one such additional sign at the entrance to a subdivision which is being marketed with vacant buildable lots.

The sign(s) may include the names of persons and firms performing services or labor, or supplying materials to the premises. Such signs must be removed before a certificate of occupancy for any building or structure on the premise is issued.

Otherwise, such sign must be removed within thirty calendar days of the completion or final inspection of any other type of remodeling, renovations or repair work which took place at the location.

21. Traffic control signs, as may be required, erected on public or private property which meet Department of Transportation standards and contain no commercial message of any kind, and limited in size and placement to the standards of the Department of Transportation pertaining to the district in which the sign is to be located.

22. A cross-street banner sign erected by the municipality, or designee, for a special event, celebration or as otherwise allowed, subject to #14 (c) herein, or as otherwise governed, with size appropriate to the location, to be determined by the Development Manager .

23. A-Frame, Sandwich, Sidewalk and Easel Type Signs: When more restrictive, all Florida Department of Transportation sign regulations for state maintained state and federal roads shall supersede this section.

    In order to promote a pedestrian-oriented market area in the Central Downtown District, and other commercial areas as appropriate, A-frame, Sandwich-Type, Sidewalk and Easel signs may be permitted on the sidewalk, or other non-vehicular use areas, in front of the respective licensed business, only displayed during normal business hours only.

    These may be one or two-sided, and shall be professionally constructed, and professionally printed or contain areas for hand written specials, such as dry erase or chalk board type. Such signs shall be located so as to not obstruct safe vision of vehicular or pedestrian traffic or safe ingress or egress from or to public entrances and fire escapes and must be removed during inclement weather.

    a. Maximum Height: four feet above the sidewalk or ground.

    b. Maximum Face Size: six square feet.

    c. Maximum one non-illuminated sign is allowed, per establishment, located in front of said establishment, within fifteen feet of a public entrance.

4.19.20.5. Requirements for all Non-Exempt Signs (ones not considered as exempt, as described in previous Section 4.19.20.4.)

Within the corporate limits of the City, it shall be unlawful for any person, property owner, or building or sign contractor to: erect, post, display, construct, enlarge, move, maintain, substantially change, alter, utilize, convert, or replace any non-exempted sign, without first securing zoning review and written approval from the Development Manager, and when applicable, a building permit from the Building Official, to do so.

a. A non-substantial change of only a static copy panel with a like-kind type panel, which is the same face size, from within an existing cabinet of a previously legally permitted and legally erected sign, shall not require a fee-based formal zoning application submittal and review by the Development Manager, however the Development Manager must first be made aware of the proposed non-substantial change prior to the action taking place, and a building permit may also be required by the Building Official.

b. All other actions, including: any new sign; or the removal of, conversion of, replacement of, or alteration to, an existing sign cabinet, sign support or sign structure, shall constitute a substantial change, for which formal zoning application submittal and review is required, with commencement of any changes only after official written approval is received.

c. This section shall not require a sign permit for the repair or maintenance of a conforming sign for which a permit has already been issued, provided the sign or sign structure, including electrical service, is not modified in any way different from its original conforming condition.

d. Waiver of zoning review by the Development Manager does not constitute waiver of a building permit, nor does the non-necessity of a building permit waive formal or informal review and approval by the Development Manager, or subsequent Code Enforcement actions to bring about compliance.

e. Zoning review and approval, and in certain cases a building permit, shall be required for any new sign not otherwise exempted, or any substantial change to an existing sign, or any new or existing establishment changing the number, size, shape, electrical service, or location of existing signs, or adding additional signage or square footage, whether to a new or existing structure, or any other action which is deemed by City Officials to have the requirement of Development Manager zoning review and approval, and/or a building permit by the Building Official.

1. Application:

All applications for sign zoning review and approval and sign building permits shall be submitted first to the Development Manager, with the applicable review fee, on forms as provided by the City. The application shall set forth in writing a complete description of the required information. Appropriate or additional forms and supporting documents may also be required by the Building Official.

Final written approval, or notification of denial, shall be made available to the applicant within five working days from the date the City has received all required, requested or forwarded documents, and after all fees have been received.

Certain Signs shall be reviewed and approved informally as Special or Temporary Signage, which review shall take place by written contact to the Development Manager. Signs which qualify for this review

process are: Portable Signs, and Grand Opening or Special Event Signage. All others, as provided for and required, shall be applied for, reviewed and approved formally on standard forms.

Once zoning review and approval has taken place, a determination shall be made by the Building Official if a permit is required. If not required, the Development Manager shall issue a written notice to proceed to the applicant; otherwise, the Building Official will process the application packet for permit issuance.

2. Fees:

Sign application zoning review fees, and building permit fees, shall be in accordance with the adopted fee schedules, resolutions and/or ordinances of the City of Live Oak, and shall be required for any action that requires either formal zoning review and/or the issuance of a sign building permit, as may be applicable.

Signs proposed to be located on parcels determined by the City to be publically owned, as defined herein, shall comply with all requirements contained herein, however, review and/or permit fees may be waived.

3. Permit Issuance and Duration:

When required, the Building Official shall issue to any applicant, upon approval by all City Departments, of a completed application and accompanying material, for a sign which meets the requirements of these Sign Regulations and all other applicable regulations, a written sign permit evidencing compliance of the proposed sign, with all applicable codes and regulations.

A sign permit shall expire and become null and void if installation of the sign has not been completed within 6 months from the date of issuance. Issuance or finalization of a sign permit shall not prevent the City from later declaring the sign to be nonconforming or unlawful, if it is found not to conform to the requirements of these Sign Regulations.

A sign permit shall be revoked if the sign is found to have been erected contrary to the specifications listed in the application, and thus is not in compliance with the Sign Regulations.

For every permit issued, the Building Official shall deliver to the applicant a written permit, which shall be retained on file at the place of business, as well as in City permit records. A sign for which no written approval exists, shall be prima facie evidence that the sign or advertisement has been constructed or erected and is being operated, displayed or maintained in violation of the provisions of applicable codes, and shall be subject to enforcement.

4.19.20.6. Enforcement.

1. A sign found to have been erected, placed, constructed, enlarged, moved, altered, or converted illegally, or in a manner which otherwise violates the terms of these Sign Regulations, shall cause the property owner of the parcel where said sign is located, and/or the sign contractor, person or entity which erected said sign, to be subject to enforcement as provided for herein and any other applicable section of these LDR and/or Florida Statutes.

2. These Sign Regulations shall be enforced as provided herein, and by: the Code of Ordinances, Article 15 of the LDR, and/or the Florida Statutes, Chapter 162, as may be applicable. Each day of violation after notification shall be regarded as a separate offense.

3. Removal of Signs:

A sign which is placed in or on the public right-of-way or on any public light or utility pole, or in or on any other property owned or maintained by the City of Live Oak, or locations considered public rights-of-way, shall be subject to immediate removal and/or confiscation by the: Code Enforcement Officer, Building Official, Development Manager, Police Department, or his or her designee.

Any of the following signs shall be immediately removed, upon verbal or written notification from the: Code Enforcement Officer, Building Official, Development Manager, Police Chief or Fire Chief, or his or her designee, or by City Staff as may be required:

a. A sign that is prohibited or classified as unlawful under the terms of these Sign Regulations.

b. A sign that does not conform to the Florida Building Code.

c. A sign which constitutes a danger to life, property, vehicular or pedestrian traffic.

d. A sign erected without being reviewed, approved and properly permitted, or not to applicable standards.

4. Remedies:

In the case of any sign or other device covered by these Sign Regulations that is, or is proposed to be, erected, posted, displayed, constructed, enlarged, moved, maintained, substantially changed, altered, utilized, converted, or replaced, is found to be in violation of any provision of these Sign Regulations, the Code Enforcement Officer shall then commence standard procedure for code enforcement action.

4.19.20.7. General Regulations.

1. Location and other general standards:

    a. See **Section 4.19.20.8.**, Prohibited Sign Instances, for additional standards which may apply.

    b. All signs shall be located only on or over private property, except where otherwise specifically authorized by these Sign Regulations.

    c. No sign shall overhang any adjacent private property or public rights-of-way, except projecting or under-canopy signs, over public sidewalks or driveways, which meet all other requirements of these Sign Regulations.

    d. No permanent sign shall be attached to any support or pole of a freestanding sign, or other portion of an existing sign structure, unless it is part of an approved and properly permitted cabinet, or other structure, which serves to hold or display sign copy.

    e. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities based on the applicable voltage as specified in the latest edition of the National Electrical Code.

    f. For all allowable freestanding signs: Each parcel shall be eligible to erect one Primary Street Freestanding Sign, all others, as allowed, shall be considered Secondary Street Freestanding Signs.

    g. If said parcel has secondary street frontage or sufficient linear street frontage, and separation requirements are met, additional Secondary Street Freestanding Signs may be erected as allowed for.

        Secondary Street Freestadning Signs shall be limited to one-half the face size, and in height to the greater of: four feet or one-half the height, of the allowable maximum Primary Street Freestanding Sign size, for that particular parcel.

        If street frontage, as defined in Section 2.1, is utilized to qualify for multiple freestanding signs, additional signs will only be allowed when excess street frontage, is equal to required frontage.

        IE: if the regulations state one allowed per two-hundred feet of frontage, the property would have to have at least 400' of frontage to be eligible for a Secondary Freestanding Sign, and so forth.

        The linear length of a bordering street, as defined in Section 2.1, shall not be countable towards meeting the frontage criteria.

        A property owner may elect to erect the Primary Street Freestanding Sign along a secondary street or bordering street, provided there is only one sign sized as a Primary Street Freestanding Sign, and all others as allowed, are of Secondary Street Freestanding Sign proportions, and located to be in conformance with other applicable criteria.

        Secondary Street Freestanding Signs shall always be oriented for viewing from the 'secondary' or 'border' street, and shall always be located a minimum distance of one-half the total linear street frontage, as measured from the primary street's right-of-way line, or corner of a parcel, to the

opposite corner or street frontage, as applicable. Primary and Secondary Street Freestanding Signs shall comply with all other applicable guidelines contained in these Sign Regulations.

h. When otherwise allowable, one freestanding sign per parcel, or per multi-use center, shall be eligible to contain an electronic variable message board.

i. An establishment shall be deemed to be located on a single-use parcel in any instance where it is the sole establishment, by record of the occupational city business tax license on file, located on one tax parcel of record.

   An establishment shall be deemed to be located on a multi-use parcel, commercial or office center in any instance where the establishment shares a tax parcel of record with another establishment, by record of a different occupational city business tax license on file, whether owned by the same individual or not. The multi-use designation shall apply even to individual entities who share a single office or store frontage.

j. In cases where the location was initially a single-use parcel and subsequently changed into a multi-use parcel, when the new entity seeks application for additional signage for the parcel; existing signage in combination with the new proposed signage shall be in conformance with the current requirements of a multi-use parcel.

   In cases where the existing single-use signage meets or exceeds the multi-use limits, the existing signage shall be altered to make accommodations for the new establishment, in accordance with the limits placed on multi-use parcels for that location. In cases where the limits have not been exceeded, the new establishment's proposed signage shall be limited to what is remaining in the allowances for a multi-use parcel.

k. Commercial or Office Multi-Use Centers or any cluster of buildings which collectively represent a center or multi-uses, which are located on several abutting parcels, which are owned or managed under a unified ownership or partnership, shall be allowed additional numbers of freestanding signage based on the number of public driveway entrances which serve the development.

l. Any freestanding sign proposed for such a multi-use location shall contain a number of available advertising panels equal to the number of existing or proposed tenants at the center. The percentage of available space for each tenant shall be determined by the owner or Management Company of said center or complex.

m. All new freestanding signs installed in vehicular use areas, or existing signs which subsequently have pavement placed in their vicinity, shall have a raised, curbed and sodded area surrounding the sign pole which is equal in size to the square footage of the sign face size. When proposed site improvements will not include poured/formed concrete-type work, placed pre-formed concrete stops shall be deemed sufficient to meet this requirement.

n. Establishments seeking to increase the allowable size of a wall sign due to the public entrance exceeding the specified setback distance from the public right-of-way, shall only be eligible for the increase if the public right-of-way, for measurement purposes, runs parallel to the building front with the public entrance, and if the right-of-way also abuts the parcel which the establishment is located on.

o. All projecting signs shall be limited to extending out in a horizontal direction from the wall of the building to which it is attached a maximum of eight feet, or in no case closer than one foot to the curb line, as measured vertical line to grade.

p. Any parcel in the City Limits, with an approved and licensed business in operation at that location, when said parcel is located: at any point within one-thousand feet of the outside ROW boundary of Interstate Ten (I-10), and which said parcel is also within one-thousand feet of the outside ROW boundary of the secondary road which contains on-ramps or off-ramps onto said interstate, in addition to all signs otherwise permitted for the parcel, may erect an on-site Highway Identification Sign, subject to the following standards. Such signs shall: pertain only to the establishment(s) located on said parcel; be limited to one such sign per parcel of record; be located in the rear yard setback area of the parcel; have a minimum of fifty feet of clearance above the finished grade; have a maximum height of seventy-five feet; have a total sign face area not to exceed one-hundred fifty square feet; be located no closer than one-hundred feet radial distance from any other such Highway Identification Sign; have no electronic or LED component, except for ones at a fuel dispensing station, to display the current fuel price, which said display shall remain fixed at all times with no other message or change, unless said price needs to be updated.

2. Sign Area and Height Computation:

The following principles shall control the computation of sign area and sign height, when determining if a proposed sign is within the allowable parameters.

a. Area of Freestanding Signs:

For a single-face sign: the area shall be calculated as the area within a continuous perimeter enclosing the limits of copy or message.

Area of two-sided signs: Only one side shall be measured, as described in Area of Single Faced Signs, in computing sign area, provided the faces are parallel, or where if “V” shaped, does not produce an angle greater than thirty degrees, or at no place are the faces more than thirty-six inches apart, provided that they are attached on a common structure.

Extended support structures shall not be considered countable face area, provided such area is not utilized in the future for permanent commercial copy.

Multiple Sign faces which do not meet this requirement shall be computed by adding together the area of all individual sign faces. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger of the two faces.

Copy displaying the location address, phone number, hours of operation, or ‘welcome’ shall be allowed in addition to, but no greater than twenty percent of, the commercial face size allowance.

b. Area of Wall, Projecting, Canopy and Awning Signs:

The area shall be calculated, when enclosed by a cabinet, on a flat panel, or as channel letters as the area within a continuous perimeter enclosing the limits of writing, representation, emblem, other display, or any figure or similar character, together with any frame, material, color, or cabinet limits of the display.

For individual letters attached to a wall, calculations may be made by measuring the area around each word grouping or symbol, and then adding together the cumulative totals.

Copy printed or imprinted on awning material shall be measured by the limits of the copy and not the limits of the awning material to which it is printed.

Banners and other special sign types shall be measured from top to bottom and end to end, regardless of any area which may not contain any copy.

c. Height – The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure, whichever is higher.

   Normal grade shall be construed to be the lower of:

   (1) Existing grade prior to construction, or

   (2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

d. Depth – For a Projecting, Canopy, Mansard and Wall/Building Signs:
   The depth shall be measured as the distance from the farthest point of projection of the sign or sign structure to the surface of the wall it is mounted to.

   Wall/Building signs shall not extend more than twenty-four inches from the face of the structure it is mounted to, and shall only be allowed copy facing parallel to the wall to which it is mounted, or it shall otherwise be construed to be a projecting sign.

3. Sign Setbacks and Spacing (all freestanding type):

   a. Unless otherwise specified, required sign setbacks and other distances as required to be measured, (IE: spacing), shall be measured, in direct line, or from the nearest point of the private property line along the street right-of-way, or when measured from a side or rear yard, it shall be measured from the nearest point along that private property line. When in question, it shall be the responsibility of the property owner to demonstrate the exact location of said private property line(s).

   b. Setbacks and spacing shall be measured from the sign at its nearest point (vertical line from limits of the cabinet down to ground) to the closest property line, public right-of-way line, or building wall, or other applicable sign.

   c. Unless otherwise provided, all on-site freestanding or on-site non-exempted signs shall be set back:

      (1) A minimum of five feet, at its closest point, from any street or public right-of-way;
      (2) A minimum of five feet from any side or rear property lines; and
      (3) A minimum of five feet from the nearest wall of any building or structure on the property.

      Where meeting a setback from a street right-of-way, property line or building would cause the sign structure to infringe on existing vehicular use areas, or where right-of-way width is greater than sixty feet, said setbacks can be adjusted by the Development Manager down to a minimum of zero,

when upon review and inspection that it is found that no adverse impacts would otherwise result. Setbacks for off-site signs are not eligible for adjustments, and are as required in 4.19.20.11.

d. Unless otherwise specified, all permanent and temporary sign faces that are at a height greater than two and one-half feet and less than six feet above ground grade, shall be located behind a sight distance triangle that is formed by a diagonal line connecting two points that are each twenty-five feet from the intersection of the right-of-way lines of two intersecting streets and ten feet from the intersection of a street and a driveway cut or curb cut.

   Instances when utilizing these line-of-sight triangles, in relation to existing road right-of-way dimensions, driveway or curb cut locations, and/or existing adjacent painted stop bars or other vehicular traffic control measures, will create an unsafe vehicular use situation; the Development Manager, with agreement by the Building Official or Public Works Director, shall have the authority to require all signage setbacks to be increased to the point deemed to no longer present a line-of-sight obstruction.

   Sign supports which are in excess of one square foot in cross-sectional area or a series of supports which cumulatively provide less than seventy percent visibility, shall subject the sign to this same setback requirement.

   Signs proposed in non-right-of-way driveway /curb-cut medians shall be setback a minimum of ten feet back from any painted or required stop-bar or stop sign, or other vehicular traffic control measure.

4. Maximum Height, Size and Number:

   Signs shall be limited according to the standards as provided in **Section 4.19.20.9.3.**, unless otherwise provided for in the LDR.

5. Painted Wall Signs:

   a. Painted wall signs deemed commercial in content shall be regulated in the same manner as other wall signs and shall be subject to the restriction in number, size, and location as provided in these Sign Regulations.

   b. Historic wall murals listed as a historic resource in the Comprehensive Plan shall not be deemed as commercial.

6. Maintenance (off-site signs shall also be bound by 4.19.20.11., as applicable):

   a. Signs shall be kept clean, neatly painted, and maintained at all times so as to remain legible and not become detrimental to public health, safety, and general community aesthetics. This includes but is not limited to keeping the sign free from: rust, chipped, faded or peeling paint, cracked or otherwise damaged plastic panels or pylons, faulty or improper electrical wiring, lose or unsafe fastenings, and sharp or otherwise dangerous protrusions.

   b. No trash or rubbish shall be allowed to accumulate in the area around a sign and all weeds shall be kept out from surrounding landscaping.

   c. No discarded or replaced portions of a previously erected sign that has been repaired or replaced shall be allowed to accumulate in the area around a sign.

d. Any abandoned, dilapidated or neglected sign(s) and/or sign structure(s) that is/are structurally unsound or illegible due to damage, lack of maintenance or lack of any displayed copy area relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on the premises, shall either be repaired if conforming; or completely removed, including all components of said structure down level with ground grade, by the property owner or sign owner, no later than thirty calendar days after written notification from the Building Official or Code Enforcement Officer is received.

   If the property owner or sign owner fails to comply within thirty calendar days after written notification, the City may pursue other enforcement procedures as described in the Code of Ordinances, Land Development Regulations and/or Florida Statutes, Chapter 162.

   Establishments which have no current tenant, which are advertised as available for rent or sale, may continue to display a sign or sign structure with no copy, provided the sign or sign structure is otherwise maintained in accordance with these Sign Regulations.

   At which point a vacant unit or building is leased or sold and the new business seeks to open, all sign structures shall be required to be updated to remove advertising for the previous business and to advertise the new business, or be removed altogether.

   Additionally, no building permit or occupational city business tax license shall be issued until all sign standards as provided for herein are found to be met.

e. Any abandoned, dilapidated, or neglected sign(s) and sign structure(s) that are not repaired and removed, as provided in **Section 4.19.20.7.(d)**, may not be reused unless the owner is granted zoning approval and a building permit for a new sign. As a new sign, it will be required to conform to existing regulations in place at time of application.

4.19.20.8. Prohibited Signs and/or Instances.

It shall be a violation of, and punishable as provided by, these LDR, The Live Oak Code of Ordinances or Florida Statutes, as applicable, to erect, post, display, place, construct, enlarge, move, maintain, substantially change, alter, utilize, convert, or replace:

1. A sign which constitutes a traffic hazard or which is a detriment to vehicular or pedestrian traffic safety by reason of its size, location, movement, content, glare, or method of illumination or reflection, or by or by obstructing, interfering, or detracting from the visibility or view of any official traffic control sign, signal or device, or by diverting or tending to divert the attention of drivers from traffic movement on streets, roads, driveways, parking areas, or access facilities.

   Such signs, when discovered or reported, and unless said instances pose an immediate danger to life and safety, shall be brought to the attention by the applicable City Staff or Department, at the next regular meeting, for discussion and possible action, otherwise, they shall be enforced as provided for herein.

2. The display of flashing or revolving: red, green, blue, yellow, amber, or any color achieved by their combination thereof, lights, and except for traditional barber poles.

3. A sign which obstructs the visibility or vision of drivers or pedestrians.

4. Display of the words “Stop”, “Look”, or “Danger”, or other similar words, phrases, symbols or characters, or those mimicking official traffic control devices.

5. Any sign, including displayed website addresses or phone numbers, in conjunction with an establishment, vendor, service, organization or use, which has not been approved by method of application for a City Business License to exist or operate at that same location; or when previously approved, any type displayed when said establishment, vendor, service, organization or use is no longer operating, conducting business or available at that location.

6. An animated sign; including those that flash, blink, revolve, or show any form of movement or sequential or changing lighting or display, except for variable message board signs that are programmed to meet the standards of **Section 4.19.20.10.(5)**, and except for traditional barber poles.

7. Attention-getting devices, as defined in Article 2, or any sign which displays intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system or which is illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists so as to interfere with the motorists’ ability to safely operate their vehicles.

8. Signs that resemble any official traffic control device or emergency vehicle markings.

9. Signs attached to or painted on motor vehicles, trailers or movable machinery or containers of any type, which are conspicuously parked and visible from a public right-of-way so as to have an effect similar to that of a sign.

   This does not include regular tagged, insured and operating work related motor powered vehicles which the business is actively using to conduct business in the City, with professionally and permanently installed business related sign copy, owned and maintained by the licensed business at that location, which are located in designated parking spaces or areas at the business locale, or which may be actively conducting business elsewhere; however, it does include all mobile billboard trucks or trailers.

10. A sign attached to any publicly owned utility pole, light pole, telephone pole, flag pole, etc.

11. A sign or snipe sign attached to a rock, tree or other form of vegetation, or other structure or surface not provided for herein.

12. A non-permanent sign attached to a legally erected and permitted existing sign structure, which is not part of the previously permitted existing face or cabinet, which creates a vehicular or pedestrian line of sight visibility obstruction.

13. Banners, signs, flags or wraps which are ripped, torn, frayed, faded, homemade, hand painted, or otherwise not professionally printed.

14. Roof signs, other than legally existing and permitted mansard signs, but including any non-freestanding sign, or sign or other attention getting device, erected, posted, displayed, maintained, substantially changed, constructed or replaced, which extends at any point above the roof line of a building or structure.

15. A canopy sign that extends at any point above the top of the canopy.

16. A canopy sign on a portable canopy or tent, unless said canopy or tent has been legally applied for and permitted by the Building Official, in conjunction with a special event.

17. A wall, mansard or canopy sign that extends at any point above the top of the roof like façade to which it is mounted.

18. A sign or other material, items or product erected or placed in or overhanging the right-of-way of a street, road or public right-of-way, except as specifically provided by these LDR.

19. A sign erected on public property other than signs erected by a public authority for public purposes, unless otherwise authorized by these LDR.

20. Temporary, or non-approved permanent, off-site or off-premise signs, advertising, yard or directional signs, including off-site website addresses and off-site phone numbers displayed. Proposed permanent off-site or off-premise signage must be applied for, reviewed and approved as specifically required and permitted by these LDR.

21. A sign so located on or against a building or structure, in such a way as to prevent or restrict free ingress or egress from or through any door, window, entrance-way, breeze-way or fire escape, required or designed for access to or from any building structure, sidewalk or walkway of a building, or which obstructs or interferes with openings required for proper light or ventilation.

22. An externally illuminated sign which results in glare or adverse reflection of light visible, from the right-of-way, or from any residentially zoned or utilized property.

23. A canopy, marquee, projecting, awning or hanging sign with less than the required feet of clearance between the bottom of the sign and the ground, sidewalk or driveway surface located beneath or adjacent to.

24. An electronic message board or variable message board sign, located on any wall or any other location other than in conjunction with a permanent legally existing and permitted static free-standing sign; or one whose display is determined to be in violation of **Section 4.19.20.10.(5)**. This does not include those within buildings, which are not visible from a street right-of-way, or fifteen or more feet from any window.

25. Search lights, strobe lights, and beacons or any other form of light directed so as to attract attention to an establishment, good, service or event.

26. Signs which emit visible smoke, vapor, particles, odor, or audible sounds.

27. Signs or attention getting devices over one cubic foot in size, that are inflated or that utilize compressed or forced air, which do not meet the requirements under **Section 4.19.20.10.(2)**.

28. Signs with lighting or control mechanisms which cause communications interference.

29. Signs commonly referred to as wind signs, consisting of one or more pole pennants, pole feather flags, ribbons, spinners, streamers or other attention getting devices or objects or material fastened

in such a manner as to move upon being subjected to pressure by wind, which do not meet the requirements found under **Section 4.19.20.10.(1)**.

30. Signs, except otherwise provided for herein, located on waste containers, dumpsters or other forms of street furniture, except previously approved commercial bus or street benches.

31. Dilapidated or abandoned signs or sign structures.

32. Multi-Vision and Tri-Vision signs, except when applied for and approved as provided herein, on a legally existing off-site billboard structure.

33. Incidental signs which exceed the allowable count, size or square footage, or placement standards.

34. Any sign displayed on a living non-human animal.

35. Converting a previously approved portable sign into a permanent sign by method of structurally securing it in any way or in a permanent manner, to the ground or other permanent structure secured to the ground.

36. A sign boot, banner or other pre-manufactured material or fabric that serves to cover or surround an existing sign cabinet, which is not professionally printed and installed.

37. Any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way, which is not in conformance with Article II., Advertising Benches, of the Live Oak Code of Ordinances; or any such bench not located in a Commercial-General or Commercial-Intensive Zoning District.

38. An electronic variable message board sign, when mounted within an exterior window, or on an exterior wall, which faces a street right-of-way.

39. Projected images or messages onto buildings or other objects, or holographic or laser beam type signs displayed in open air space.

40. Signs which are manufactured out of natural or man-made substances, which are created and then released into the air, to traverse airspace within or over any portion of the City.

41. Bare bulbs on signage which are in excess of sixteen watts.

42. Signs displaying copy that is harmful or prohibited to minors, or otherwise unlawful, not including alcohol or tobacco products.

43. Supergraphic ads, any building wrap, or any graphics affixed to or displayed on a building wall or any other surface which would require a permit to erect, which are commercial in nature, and which are not part of a legally permitted sign structure. Non-commercial art or mural wraps are allowed.

4.19.20.9. On-Site Signs Permitted by Specific Criteria and Type by Zoning District

Unless otherwise specified in these LDR, the following shall govern on-site signs (see Article 2 for definition), at businesses licensed by the City to operate. Allowances shall be subject to the inclusion of the size, etc. of any existing signage previously installed, which is intended to remain intact.

The signs described in this Section shall require review and approval of the City Development Manager and may require subsequent issuance of a sign permit from the City Building Official, subject to standards and conditions applicable to signs in certain zoning districts and other criteria as found listed herein established in the LDR of the City of Live Oak, and/or in applicable building codes.

This section does not create zones or districts, nor does it make any provisions for off-site signage allowances not subject to **Section 4.19.20.11.** Unless otherwise provided in these Sign Regulations, any sign not specifically permitted in a zoning district as provided in this section shall be prohibited in that zoning district.

4.19.20.9.1. Superscript and Abbreviation Chart

The Table of Standards, **Section 4.19.20.9.3.**, is what provides for or restricts the available sign standards. Once the zoning of the property, property type and size, etc. and sign type sought is determined, there will also be found small superscript number (**SS#**) references, (**example = [1]**), within certain areas of the table. The meaning and application of those superscript numbers is then found in the below chart.

The following 'Superscript and Abbreviation Chart' shall define the meaning and application for all superscript and abbreviated references as indicated in the Table of Standards, which shall, when indicated, govern said structure, display or instance, in said manner.

Superscript and Abbreviation Chart	
Ref.	**Description of Standard Which Is Applicable** **′ = feet ; ″ = inches; sf = square feet ; ROW = Right-of-way**
1	Permitted on a parcel of record, where there exists a principal building with a licensed and approved use, allowed either by right, or which has been granted by way of a Special Exception, except for locations of single-family or duplex dwellings, community residential homes, and home occupations.
2	For additional standards, See **Section 4.19.20.7.**, General Regulations.
3	Along a road segment **not** designated Level 2 or 3; and also 3's which are a Local Road
4	Along a road segment designated **as a** Level 2; and also 3's which are a Collector Road
5	Along a road segment designated **as a** Level 2 which is **also** designated as an Arterial Road.
6-a	Along a road segment designated **as a** Level 3 which is **also** designated as an Arterial Road.
6-b	Along a road segment designated **as a** Level 3.
7	Along a road segment designated **as a** Level 2 **or** 3.
8	On parcels **< 1** acre in size.
9	On parcels ≥ **1** acres in size.
10	On parcels ≥ **1 and < 2** acres in size.
11	On parcels ≥ **2 and < 4** acres in size.
12	On parcels ≥ **4** acres in size.
13	One (2-face) freestanding sign allowed, per parcel, per street frontage, or one for every **500′** of linear street frontage, subject to limitations of Primary and Secondary standards - See 4.19.20.7.(g)
14	One (2-face) freestanding sign allowed, per parcel, per street frontage, or one for every **200′** of linear street frontage, subject to limitations of Primary and Secondary standards - See 4.19.20.7.(g)

15	A multiple-use parcel freestanding sign's face size may be increased by **20%** (to the listed allowance) in order to communicate the Center/Plaza name, if one exists, or to provide for additional space for newly created tenant spaces.
16	Multiple-use parcels must utilize a shared freestanding sign with tenant spaces.
17	Must maintain a minimum **100 foot separation** from any other freestanding sign located on the same parcel.
18	Must maintain a minimum **50 foot separation** from any other freestanding sign located on the same parcel.
19	Pole sign must not show any exposed poles.
20	Maximum Face Size can be increased by up to **50%,** (to the listed allowance), for the addition of a variable message board or fuel price component, however, in no case shall any message board face exceed 60% of the Maximum Face Size (standard area), or 50 square feet, whichever is smaller, of the sign to which it is installed on or in conjunction with.
21	Maximum Face Size can be increased by up to **30%,** (to the listed allowance), for the addition of a variable message board or fuel price component, however, in no case shall any message board face exceed 60% of the Maximum Face Size (standard area), or 50 square feet, whichever is smaller, of the sign to which it is installed on or in conjunction with.
22	Or if greater, **one sf per one** linear foot of building frontage, outside wall to outside wall, which contains **an operating/functioning/legal public entrance, up to maximum of 120 sf**.
23	Or if greater, **one sf per one** linear foot of building frontage, outside wall to outside wall, which contains **an operating/functioning/legal public entrance, up to maximum of 90 sf**.
24	Or if greater, **one sf per one** linear feet of building wall length, outside wall to outside wall, which contains **no public entrance, up to maximum of 60 sf**.
25	Or if greater, **one sf per one** linear feet of building wall length, outside wall to outside wall, which contains **no public entrance, up to maximum of 45 sf**.
26	Maximum face size can be increased by **50%** if public entrance is greater than 150 foot setback from the public right-of-way or if sign is, at its lowest point, is greater than 35 feet from the normal grade directly below it.
27	Allowance is for each licensed tenant space or separate business use on the multi-use parcel, so long as said business contains and maintains a separate dedicated customer entrance, and is addressed as a separate storefront from others.
28	Non-entrance wall sign must face towards, and be visible from, a fronted street ROW, parking lot area, or on a wall with a customer access point (not a service or loading alley or residential street). If more appropriate, the allowances for the entrance size may be swapped with the non-entrance allowances.
29	Allowed one of each type per building or structure side; cumulative total may be divided equally to 2 or more sides. For a detached structure, the entrance side is considered parallel to the entrance and all other sides are considered non-entrance walls. Awning refers to lettering printed on, and wholly contained within awning dimensions. The lowest point of a projecting or awning sign must be a minimum: 7 feet above any adjacent sidewalk elevation and 12 feet above any adjacent driveway. Limited to extending out in a horizontal direction from the wall of the building to which it is attached a maximum of eight (8') feet, or in no case closer than one (1') foot to the curb line, as measured vertical line to grade.
30	When building is designed with a covered walk-way or awning which can support a hanging sign. The lowest point must be a minimum of 7 feet above sidewalk elevation. Limited to 2 perpendicular to building, non-illuminated, on each side containing a public entrance. One parallel may substitute for 2 perpendicular, however size is then limited to 150% of stated sf allowance.
31	Provided that their light source shall be directed so as to not cast any glare on or towards the street right-of-way or onto any adjacent properties.
32	Subdivision or Development Entrance Identification Sign copy are limited to just the center, plaza or development name and address; and shall not contain any individual tenant or branding signage.

33	For developments containing multiple, individually owned parcels, the acreage allowance shall be calculated as the total acreage for all lots served by the entrance.
34	One such sign allowed within 50 feet of an intersection forming an entrance into any multi-use parcel, center, subdivision or apartment development. To qualify for additional signs for multiple entrances, must have minimum separation of 200 feet, along same road frontage, between entrances. A Commercial Center may also place one such wall sign on a building wall which fronts and is parallel to a public right-of-way, in addition to the allowances for a freestanding sign.
35	One such sign allowed, within 50 feet of an intersection forming an entrance, for each lane of ingress/egress drive or curb-cut.
36	One such sign allowed within development for each 5,000 sf of parking lot or paved driveway area.
37	If located within the line of sight triangle.
38	If located outside of the line of sight triangle.
39	Only in conjunction with a legally existing permanent accessory structure which contains a customer access service point, and only on a side or face which is visible to a public right-of-way, driveway or sidewalk. Such signs shall be mounted to the side of face of such structure and shall not increase overall the size or dimensions of such structure in any way.
40	On parcels which are determined by the City to be publically owned, or on parcels wholly owned and maintained by a non-profit organization, as defined herein, which are located in a Zoning District other than those which contain 'Industrial' or 'Commercial' in their titles, which contain a legally inspected, approved and operating establishment or use, with no outstanding code or LDR violations, proposed signage shall be subject to the allowances provided for under the OI, REC, PUB, EDU heading.
	Other Abbreviations
Max	Maximum
M	Monument Style Sign, maximum 2 faces.
SLP	Single-leg Post Style, maximum 2 faces.
DLP	Double-leg Post Style, maximum 2 faces.
PL	Pole Sign, maximum 2 faces.
WL	Wall Mounted Sign
P	Permitted Use, however subject to applicable superscript number, and other applicable criteria.
x	Prohibited Use – not allowed under any circumstances.
SE	Conditionally Permitted Use – when applied for and approved via a Special Exception application and Board of Adjustment public hearing, and then subject to standards found under 'P'.

4.19.20.9.2. Road and Street Level Type Designations

Following are the road and street Level Type designations which shall govern signage as provided for herein. These designations are solely pertaining to sign standard consistency, and in no way set a precedent for any other type of land use or zoning action.

Road and Street Level Type Designations Chart		
Road or Street Segment	**Level Type Designation**	**Comprehensive Plan Road Classification**
US 129 from north City Limits to Winderweedle Street	3	Arterial
US 129 from Winderweedle Street to Pinewood Drive	2	Arterial
US 129 from Pinewood Drive to south City Limits	3	Arterial
US 90 from east City Limits to east 500 Block	3	Arterial
US 90 from east 400 Block to Church Avenue	2	Arterial
US 90 from Church Avenue to west City Limits	3	Arterial
State Road 51 from the southwest City Limits through Nott Circle to intersection with US 129	3	Arterial
CR 136/11th Street from west City Limits to Nott Circle	3	Collector
CR 136/Duval Street from Lime Avenue to east City Limits	2	Local/ Collector
72nd Trace - from US 129 west to CR 795 and east/southeast to US 90	3	Local
5th Street from Madison Street to Houston Avenue	3	Local
Goldkist Boulevard from Voyles Street/US 90 to 8th Street	3	Local
Goldkist Boulevard from 8th Street to CR 136/11th Street	2	Local
Grand Street and Canyon Avenue	2	Local
Helvenston Street from US 90 to US 129	2	Collector
CR 795/Houston Avenue from north City Limits to intersection with King Street	3	Collector
Houston Avenue from intersection with King Street to 11th Street	2	Collector
Industrial Avenue	3	Local
Lee Avenue from Helvenston Street to CR 136	2	Collector
Madison Street	3	Local
Mussey Avenue from US 90 to CR 136	2	Local
Nobles Ferry Road	3	Collector
Palm Avenue	2	Local
Parshley Street from US 129 to Houston Avenue	2	Collector
Pinewood Drive	3	Collector
Pinewood Way – US 129 to Pinewood Drive	2	Local
Railroad Avenue from US 90 to Westmoreland Street	2	Collector
Silas Drive	2	Local
Vista Drive and Ranchera Street	2	Local
Voyles Street	3	Local
Walker Avenue from intersection with Winderweedle Street to south City Limits	3	Collector/Local
White Avenue from US 90 to Helvenston	2	Collector
Winderweedle Street from intersection with US 129 to Walker Avenue	3	Collector
All other roads and road segments not referenced	1	Local

4.19.20.9.3. Tables of Standards

The following tables of standards, in conjunction with the Superscript and Abbreviation Chart, Road and Street Level Type Designations Chart, and other applicable standards in the Land Development Regulations and Florida Statutes, shall govern certain allowances for various permanent (unless otherwise specified) signage, at various locations within the City, according to the applicable zoning district which applies to said parcel, or portion of parcel (if split-zoned), as well as other criteria as specified.

Zoning District Abbreviation Chart			
Zoning District Abbreviation	**District Name**	**Zoning District Abbreviation**	**District Name**
CSV	Conservation	EDU	Educational
A-1	Agricultural	CN	Commercial-Neighborhood
RSF	All Residential Single Family	CG	Commercial-General
RMH-P	Residential Manufactured Home Park	CI	Commercial-Intensive
RMF	Residential Multi-Family	CSC	Commercial-Shopping Center
PRD	Planned Residential Development	CM	Commercial Mixed Use
RO	Residential-Office	PMUD	Planned Mixed Use Development
OI	Office-Institutional aka Office	CD	Commercial-Downtown aka Commercial-Central Business District
REC	Recreational	ILW	Industrial – Light and Warehousing
PUB	Public	I	Industrial

All allowances not specifically referenced shall thereby be prohibited.

Static (non-flashing) outline or strip lighting, LED's, or any other form of building or structure outline illumination, located on corners, eaves, ridges, fascias, or other portions of buildings or structures, are permitted only in Commercial-General (C-G), Commercial-Intensive (C-I), Commercial-Mixed (C-M) and Commercial-Shopping Center (CSC) Zoning Districts, only on Level 2 or 3 road segments, only on portions of the building which front or are visible from the Level 2 or 3 road right-of-way; when no glare will be cast onto the right-of-way or onto adjacent residential properties, and only when applied for, reviewed and approved on a standard sign review application, and only when issued the appropriate electrical or building permit.

All face sizes listed are in square footage (sf).

SIGN TYPE & ASSOCIATED CRITERIA SINGLE-USE PARCELS CHART (one business on the property)		ALLOWANCES PER ZONING DISTRICT – SS# [1, 2, 40]										
		CSV A-1	**ALL RSF**	**RMH-P RMF PRD RO**	**OI REC PUB EDU**	**CN**	**CG**	**CI**	**CSC**	**CM PMUD**	**CD**	**ILW I**
Freestanding Signs	**SS#**											
Allowable Type		M	M, SLP, DLP	M, SLP, DLP	M, SLP, DLP, PL [19]	M, SLP, DLP, PL [19]	M, SLP, DLP, PL	M, SLP, DLP, PL	M, SLP, DLP, PL	M, SLP, DLP, PL [19]	M, SLP, DLP, PL [19]	M, SLP, DLP, PL
Maximum Height	3 4 6-a	4′ 6′ 10′	6′ 8′ 10′	8′ 10′ 12′	10′ 15′ 18′	8′ 10′ 12′	12′ 15′ 18′	12′ 15′ 18′	12′ 15′ 18′	12′ 15′ 18′	6′ 9′ 12′	12′ 15′ 18′
Maximum Face Size (standard area)	8, 20 10, 20 11, 21 12, 21	16 24 32 50	16 24 32 50	24 32 48 64	32 48 64 72	24 32 48 64	48 64 72 96	64 72 96 120	64 72 96 120	64 72 96 120	32 48 64 72	64 72 96 120
Maximum Number Allowed		1 [13, 17]	1 [13, 17]	1 [13, 17]	1 [14, 18]	1 [13, 17]	1 [14, 18]	1 [14, 18]	1 [14, 18]	1 [14, 18]	1 [13, 17]	1 [14, 18]
Internal Illumination	7	P x [3]	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Variable Message Board Component	4 5, 6-b	x x	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P
Neon & Day Glow Type	7	x	x	x	x	x	P	P	P	P	SE	P
Attached Canopy, Mansard Wall / Building Signs												
Maximum Face Size – Public entrance wall	26	12 [23]	24 [23]	40 [23]	40 [22]	40 [23]	50 [22]	50 [22]	50 [22]	50 [22]	40 [23]	50 [22]
Max. Face Size – Other non-entrance wall	28	6 [25]	12 [25]	20 [25]	20 [24]	20 [25]	30 [24]	30 [24]	30 [24]	30 [24]	20 [25]	30 [24]
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type	7	x	x	x	x	x	P	P	P	P	SE	P
Detached Canopy, Projecting / Awning Signs												
Maximum Face Size – Public entrance wall	29	12	18	24	24	24	24	24	24	24	24	24
Max. Face Size – Other non-entrance wall	29	6	9	12	12	12	12	12	12	12	12	12
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
(Under)-Canopy/Awning/Walkway Sign												
Maximum Face Size	30	6	6	6	6	8	8	8	8	8	8	8

SIGN TYPE & ASSOCIATED CRITERIA MULTI-USE PARCEL / SHOPPING & OFFICE CENTERS CHART (more than one business on the property)		ALLOWANCES PER ZONING DISTRICT – SS# [1, 2, 40]										
		CSV A-1	**ALL RSF**	**RMH-P RMF PRD RO**	**OI REC PUB EDU**	**CN**	**CG**	**CI**	**CSC**	**CM PMUD**	**CD**	**ILW I**
Freestanding Sign	**SS#**											
Allowable Type	15, 16	M	M, SLP, DLP	M, SLP, DLP	M, SLP, DLP, PL [19]	M, SLP, DLP, PL [19]	M, SLP, DLP, PL	M, SLP, DLP, PL	M, SLP, DLP, PL	M, SLP, DLP, PL [19]	M, SLP, DLP, PL [19]	M, SLP, DLP, PL
Maximum Height	3 4 6-a	4′ 6′ 10′	6′ 8′ 10′	8′ 10′ 12′	10′ 15′ 18′	8′ 10′ 12′	12′ 15′ 18′	12′ 15′ 18′	12′ 15′ 18′	12′ 15′ 18′	6′ 9′ 12′	12′ 15′ 18′
Maximum Face Size (standard area)	8, 20 10, 20 11, 21 12, 21	16 24 32 50	16 24 32 50	32 48 64 72	48 64 72 96	32 48 64 72	64 72 96 120	72 96 120 144	72 96 120 144	72 96 120 144	48 64 72 96	72 96 120 144
Number Allowed		1 [13, 17]	1 [13, 17]	1 [13, 17]	1 [14, 18]	1 [13, 17]	1 [14, 18]	1 [14, 18]	1 [14, 18]	1 [14, 18]	1 [13, 17]	1 [14, 18]
Internal Illumination	7	P x [3]	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component	4 5, 6-b	x x	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P	SE P
Neon & Day Glow Type	7	x	x	x	x	x	P	P	P	P	SE	P
Attached Canopy, Mansard Wall / Building [27]												
Maximum Face Size – Public entrance wall	26	12 [23]	24 [23]	40 [23]	40 [22]	40 [23]	50 [22]	50 [22]	50 [22]	50 [22]	40 [23]	50 [22]
Max. Face Size – Other non-entrance wall	28	6 [25]	12 [25]	20 [25]	20 [24]	20 [25]	30 [24]	30 [24]	30 [24]	30 [24]	20 [25]	30 [24]
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type	7	x	x	x	x	x	P	P	P	P	SE	P
Detached Canopy, Projecting / Awning [27]												
Maximum Face Size – Public entrance wall	29	12	18	24	24	24	24	24	24	24	24	24
Max. Face Size – Other non-entrance wall	29	6	9	12	12	12	12	12	12	12	12	12
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
(Under)-Canopy/Awning/Walkway Sign [27]												
Maximum Face Size	30	6	6	6	6	8	8	8	8	8	8	8

SIGN TYPE & ASSOCIATED CRITERIA MULTI-USE PARCEL / SHOPPING & OFFICE CENTERS / SUBDIVISIONS & APARTMENT COMPLEXES CHART		ALLOWANCES PER ZONING DISTRICT – SS# [1, 2, 40]										
		CSV A-1	ALL RSF	RMH-P RMF PRD RO	OI REC PUB EDU	CN	CG	CI	CSC	CM PMUD	CD	ILW I
Subdivision or Development Entrance Identification Signs [32, 33]	SS#											
Allowable Type		M	M, WL	M, WL	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]	M, WL, PL [19]
Maximum Height (M, PL)		4′	6′	8′	8′	6′	6′	8′	8′	8′	6′	8′
Maximum Face Size (standard area)	8 10 11 12	16 24 32 48	16 24 32 48	16 24 32 48	32 48 64 72	16 24 32 48	32 48 64 72	32 48 64 72	32 48 64 72	32 48 64 72	16 24 32 48	32 48 64 72
Number Allowed	18, 34	1	1	1	1	1	1	1	1	1	1	1
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
SINGLE-USE & MULTI-USE PARCELS												
Directional Signs												
Allowable Type		M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL	M, PL, WL
Maximum Height (M, PL)	37 38	30″ 3′	30″ 3′	30″ 3′	30″ 4′	30″ 3′	30″ 4′	30″ 4′	30″ 4′	30″ 4′	30″ 3′	30″ 4′
Maximum Face Size (standard area)		4	4	4	6	4	6	6	6	6	4	6
Number Allowed	35, 36	1	1	1	1	1	1	1	1	1	1	1
Internal Illumination	7	x	P	P	P	P	P	P	P	P	P	P
External Illumination	31	P	P	P	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
ACCESSORY STRUCTURES												
Maximum Face Size (the lesser of 30% of the area of the structure side or face, or →)		x	x	x	12	12	24	24	24	24	12	24
Number Allowed – per facility side	39	x	x	x	1	1	1	1	1	1	1	1
Internal / External Illumination	7 / 31	x	x	x	P	P	P	P	P	P	P	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x

SIGN TYPE & ASSOCIATED CRITERIA CONVENIENCE STORES WITH FUEL SALES OR AUTOMOTIVE SERVICE STATIONS (when use permitted by Zoning)	SS#	ALLOWANCES PER ZONING DISTRICT – SS# [1, 2, 40]										
		CSV A-1	ALL RSF	RMH-P RMF PRD RO	OI REC PUB EDU	CN	CG	CI	CSC	CM PMUD	CD	ILW I
Fuel Canopy Signs	SS#											
Maximum Face Size		x	x	x	x	12	24	24	24	24	12	24
Number Allowed – per fuel canopy side		x	x	x	x	1	1	1	1	1	1	1
Internal / External Illumination	7 / 31	x	x	x	x	x	P	P	P	x	x	P
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
Spreader Bars Above Pumps												
Maximum Face Size (2-faced)		x	x	x	x	4	4	4	4	4	4	4
Number Allowed – per pump machine		x	x	x	x	1	1	1	1	1	1	1
Internal / External Illumination		x	x	x	x	x	x	x	x	x	x	x
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
Incidental Ground Signs – Type I (Considered non-permanent)												
Maximum Face Size (2-faced)		x	x	x	x	6	8	8	8	8	6	8
Maximum Height		x	x	x	x	4′	4′	4′	4′	4′	4′	4′
Number Allowed – per street frontage		x	x	x	x	2	2	2	2	2	2	2
Internal / External Illumination		x	x	x	x	x	x	x	x	x	x	x
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
Accessory Car Wash												
Maximum Face Size		x	x	x	x	12	24	24	24	24	12	24
Number Allowed – per facility side		x	x	x	x	1	1	1	1	1	1	1
Internal / External Illumination		x	x	x	x	x	x	x	x	x	x	x
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x
Vehicle Repair Bays												
Maximum Face Size		x	x	x	x	12	24	24	24	24	12	24
Number Allowed – per bay door		x	x	x	x	1	1	1	1	1	1	1
Internal / External Illumination		x	x	x	x	x	x	x	x	x	x	x
Electronic Message Board Component		x	x	x	x	x	x	x	x	x	x	x
Neon & Day Glow Type		x	x	x	x	x	x	x	x	x	x	x

4.19.20.10. Special Signage Types

The following sign types shall require zoning review and approval and/or building permit issuance, unless otherwise allowed as an exempt-sign, see **Section 4.19.20.4.**

1. Temporary Pole Pennants or Pole Feather Flags:

   a. Shall be allowed on-site at a licensed: single or multi-use or multi-tenant commercial center or business establishment, only in C-I, C-G, CSC, I and ILW zoning districts, with copy limited to a good or service available in conjunction with said licensed on-site business. Additionally, allowed in C-CBD/C-D zoning districts, however, in no case shall such devices in said zoning district be any closer than seventy-five feet to the street right-of-way line of US-90 or US-129.

   b. Placement shall be temporary in nature, and shall be limited to being placed on private property, only at ground level, and only into solid earth, ground or where practical, into pavement areas; however, no vehicular access area or required parking space shall be obstructed by said device.

   c. On-site at licensed businesses, on parcels under one acre of size, two allowed per business along a Level 1 or 2 road, and no more than five along a Level 3 road. Must be set back a minimum of ten feet from any street right-of-way line, and must be located outside of line of sight triangles.

   d. On-site at licensed businesses, on parcels one or more acres in size, three allowed per acre of property, and must be located outside of line of sight triangles.

   e. All such devices must be properly secured to prevent them from being blown into the street ROW; and must be removed or relocated during inclement weather which may exceed the capacity for them to remain properly secured.

   f. Must be professionally printed on weatherproof material.

   g. Frayed, ripped, torn, frayed or faded flags shall be immediately taken down until a new replacement is obtained.

2. Inflatable Devises over one cubic foot in size:
   (Specifically applies to those types which are non-human occupied)

   a. Shall be allowed on-site at a licensed single or multi-use or multi-tenant commercial center or business establishment, only in C-I, C-G, CSC, I and ILW zoning districts, with copy limited to a good or service available in conjunction with said licensed on-site business.

   b. Placement shall be temporary in nature, and limited to being installed only at ground level, and secured into solid earth, ground or where practical, into private pavement areas; however, no vehicular access area or required parking space shall be obstructed by said device.

   c. Up to 8' in height - must be on private property at the licensed business, located outside line of sight triangles.

   d. Over 8' in height - must be on private property at the licensed business, setback a minimum of twenty feet from the street right-of-way, and outside line of sight triangles.

e. All such devices must be properly secured to prevent them from being blown into the street ROW; and must be removed or relocated during inclement weather which may exceed the capacity for them to remain properly secured.

3. Banners:

a. Banners shall be allowed on-site at a licensed single or multi-use or multi-tenant commercial center or business establishment, when mounted to a flat wall in proximity to a customer entrance, in lieu of a permanent wall sign, limited to one such sign, forty square feet in face size, pertaining only to the business name, product, or services offered, and until a permanent wall or projecting sign is installed.

b. Additional banners on-site at a licensed business establishment, pertaining only to the business name, product or services offered, shall be allowed in C-I, C-G, CSC, I and ILW zoning districts, as follows:

c. Limited to a maximum face size of forty square feet, and may be either wall mounted or pole mounted as provided for herein.

d. Banners are limited to two being displayed at any one time, per licensed establishment, only on the parcel where said establishment is licensed to operate.

e. Banners must be securely anchored on all corners at all times, by method of metal grommets in the outer seam.

f. When allowed, banners must be either mounted flat and directly to a wall, or, when allowed, securely tied between two posts, located on private property, securely mounted in the ground, and only after 811 has been called and utility locates marked.

g. Banners tied to posts must not exceed five feet in overall height.

h. Posts to which a banner is to be mounted shall be spaced no greater than one linear foot apart more than the actual length of the banner itself.

i. Banners must meet all setbacks requirements applicable in these Sign Regulations.

j. Banners shall not contain any illumination, reflectivity, streamers, pennants or other attention getting devices that are prohibited by these Sign Regulations.

k. Banners must be professionally printed on weatherproof material.

l. Frayed, ripped, torn, frayed or faded banners shall be immediately taken down until a new replacement is obtained.

m. A new or replacement banner shall not be placed over or around an old banner.

n. Banners shall not be tied between any support poles or columns which are attached to a structure that required a permit to erect in a manner which obstructs ingress or egress to the premises; nor shall they be tied to or between any tree, rock or other form of naturally occurring object.

o. Banners may be secured to a fence on the premises of the licensed business, limited to no more than three, not to exceed a total of fifty square feet per one-hundred linear feet of fence.

p. Banners shall not be secured to a non-primary or non-principle (accessory) structure wall, dumpster, furniture, balcony, vehicle, or any movable object.

q. Banners may be tied to any existing signage or sign structures on the property, so long as line of sight visibility standards are maintained.

r. Upon verbal or written notification, banners deemed by the Building Official or Code Enforcement Officer, to be in violation of these Sign Regulations, shall be immediately taken down by the property or sign owner.

4. Portable Signs (does not include any incidental signs):

a. Portable signs will be allowed on-site for any licensed non-residential business, only in C-N, C-G, C-I, CSC, C-D, I, ILW zoning districts.

b. Portable signs shall be limited to one per parcel.

c. Portable signs shall not be erected or placed in a required parking space, driveway, curb break area, within line of sight triangles, or in the right-of-way.

d. If lighted, portable signs shall be internally lit, and:

(1) Must have a UL label, or equivalent.

(2) Electrical service must be provided via permanent underground wire, from a building in accordance with all applicable electrical codes, and shall be approved or permitted, as applicable, by the Building Official. Extension cords are prohibited.

(3) Shall not violate any prohibited criteria of these Sign Regulations, including any flashing lights, which are prohibited.

e. Portable signs shall meet all other applicable requirements of these Sign Regulations, including setbacks. Electronic LED, digital and neon components are prohibited in these type signs.

f. Portable signs are limited to five feet in height and ten feet in length.

5. Variable (Electronic) Message Board Signs:

Each proposed variable message board shall comply with all listed requirements prior to approval.

Each existing variable message board shall be altered to comply with: g, i, j, and k, within ten calendar days of notice from the Building Official or Code Enforcement Officer.

Once the notice period expires, failure to bring a variable message board into compliance shall result in said sign being in violation with the provisions of these Sign Regulations.

a. Variable message boards shall only be permitted as specified in **Section 4.19.20.7 and 4.19.20.9.**

b. Permitted only when permanently installed in conjunction with, and on the structure of, a legally proposed or legally permitted permanent on-site freestanding sign.

c. No more than two faces are allowed.

d. The variable message board face size shall be countable towards the maximum face size allowed, as specified in **Section 4.19.20.9.**

e. Face size, even if a stand-alone message board, cannot exceed sixty percent of the Maximum Face Size (standard area), or fifty square feet, whichever is smaller, of the sign structure to which it is installed on or in conjunction with.

f. Only one variable message board shall be allowed per parcel or multi-use center. This limitation does not include those within buildings, which are not visible from a street right-of-way.

g. Messages or display may contain short animated video clips of up to ten seconds in length.

h. No existing freestanding sign shall be modified or converted to include a variable message board sign component without submittal of a complete sign application and receipt of proper permit in accordance with **Section 4.19.20.5.**

i. A Variable Message Board Sign determined by the consensus of the City Council in a regular meeting, or as so ordered by an authority which takes precedence over local legislative body, to be causing glare or an intensity which creates a safety hazard to the traveling public, or which casts glare onto adjacent residential properties, shall be required to reduce the brightness limits to a level which does not cause such instances.

j. Variable Message Board Signs shall have software programming controls which cause the image to remain static, if malfunctioning in any way.

k. Variable Message Board Signs shall be equipped with a sensor or other device which automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.

6. Grand Opening and Special Events for Licensed Commercial Establishments:

To accommodate the grand opening and special events of existing licensed storefront commercial establishments located within the City, certain temporary signage shall be allowed, for no more than thirty days of operation per one-hundred eighty calendar days, to be placed only at the licensed premises of the establishment, and in addition to the general limitations provided for in the Sign Regulations.

Additionally, a newly opened, individually licensed commercial storefront establishment shall be allowed up to two directional signs off-site, showing the “name of the establishment” with an arrow and/or “now open” copy display, sized according to Incidental Type II Ground ‘yard’ Sign (defined in Article 2) under **Section 4.19.20.4. (d)**, displayed for up to the first thirty days of operation, and within three-hundred feet of the location of said new business. Said signs must be located off the street right-of-way, on private non-residential property, with the property owner’s permission, and not obstructing any visibility triangles for pedestrian or vehicular traffic. No provision of the allowance for temporary off-site signage is deemed to supersede any restrictions or requirements as found in the Florida Statutes pertaining to such signage along the state highway system which runs through the City.

An application for temporary signage shall be available at the office of the Development Manager. The temporary signage type and placement is at the discretion of the Development Manager. All temporary signage must be removed after the allowable time period has expired.

7. Flags with commercial messages:

   Each establishment on a single-use parcel shall be allowed a maximum of three (3) commercial message flags and flag poles that conform to the standards of this paragraph.

   No commercial message flag shall be allowed on multi-use parcels.

   No flag may exceed fifteen square feet in area and shall be sized no larger than a standard three feet high and five feet wide.

   If mounted on a freestanding pole: the pole must be setback a minimum of twenty feet from: all property lines, rights-of-way and structures, and shall have a raised, curbed and sodded area around it a minimum of three feet in all directions, and shall not exceed the maximum height allowed for a freestanding sign in the zoning district in which it is to be located.

   If mounted to a structure, it shall be considered a projecting sign and shall conform to the required criteria for that sign type in the district to which it is to be located, however, no such flag may exceed the allowable size stated in this paragraph, and it shall not exceed the height of the eve of the roof of the structure to which it is mounted.

4.19.20.11. Off-Site / Off-Premise Signs

Except as otherwise specified in these land development regulations, off-site signs or advertising, including temporary / incidental signs, permanent signs and billboards shall be subject to all of the following requirements, in addition to all other applicable requirements of these Land Development Regulations.

1. An off-site sign is prohibited except where specifically permitted by these land development regulations, including approval by way of a Special Exception, where applicable.

2. A proposed conversion of an existing static off-site sign, or a proposed new off-site sign, which would be designed to function with non-electronic multi-vision or tri-vision display components, shall be applied for and considered by way of a Special Exception application, and subject to standards or modification as required, which are applicable.

3. In addition to a Special Exception, such signs shall require Development Manager and Building Official review, approval and permitting.

4. No property shall be annexed into the City, subsequent to the passing or amendment of these Sign Regulations, until any existing off-site signs or billboards on the proposed parcel or portion thereof, are modified to be in compliance with **Section 4.19.20.11.(8)(h, i, j, & n)**.

5. Any partially developed, undeveloped, unutilized, under-utilized properties or parcels containing vacant space, currently in the City limits, which has a Pre-Existing, Annexed or Legally-Existing off-site sign(s) or billboard(s), shall not be subdivided, nor will a Building Permit or Occupational Tax License be issued, except when all off-site sign(s) or billboard(s) comply with **Section 4.19.20.11.(8)(h, i, j, & n)**.

6. Any designated Legally-Existing or Annexed permanent off-site sign structure or face may undergo minor non-structural repairs to ensure the safety and aesthetic quality of the entire sign structure. This minor repair shall not result in any modification or conversion of the sign structure, face, or electrical service or increase in the overall square footage or depth of the sign face, or cause the sign not to be in compliance with other provisions of these Sign Regulations.

7. Any Pre-Existing, Annexed or Legally-Existing permanent off-site sign copy area can be changed with replacement fixed and static copy, by way of painting, securing pre-printed material, or replacing painted or printed copy related panels with like-kind panels, so long as the sign face or structure is not modified, converted or increased in face size, in any way, and the sign fully complies with all other applicable provisions of these Sign Regulations, including **Section 4.19.20.11.(8)(h, i, & j)**.

8. A permanent off-site sign, permitted only on a privately owned parcel of land, may be proposed to be erected, structurally altered or structurally repaired, modified or converted, when applied for, and if approved, shall be required to meet the following requirements:

    a. Setback, at the closest point (vertical line to ground), a minimum of thirty feet from all: front property lines, right-of-way lines, structures, driveways and parking spaces.

    b. Setback, at the closest point (vertical line to ground), a minimum of fifty feet from all side and rear property lines.

    c. Not erected so as to obstruct visibility at intersections and curb breaks.

    d. An off-site sign may not be erected within five-hundred feet of an existing: church, school, cemetery, public park, state or national forest or conservation area, or railroad crossing.

    e. An off-site sign may not be erected within eight-hundred eighty feet of another such sign on the same side of the right-of-way or within one-thousand seven-hundred sixty feet measured as a radius from any other off-site sign, regardless of location.

    f. An off-site sign shall not exceed a height above established grade of thirty feet.

    g. An off-site sign shall not exceed one-hundred twenty-five square feet per sign face and shall only have a maximum of two same-sized flat faces, positioned back to back.

h. An off-site sign shall be rectangular in shape, and shall be flat, and any copy on the sign shall be contained within the rectangle. No display in conjunction with an off-site sign shall be permitted other than on the flat sign face itself, within the confines of the rectangular shape.

i. Except as otherwise provided for, all existing or proposed off-site signs shall not contain or display, or be converted to have, any internal illumination, movable, changing, reflecting or electronic components or materials, including variable message boards or digital or video display mechanisms. External illumination shall not produce glare visible from the right-of-way.

j. An off-site sign structure and any supporting pole(s) shall be properly maintained according to these Sign Regulations, and shall be painted only a brown or green color which matches with the paint color match card(s) available at the office of the Development Manager.

k. Any legally existing permanent off-site sign or billboard, which has been leased by an establishment located on the same parcel as the sign, to display copy for said establishment, shall still be considered an off-site sign for the purposes of **Section 4.19.20.11.**, and all other applicable sections of these Sign Regulations. Said establishment otherwise shall be limited in signage to what is normally permitted for on-site signage by these Sign Regulations.

l. An off-site sign shall be required to be located on a raised and curbed landscaped and sodded green space area, which extends in all directions a minimum of twenty (20') feet from any support pole. Within a ten foot radius of any support pole, there shall be required a density of evergreen shrubs of one two-gallon shrub per nine square feet of sign area.

m. Required landscaped areas shall be maintained by the property owner. Failure to maintain required landscaped areas, including replacement of all dead plantings, shall be a violation of these land development regulations.

n. Provisions of **Section 4.19.20.11.** are applicable when a parcel containing an existing off-site or billboard sign is subsequently annexed, subdivided or developed. In the course of annexation, subdivision or development, no such new parcel boundary, subdivision or parcel lot-line shall be permitted to be proposed, if the resulting setbacks according to **Section 4.19.20.11(8)(a & b)** would not be met; additionally, all building plans submitted for review to the City in order to obtain a building permit for new construction, or expansion of existing building structures, on a parcel which contains a off-site sign or billboard, shall contain a site-plan sheet showing all existing off-site signs or billboards, with setbacks shown to all structures and property lines from the sign and shall be required as part of the development process to develop the area around the sign according to **Section 4.19.20.11.(8)(c, l, & m)**.

9. Any off-site signs along state highways or otherwise subject to applicable Florida Statutes, shall also obtain and maintain all required review and permitting as required by the Florida Department of Transportation (FDOT).

10. An inventory of existing off-site and billboard signs shall be maintained by the Development Manager. Existing off-site and billboard signs shall be categorized as: Pre-Existing, if they existed at the time of the adoption or amendment of the Sign Regulations, but no record of a Special Exception can be produced by the property owner or found in City records; Annexed, if they were previously legally erected in the unincorporated county and were subsequently annexed into the City; and Legally-Existing, if they were approved by way of a Special Exception and properly permitted, for which a record can be obtained. Any off-site sign or billboard which is found, subsequent to the passage or amendment of the Sign Regulations, to have been erected illegally, will be subject to enforcement as provided under **Section 4.19.20.6.**

11. At locations not subject to FDOT requirements along state highways, and within existing tenant panels or copy space of a previously approved and permitted freestanding sign, an incidental off-site sign for a licensed non-residential use may be utilized, not to exceed twelve square feet in area.

4.19.20.12. Nonconforming Signs

1. Definition and applicability:

   a. Includes any permanent advertising device or sign, including sign structures, which were lawfully permitted, erected or maintained prior to the adoption or amendment of the current sign regulations, and which fails to conform to all applicable regulations or restrictions.

   b. For the purposes of this section, a nonconforming sign shall not include (signs not included shall be offered no rights to be established, displayed or maintained):

      (1) Any sign which is prohibited, or which does not meet the definition under 'a.' above.

      (2) Window, temporary, banner, portable, incidental, A-frame, sandwich-type, sidewalk, or easel type signs or displayed phone numbers or websites;

      (3) Electronic signs hung which are not part of a previously permitted permanent exterior sign structure, or which may otherwise be displayed in violation;

      (4) Any changeable or electronic programming or display of an electronic nature that is part of an electronic or variable message board sign (all programmable displays must always be made to comply to applicable standards);

      (5) Any tied up, placed or strung up signs or attention getting devices;

      (6) Any inflatable or movable signs or attention getting devices that are able to be erected and subsequently taken down, folded down or deflated or any other sign that is not considered permanent in nature;

      (7) A dilapidated, deficient or abandoned sign structure, footer, cabinet, frame, panel or pole, etc.; or one with no viable cabinet, frame, panel, etc., or portion thereof;

      (8) The flat, static display copy of any existing, legally permitted permanent off-site or billboard type signs currently located within the City limits; however any structural repair, maintenance, conversion or alteration sought or applied for as provided for, shall require all aspects of the sign and structure to be brought into conforming status, including relocation along with a new Special Exception considered, if applicable.

   All signage or display not considered nonconforming, which are found to be in violation of these Sign Regulations, shall, upon written notification as provided for under enforcement, be removed or altered to be in conformance, as provided for in these Sign Regulations.

2. Repairs and Maintenance:

   Any sign determined by the City to be nonconforming may be repaired, rehabilitated, or restored to its original condition, subject to all the following:

a. The cost of the repairs, rehabilitation, or restoration, regardless of damage or condition cause, does not cumulatively exceed fifty percent of its current total replacement cost, as evidenced by the average of three written estimates by licensed sign contractors, submitted to the City.

b. The sign height, setbacks or face size does not exceed the currently allowable standards for that location by more than fifty percent.

c. The sign does not exceed any spacing requirements by more than fifty percent of the required standard for that location.

IE: if required spacing was two-hundred feet, the sign could be no closer than one-hundred feet to another qualifying sign.

d. The sign does not or will not overhang, or be located on, any adjacent private property or any type of right-of-way, unless these sign regulations permit such.

e. The sign does or will have the required clearance above adjacent sidewalks or driveways.

f. The sign will fully comply with **Sections 4.19.20.6. and 4.19.20.7.**

g. The repairs or restoration remain subject to all other applicable regulations.

3. Compliance for Single-use or vacant parcels:

a. Any nonconforming sign located on a single-use or vacant parcel shall be removed or altered to conform to all existing sign regulations upon any action which would require a sign building permit for said particular sign (in accordance with **Section 4.19.20.5.**), excluding non-structural repairs, maintenance and non-substantial face changes to existing. If allowable square footage is exhausted for wall signage by existing signage, no additional wall sign may be proposed unless existing ones are reduced to the point where surplus square footage is made available. In the case where there are one or more existing freestanding signs, and a new additional freestanding sign is proposed, the existing freestanding sign which is determined to be the most nonconforming, shall be required to be removed for each one proposed, and any new such sign shall conform to existing standards which apply.

4. Compliance for Multi-use or Multi-tenant parcels:

a. All nonconforming signs located on a multi-use or multi-tenant parcel shall be removed or altered to conform with all existing sign regulations in the event the following should occur:

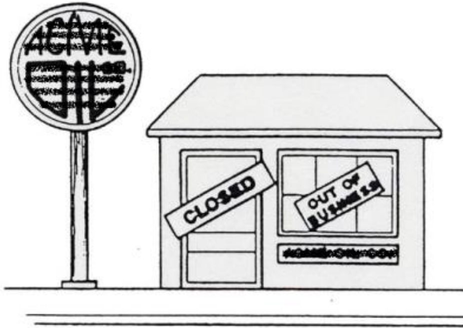
(1) For nonconforming freestanding signs, the issuance of a sign permit for a new freestanding sign on the parcel, or for an alteration to an existing sign which would require a sign building permit, in accordance with **Section 4.19.20.5.**, excluding non-structural repairs, maintenance and non-substantial face changes to existing.

(2) For nonconforming building or wall signs for a particular establishment, the issuance of any sign building permit for that particular establishment or tenant space, excluding non-structural repairs, maintenance and face changes to existing.

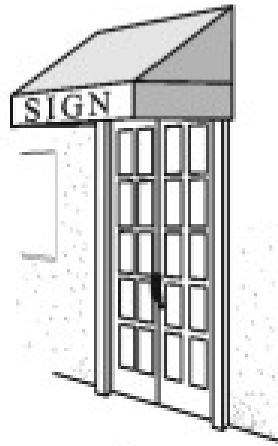
4.19.20.13. Illustration of Sign Types

Following are examples of the various sign types. There are being provided for general reference only. It shall be at the Development Manager's discretion to assign all existing or proposed signs into the appropriate or associated sign type category as deemed applicable.

1. Sign, Abandoned



2. Sign, Awning



3. Sign, Bench

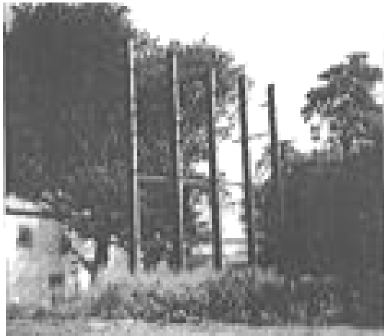
4. Sign, Building Marker

5. Sign, Building/Wall

6. Sign, Canopy (fuel sales or detached)

7. Sign, Construction

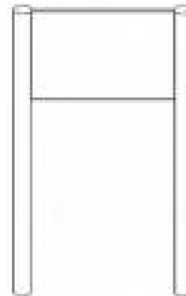
8. Sign, Dilapidated



9. Sign, Directional

10. Sign, Directory

11. Sign, Double-Leg Post



12. Sign, Drive-thru Product Board

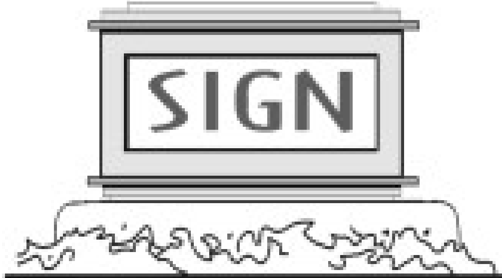
13. Sign, Incidental Type I Ground

14. Sign, Incidental Type II Ground

15. Sign, Incidental Type II Wall

16. Sign, Mansard

17. Sign, Monument



18. Sign, Pole (exposed)

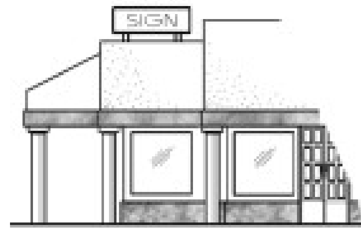
19. Sign, Pole (non-exposed)

20. Sign, Portable

21. Sign, Projecting

22. Sign, Real Estate

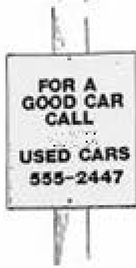
23. Sign, Roof (prohibited)



24. Sign, Sidewalk, Sandwich, or A-Frame

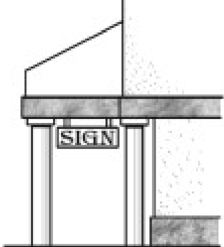
25. Sign, Single-Leg Post

26. Sign, Snipe (prohibited)

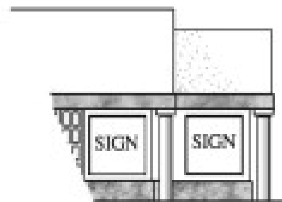


27. Sign, Subdivision or Development Entrance

28. Sign, Under Canopy



29. Sign, Window



4.19.21. Distance Buffer Area Separation Requirements.

It is the intent of these requirements to ease frictions between residential and nonresidential uses by creating Distance Buffer Area Separation Requirements in which certain intensive nonresidential uses are prohibited.

1. Distance Buffer Area Separation Requirements.

   a. ***Residential Property*** shall mean any parcel of land in the corporate city limits, which contains a Dwelling Unit, as defined by the Land Development Regulations, or any vacant property which is assigned a zoning, according to the Official Zoning Atlas, as amended, when said zoning district name contains the term “Residential”.

   b. Residential dwelling units, when located in Future Land Use Classifications or Zoning Districts which are assigned for Commercial Mixed Uses, which allow for a certain percentage of residences along with permitted commercial uses, shall not be considered, for the purposes of distance separation, to affect proposed establishments when located within the same classification or district, in the associated table herein, unless said dwelling unit is a stand-alone single-family or duplex style unit, located on a dedicated parcel of record, in which there is found no mixed-use component.

   c. The following Distance Separation Table shall apply to any new or proposed establishment or change of use of an existing location, at any non-governmentally owned location within the incorporated city limits. No new establishment, change of use, or re-establishment of a nonconforming location, is permitted, when said distance separation requirements have not been, or would not be met. Distances are a minimum standard, and may be increased as an added condition, under any review and consideration which is required by the Planning and Zoning Board or Board of Adjustment.

   d. Additionally, the Distance Buffer Separation Requirements, as adopted in City Code under Chapter 18, Article III Alcoholic Beverages, Ordinance No. 1348, 12-10-13, Sec. 18-71 (f) for: Banquet Halls, Commercial Recreation Facilities, Bars, Liquor Package Stores and Private Clubs, and other applicable sections of that ordinance, is hereby adopted and included herein, to be applied in the same manner as prescribed by said ordinance.

   e. Distance Separation Table: (All measurements listed are in linear feet)

Establishment Type:	Required Distance From:		
	Property Line	School	Residential Property
Automotive Car Wash, Self-Service and Automated; Automotive Repair Garage; Light Automotive Servicing (specifically applies to the confines of the area, structure or facility where said activity is taking place, or where said associated apparatus will be located).			
If establishment parcel fronts an Arterial Road:	n/a	n/a	50
No Arterial Road frontage:	n/a	n/a	150

Wrecking Yards, Automobile Wrecking Yards, Junkyards, Yards used in whole or in part for scrap, salvage, or secondhand building materials, junk or secondhand automotive vehicles or parts.	25	500	500
Bulk storage yards, including storage of flammable or hazardous materials or explosives – (not including below ground retail fuel tanks).	50	500	250

f. Measurements for distance purposes: Said distance measurements shall be computed by direct line measurement, from the nearest portion of the building or tenant space, structure, facility or yard in which the establishment or use is, or is proposed to be located, to the nearest portion of the property line boundary of the subject property, or on which there is located a school or residential property, as may be applicable. The LDR Administrator shall be responsible to conduct such measurements utilizing field work and/or GIS map techniques. A survey prepared by a State of Florida licensed professional, and submitted by the applicant shall also be acceptable, upon satisfactory inspection and acceptance by the LDR Administrator.

4.19.22. Travel trailer parks and campgrounds.

The following applies to the construction and operation of travel trailer parks and campgrounds:

1. Sites in travel trailer parks and campgrounds shall be occupied primarily by travel trailers, pickup coaches, tents, camping trailers, and other transient-type vehicular accommodations.
2. Sites for transient-type accommodations in a travel trailer park or campground shall be at least 1,200 square feet in area.
3. Sites for permanent structure accommodations shall be at least 2,400 square feet in area.
4. Floor Area Ratio, Impervious Lot Coverage and Building Coverage standards shall be as specified under the associated zoning district of the subject property.
5. Subject to other applicable standards, lot density for allowable number of sites shall be no more than 20 per acre of land.
6. No more than twenty percent of the sites in a travel trailer park or campground shall be occupied by manufactured homes, cabins or park model dwellings.
7. Setbacks from property lines for all sites and improvements shall be as specified under the associated zoning district of the subject property. For non-residential uses, however all permanent structures intended for occupancy shall maintain a minimum 20 foot separation from any other similar permanent structure.
8. Said parks and campgrounds shall only be permitted where community potable water systems and centralized sanitary sewer systems, provided or served by the City of Live Oak are, available and accessible. Redevelopment or new development to these uses on parcels which currently have no availability of City water and/or sewer shall only be approved at the time that the developer has completed construction of the extension and connection to said utilities. The City shall bear no costs whatsoever to extend said infrastructure.

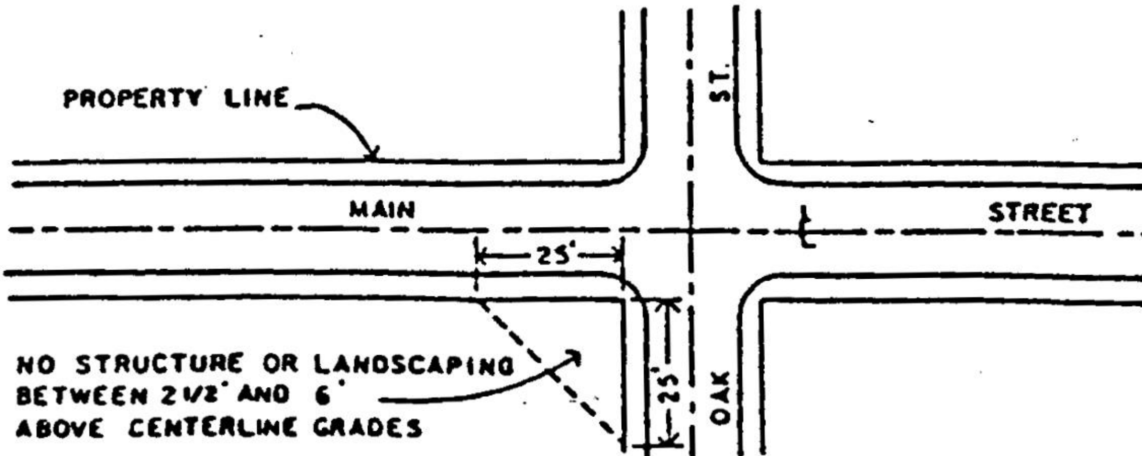
4.19.23. Use of land in a residential district for access.

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

4.19.24. Visibility at intersections and curb breaks.

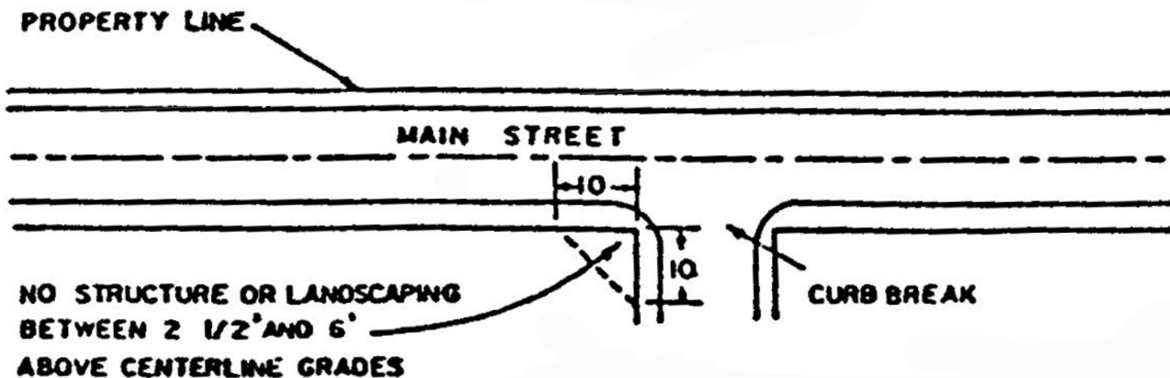
4.19.24.1. Visibility at intersections.

No fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow on a corner lot in any zoning districts, except the C-CBD district, in such a manner as to obstruct vision between a height of 2 1/2 feet and six feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of intersection of the public right-of-way line



4.19.24.2. Visibility at curb breaks.

No fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in any zoning districts, where a curb break intersects a public right-of-way in such a manner as to obstruct cross-visibility between a height of 2 1/2 and six feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with two sides of each triangle being ten feet in length from the point of intersection and the third being a line connecting the end of the two other sides.



4.19.24.3. Retaining walls.

The requirements of this section shall not be deemed to prohibit a necessary retaining wall.

4.19.24.4. Trees.

Trees are permitted in the clear space, provided [that] foliage is cut away within the prescribed heights.

4.19.25. Waterfront yards; minimum requirement.

No structure shall be located closer than 20 feet to the mean high water line (see section 4.19.4 for exceptions for certain accessory structures).

4.19.26. Yard encroachments.

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

1. Sills and belt courses (an additional layer of bricks) may project not over 12 inches into a required yard.
2. Movable awnings may project not over six feet into a required yard, provided that where the yard is less than six feet in width, the projection shall not exceed one-half the width of the yard, subject also to #5 below.
3. Chimneys, fireplaces, bay windows, or pilasters may project not over two feet into a required yard.
4. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five feet into a required rear yard or not over three feet into a required side yard of a multiple dwelling, hotel, or motel.
5. Hoods, canopies, fixed awnings, roof overhangs / eves, or marquees may project not over three feet into a required yard, but shall not come closer than one foot to any lot line, unless zoning allows for zero setbacks.
6. Fences, walls, and hedges are permitted in required yards, subject to the provisions of this section, and other sections and city codes as applicable.
7. Cornices, eaves, or gutters may project not over three feet into a required yard, provided that where the required yard is less than six feet in width, such projection shall not exceed one-half of the width of the yard, subject also to #5 above.
8. Except as provided herein, nothing in these Land Development Regulations shall be construed as to prohibit permitted landscaping or private, nonprofit gardening on a lot.
9. All roof runoff shall be guttered with downspouts directing runoff onto the same property, when any building, porch, or addition roof overhang / eve is within two feet of any lot line or property boundary.
10. Guttered downspouts or other types of water discharge shall not discharge directly onto any public sidewalk or street right-of-way.

4.19.27. Special right-of-way requirements.

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

4.19.27.2. Proposed structures or structural additives be setback at least 75 feet as measured from the centerline of the right-of-way along new or realigned arterial roads.

4.19.28. Special Community Residential Home Requirements.

The city shall facilitate the provision of Community Residential Homes, as defined in Florida Statutes, as amended, within appropriate areas within the City. All definitions, provisions and requirements of F.S. ch. 419, as amended, shall be implemented and adhered to by the City, except where less restrictive, as provided herein.

4.19.28.1. Homes of six or fewer residents which otherwise meet the definition of a community residential home, as provided in F.S. ch. 419, as amended, shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents, which otherwise meet the definition of a community residential home, shall be allowed by right in the following zoning districts: A, RSF, RSF/MH, RMH, RMH-P, RMF, RO, PRD, without approval by the local government, provided that such homes shall not be located within: either a radius of 500 feet, or within 1,000 feet along the same shared road right-of-way, of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section; provided that, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes with six or fewer residents within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home with six or fewer residents is within the herein stated separation requirement of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.

4.19.28.2. The city shall permit state licensed foster family home facilities of not more than three foster care residents per household which otherwise meet the definition of a community residential home as provided in F.S. ch. 419, in the same zoning districts listed in 4.19.28.1.

4.19.28.3. Homes of more than six residents, which meet the definition of a Community Residential Home, shall be allowed by right in Residential Multi-Family (RMF) and Residential Office (RO) Zoning Districts, provided all requirements of Florida Statutes, as amended as met.

4.19.28.4. Homes of more than six residents, which meet the definition of a Community Residential Home, proposed to be located in Commercial Neighborhood (CN) Zoning District shall be considered by method of Special Exception, as provided for in Article 3, herein, and only when the Future Land Use Plan Map Classification is Residential Medium or Residential High Density.

4.19.28.5. The local government shall not deny the siting of a community residential home of seven to fourteen residents unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 500 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature

and character of the area. So long as the zoning district of the subject property permits such use, the proximity of the proposed location to single-family zoning shall not be considered to substantially alter the nature and character of the area.

4. All distance requirements in this section shall be measured from the nearest point of the existing home to the nearest point of the proposed home.
5. If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator or may utilize the dispute resolution process established by a regional planning council pursuant to s. 186.509. Mediation shall be concluded within 45 days of a request therefore. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.
6. The licensing entity shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the local government of its intention to establish a program, as required by subsection (3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.
7. A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.
8. Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.
9. Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.
10. The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family.
11. Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.

4.19.29. Special home occupation requirements.

1. Only one additional person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of a dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes and under no circumstances shall change the residential character thereof;
3. No change shall be permitted in the outside appearance of the building or premises, and no other evidence of such home occupation shall be visible other than one sign, not exceeding two square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two feet from the main entrance to the residence;
4. Except in agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building provided the floor area devoted to the home occupation does not exceed 1,000 square feet.

5. No home occupation shall occupy more than 20 percent of the first floor area of the residence, exclusive of the area of open porches, attached garages or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor an attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two years after the date of completion thereof.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and the need for parking generated by the home occupation shall be met off the street and other than in the required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the lot line. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
8. For purposes of illustration, the following uses shall not be considered home occupations:
    a. Studio for group instruction,
    b. Dining facility or restaurant,
    c. Antique or gift shop,
    d. Photographic studio,
    e. Outdoor repair,
    f. Food processing,
    g. Retail sales, and
    h. Child care center.
9. For purposes of illustration, the following uses may be considered home occupations, provided they meet the requirements listed in subparagraphs a.--h. above and other provisions of these land development regulations:
    a. Providing tutoring or individual instruction to no more than one person at a time such as art or music teacher;
    b. Fabrication of articles commonly classified as arts and handicrafts, providing no retail sales are made in the home;
    c. Custom dressmaking, seamstress, milliner;
    d. Psychic or spiritual counseling; fortune-telling and similar serving not more than one client at a time;
    e. Answering telephone;
    f. Barber or beauty shop limited to two chairs; and
    g. Professional offices.
10. A home occupation shall be subject to applicable occupational licenses and other business taxes.

4.19.30. Special septic tank requirements.

The following requirements and standards are hereby implemented to carry out the identified IV-6 Goal as found in the City Comprehensive Plan, sub element – Natural Groundwater Aquifer Recharge, which states: Ensure the protection of surface and groundwater quality and quantity by establishment of plans

and programs to promote orderly use and development of land in a manner which will promote such protection and availability.

Existing septic tanks may remain in service for existing users until such time as centralized sanitary sewer service is accessible. Except as otherwise stated herein, the change of ownership or tenancy continuing a previously established use, may continue to utilize, maintain and repair an existing septic system.

The owner of a single-family manufactured home dwelling unit served by an existing septic tank, may replace said manufactured home dwelling unit, so long as the existing septic system is found to meet the requirements of the new dwelling unit.

Mandatory connection to centralized sanitary sewer service, once available, shall be commenced according to Florida Statutes, as amended.

New septic tank systems for new development / redevelopment may be proposed, conditioned on the following:

1. Non-residential development, when allowable, may seek approval to install a septic system as provided for in Section 3.7., Special Impact Permits.
2. Single-family residential development may apply for a building permit for a new single-family dwelling unit to be served by a new septic system, conditioned on all of the following:
    a. The parcel is zoned Agricultural; or
    b. If the zoning of the parcel contains the term residential:
        (1) The parcel shall be a minimum of 1 acre in area, non-platted, and;
        (2) The parcel of land is not located, in any portion, in a designated flood zone, wetland area, or known naturally wet area, and;
        (3) Soil percolation reports demonstrate that the system will not need to be mounded in any way, and;
        (4) The parcel is otherwise eligible to obtain a permit for the system from the county health department.

Change of occupancy at certain existing locations:

1. An occupational license shall not be issued to the owner or tenant of a building located in an area zoned industrial or used for industrial or manufacturing purposes or their equivalents, if such building or premises is served by an onsite sewage disposal system, without the owner or tenant first obtaining an annual operating permit for an onsite sewage disposal system from the county health department; and
2. An occupational license shall not be issued to a new owner or tenant of a building located in an area zoned industrial or used for industrial or manufacturing purposes or their equivalents, or who operates a business which has the potential to generate toxic, hazardous or industrial wastewater, if such building or premises is served by an onsite sewage disposal system, without the owner or tenant first obtaining an annual operating permit for an onsite sewage disposal system from the county health department.

4.19.31. Special requirements for public uses.

1. Public buildings, facilities and uses, including schools, which do not meet the definition of "essential services" within these land development regulations, shall require an amendment to the city's future land use plan map of the comprehensive plan to re-designate the land use at the location of such public building, facility, or use as: Public, Educational, or Recreation and Open Space land use, as the case may be. Said amendment being approved and adopted by the Governing Authority is thereby a condition of siting or establishing such uses.
2. Floor area ratio standards shall be as that specified under each classification, in the Comprehensive Plan, and when consistent with the plan, as further specified in the Land Development Regulations.

4.19.32. Airport obstruction.

It is hereby determined that an airport obstruction is potentially hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in the vicinity of the obstruction and may reduce the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of a public airport and the public investment therein. Accordingly, it is declared in the interest of public health, safety and general welfare that:

1. The creation or establishment of an airport obstruction is a public nuisance and an injury to the region served by the a public airport;
2. It is necessary to prevent the creation of airport obstructions, including structures;
3. It is necessary to prevent the establishment of incompatible land uses in areas defined as the CNR 100 contour (ASDS 85 dBA) noise area and/or the accident potential hazard area; and
4. The prevention of these obstructions, structures, and incompatible land uses shall be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention and the creation or establishment of airport obstructions, structures, and incompatible land uses and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the city may raise and expend public funds and acquire land or interests in land.

4.19.32.1. Definitions.
In addition to definitions contained in article 2, the following terms, phrases, words, and derivations shall have the following meaning as used in section 4.19.33, unless the context otherwise stipulates:

1. Airport. A public airport.
2. Airport elevation. The highest point of an airport's usable landing area measured in feet above mean sea level.
3. Airport obstruction. A structure or object, including natural growth, or use of land which exceeds the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) and the Federal Aviation Regulation Part 77 §§ 77.13, 77.15, 77.21, 77.23, 77.25, 77.28 or which obstruct the airspace required for flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off.

4. Air space height. To determine the height limits in all zones set forth in section 4.19, the datum shall be mean sea level elevation unless otherwise specified.
5. Minimum en route altitude. The altitude in effect between radio fixes which ensures acceptable navigational signal coverage and which meets obstruction clearance requirements between radio fixes.
6. Minimum obstruction clearance altitude. The specified altitude in effect between radio fixes or Very High Frequency Omni-Directional Range Station (VOR) airway, off-airway routes, on route segments which meets obstruction clearance requirement for the entire route segment and which ensures acceptable navigational signal coverage within 22 miles of a VOR.
7. Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.
8. Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instruments approach procedure and no instrument designation indicated a Federal Aviation Administration (FAA) approved airport layout plan, a military services approved military airport layout plan, or on any planning document submitted to the FAA by competent authority.
9. Utility runway. A runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximize gross weight and less.
10. Structure. An objective, constructed or installed by man, including but not limited to buildings, towers, smokestacks, utility poles, and overhead transmission lines.
11. Accident potential hazard area**.** An area within 5,000 feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subjective to the greatest potential to crash into a structure or the ground.

4.19.32.2. Airport surfaces and airspace height limitations.
In order to carry out the provisions of section 4.19.33, there are hereby created and established certain zones which include all land lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to a particular airport. Such zones are shown on the official county airport zoning map which is hereby adopted by reference and declared to be a part of these zoning regulations. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various public civil airport height zones and limitations are hereby defined and established as follows:

1. Primary surface: An area longitudinally centered on a runway, extending 200 feet beyond the end of a runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure of obstruction will be permitted within the primary surface that is not part of the landing and take-off area and is of a greater height than the nearest point on the runway centerline. The width of the primary surface for the county airport's utility runways 07/25 having only visual approaches is 250 feet. The primary surface width of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway. No structure or obstruction will be permitted within the primary surface that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

2. Horizontal surface: The outer boundary of an area around the airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of the airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc at the county airport is 5,000 feet for all runways designated as utility or visual. No structure be permitted in the horizontal surface that is higher than 150 feet above the established airport elevation.
3. Conical surface: The area extending outward from the periphery of the horizontal surface for a distance of 4,000 feet. Height limitations for structures in the conical surface are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
4. Approach surface: An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach surface is designated for each runway based upon the type of approach available or planned for that runway end.
   a. The inner edge of the approach surface is the same width as the primary surface, and at the county airport Runway 07/25 expands uniformly to a width of 1,250 feet for that end of a utility runway with only visual approaches.
   b. The approach surface for the county airport's Runway 07/25 extends for a horizontal distance of 5,000 feet for all utility and visual runways.
   c. The outer width of an approach surface to an end of a runway will be prescribed in this section for the most precise approach existing or planned for that runway end.
   d. Permitted height limitations within the approach surfaces is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge. For the county airport's Runway 07/25, permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways.
5. Transitional surface: The area extending outward from the sides of the primary surfaces and approach surfaces and connecting to the horizontal surface. Height limits within the transitional surface are the same as the primary surface or approach surface at the boundary line where they join and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal surface or conical surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach surface that extends beyond the conical surface.
6. Other areas: In addition to the height limitations imposed in the sections above, no structure or obstruction will be permitted that would cause a minimum obstruction clearance altitude, a minimum descent altitude, or a decision height to be raised.

4.19.33. Airport land use restrictions.

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

a. Lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner so as not to mislead or be dangerous to aircraft operating from the airport or in the vicinity thereof.
b. No operations on a land use shall produce smoke, glare, or other visual hazards within three statute miles of a usable runway of the airport.
c. No operations on a land use shall produce electronic interference with navigation signs signals or radio communication between the airport and aircraft.
d. Use of land for residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people, or another use that could produce a catastrophe as a result of an aircraft crash shall be prohibited within 5,000 feet of the approach or departure end of a runway.
e. No structure exceeding 150 feet in height above the established airport elevation shall be permitted within 5,000 feet of the approach or departure end of a runway.

2. Lighting. Notwithstanding the preceding, owner of a structure over 200 feet above ground level shall install lighting on a high structure in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto on such structure. Additionally, high intensity white obstruction lights shall be installed on a structure which exceeds 749 feet above mean sea level. The high intensity white obstruction lights shall be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto.
3. Variances. No application for variance to the requirements of this section may be considered by the board of adjustment unless a copy of the application has been furnished to the county airport authority. The application should show compliance with the federal notification requirements and favorable airspace determination (FAA Form 7460-1) from the FAA.
4. Hazard marking and lighting. All permits and variance shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-1 and amendments. The permit may be conditioned to permit the county or city, at its own expense, to install, operate, and maintain such markers and lights if special conditions so warrant.
5. Airport noise surfaces. No person shall sell, lease, or offer to sell or lease land within the airport noise surface (100 CNR 85 dBA contour) unless the prospective buyer or lessee is provided the following notice in writing:

"Noise Warning –
This land lies beneath the aircraft approach and departure routes
for the county airport and is subject to noise that may be objectionable."

4.19.34. Conflicting regulations.

Where there exists a conflict between the regulations or limitations described in this or another section of these zoning regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or other, the more stringent limitations or requirements shall govern and prevail.

4.19.35. Bed and breakfast inn requirements:

Bed and breakfast inns shall be approved by special exception as provided within these land development regulations in accordance with the following criteria.

1. The owner may live on the premises;
2. Separate toilet and bathing facilities for the exclusive use of guests must be provided;
3. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be 30 days in a 12-month period;
4. No cooking facilities shall be allowed in guest rooms;
5. Bed and breakfast establishments must comply with appropriate health permits, building and fire codes and business licenses as applicable to such use;
6. Signage, excepting historical markers located by federal, state or county agencies, shall be limited to one sign, not exceeding six square feet in area, with characters not exceeding eight inches, non-illuminated (excepting flood lighting on each side of the sign);
7. The maximum number of rooms for guests shall be, as follows:

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

8. In addition to the parking required for the residence, one (1) parking space for each guestroom shall be provided as off street parking;
9. An accessory structure located on the same premises may be used as a residence for the owner for providing rooms for guests, but in no case shall the total number of rooms for guests allowed by this section exceed the maximum allowable number of rooms as provided for herein;
10. Receptions or parties on the premises shall be allowed, subject to the following conditions:
    a. All parking for guests of the reception or party shall be provided off-street, either on site or at a satellite off-street parking site; and
    b. The requirements of the National Fire Prevention Association Code #101 shall govern the total number of guests allowed;
11. The catering of food to guests on the premises, as well as the catering of food for service off the premises, shall be allowed;
12. Breakfast, lunch and dinner food service for guests may be provided at a bed and breakfast inn. Meals may be provided for persons other than overnight guests of the bed and breakfast inn, provided that the total number of persons to be served does not exceed the total number allowed to

be served as established by the Florida Hotel and Restaurant Commission and the fire marshal at the time a license for a bed and breakfast inn with a commercial kitchen is granted; and

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

4.19.36. Hospital, Long-Term Care Facility, Group Living Facility, Adult Day Care Center and Retirement or Senior Housing Facility Requirements.

The above listed uses, when permitted by right or by Special Exception as provided within these Land Development Regulations, shall be permitted and developed in accordance with the following criteria, which shall become conditions to be met, for any staff or Board review and approval.

1. The required site plan and written documentation provided in conjunction with the plan review or Special Exception shall demonstrate what provisions, policies and procedures the applicant will take, as part of the development and management of said facility, to provide for the safety of, and to protect the well-being of, the residents of said proposed facility. If a fence is proposed as part of the protection offered, it shall adhere to the City Fence Ordinance in effect and shall be designed and located to be provide suitable protection of the residents from any unsafe areas, as well as being aesthetically pleasing and complementary to the development.
2. Said facilities and centers shall only be permitted where community potable water systems and centralized sanitary sewer systems, provided or served by the City of Live Oak are, available and accessible. Redevelopment or new development to these uses on parcels which currently have no availability of City water and/or sewer shall only be approved at the time that the developer has completed construction of the extension and connection to said utilities. The City shall bear no costs whatsoever to extend said infrastructure.

ARTICLE FIVE – SUBDIVISION REGULATIONS

Sec. 5.1 Appendices
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Sec. 5.3 Purpose
Sec. 5.4 Conditions
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Sec. 5.6 Jurisdiction
Sec. 5.7 Maintenance
Sec. 5.8 Plats straddling local government boundaries
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Sec. 5.39 Required information on final plat
Sec. 5.40 Signed certificates
Sec. 5.41 Bonding in lieu of completed improvements
Sec. 5.42 Other documents required with the final plat

Sec. 5.1. Appendices.

The appendices set forth in these Land Development Regulations are made a part hereof and shall be used where required by these Land Development Regulations.

Sec. 5.2. Policy.

5.2.1. It is hereby declared to be the policy of the City Council to consider the subdivision of land and the development of a subdivision plat as subject to the control of the City Council pursuant to the Comprehensive Plan for the orderly, Planned, efficient, and economical development of the area.

5.2.2. Land to be subdivided shall:

1. Aid in the coordination of land development in accordance with orderly physical patterns.
2. Discourage haphazard, premature, uneconomic, or scattered land development.
3. Ensure safe and convenient traffic control.
4. Encourage development of an economically stable and healthful community.
5. Ensure adequate utilities.
6. Prevent periodic and seasonal flooding by providing adequate protective flood control and drainage facilities.
7. Provide public open spaces and/or parks for recreation.
8. Assure land subdivision with installation of adequate and necessary physical improvements.
9. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the subdivider of adequate and necessary physical improvements.
10. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
11. Serve as one (1) of the several instruments of implementation for the Comprehensive Plan.

Sec. 5.3. Purpose.

It is the intent of these Land Development Regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the residents of the City.

Sec. 5.4. Conditions.

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the City. The subdivider has the duty of compliance with reasonable conditions established by the City Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

Sec. 5.5. Character of the Land.

Land which the City Council finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the health, safety and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the City Council to solve the problems created by the unsuitable land conditions.

Sec. 5.6. Jurisdiction.

5.6.1. These Land Development Regulations shall apply to all subdivisions of land, as defined herein, located within the incorporated area of the City (see section 5.21).

5.6.2. No land shall be subdivided within any area subject to these Land Development Regulations until:

1. The subdivider or his agent has obtained approval of the final plat by the City Council; and
2. The approved final plat is filed with the clerk of the circuit court of the county.

5.6.3. No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Land Development Regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these Land Development Regulations.

Sec. 5.7. Maintenance.

Nothing in these Land Development Regulations shall be construed as meaning that the City Council shall take over for maintenance any road, street, utilities, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the City Council's requirements and accepted for maintenance by specific action by the City Council.

Sec. 5.8. Plats Straddling Local Government Boundaries.

Where access to the subdivision is required across land in the unincorporated area, the developer shall certify by legal instrument that access is legally established and that the access road is adequately improved or that a surety device has been duly executed and is sufficient in amount to ensure the construction of the access road to the same specification as other roads required in these Land Development Regulations.

Sec. 5.9. Re-Subdivision of Land.

5.9.1. Procedure for re-subdivision.
For a change in a map of an approved or recorded subdivision plat, if such change affects a public use or lot line, or if it affects a map or Plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the City Council by the same procedure, rules, and regulations as for a subdivision.

5.9.2. Procedure for subdivisions where future re-subdivision is indicated.

Where a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and where such lots could eventually be re-subdivided into smaller building sites, the City Council may require that such parcel of land allow for the future opening of streets and the extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Sec. 5.10. Self-Imposed Restrictions.

If the subdivider places restrictions on any land in the subdivision that are greater than those required by these Land Development Regulations, such restrictions or reference thereto shall be indicated on the final subdivision plat and/or recorded with the clerk of the circuit court of the county.

Sec. 5.11. Subdivision by Metes and Bounds.

The subdivision of a lot or parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease shall be subject to the requirements contained in these Land Development Regulations. Such subdivision of a parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease shall be subject to these subdivision regulations where two (2) or more developments which separately do not meet the literal definition of a subdivision but which collectively demonstrate at least one (1) of the following characteristics:

1. The same person has retained or shared control of the parcels within the developments;
2. The same person has ownership or a significant legal or equitable interest in the parcels within the developments;
3. There is common management of the developments controlling the form of physical development or disposition of parcels of the development;
4. There is a voluntary sharing of infrastructure that is indicative of common development; or
5. There is a common advertising theme or promotional Plan for the parcels within the developments.

Sec. 5.12. Subdivision Name.

A subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within the City so as to confuse the records or to mislead the public as to the identity of the subdivision except when the subdivision is subdivided as an additional unit or section by the same subdivider or his or her successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The City Council shall have final authority to approve the names of subdivisions.

Sec. 5.13. Vacation and Annulment of Plats.

The vacation and annulment of plats shall be according to F.S. Ch. 177, as amended. In addition, the City Council may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision within its jurisdiction, including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when:

1. The plat of which subdivision was recorded as provided by law more than five (5) years before the date of such action, and

2. Not more than ten (10) percent of the total subdivision area has been sold as lots by the original subdivider or his or her successor in title.

Such action shall be based on a finding by the City Council that the proposed vacation and reversion to acreage of subdivided land conforms with the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the City Council shall hold a public hearing thereon with due public notice.

No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or part of the subdivision of reasonable access to existing facilities to which such parcel has theretofore had access, provided that access after such vacation need not be the same as theretofore existing but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, the City Council shall conduct proceedings for amending the zoning district designation of such acreage as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

Sec. 5.14. General Procedure.

When a subdivision of land is proposed, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following:

5.14.1. Preparation of plats.
Preliminary and final plats shall be prepared by a surveyor registered in the State of Florida. Construction Plans and specifications for required improvements shall be prepared by an engineer registered in the State of Florida.

5.14.2. Classification of proposed subdivisions.
Prior to a contract being made for the sale of any part of a proposed subdivision and before a permit for the erection of a structure in such proposed subdivision may be granted, the subdividing owner or his or her authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure (see section 2.1 for definitions of minor and major subdivisions):

1. Minor subdivision:
    a. Pre-application conference;
    b. Final subdivision plat;
2. Major subdivision:
    a. Pre-application conference;
    b. Preliminary plat;
    c. Construction Plans;
    d. Final subdivision plat.

5.14.3. Modified procedure for minor subdivisions.
Proposed subdivisions meeting the criteria of a minor subdivision do not have to comply with section 5.17. A final plat may be prepared directly following the pre-application conference in accordance with the final plat procedure outlined in section 5.18.

Sec. 5.15. Pre-Application Conference.

The subdivider or his or her representative shall have a pre-application conference with the land development regulation administrator and other departments or agencies as appropriate in order to become familiar with the requirements of these Land Development Regulations and with any provisions of the Comprehensive Plan affecting the proposed subdivision. At this conference, the developer may present a concept Plan of the proposed development for informal and nonbinding opinions of the City and agency representatives present.

Sec. 5.16. Preliminary Plat Procedure.

5.16.1. Step 1:

The subdivider shall submit 12 copies of preliminary plat materials prepared in accordance with of these Land Development Regulations (with at least seven sets conveniently pre-packaged) to the land development regulation administrator.

5.16.2. Step 2:

The land development regulation administrator shall transmit copies of the preliminary plat materials to other City departments and agencies, as appropriate. The subdivider shall transmit copies to the county health department, the water management district and other non-City departments or agencies as may require review and comment. Such review agencies shall have 45 days in which to complete their review.

5.16.3. Step 3:

Following review of the materials by the land development regulation administrator, City attorney, City public works director, county health department, water management district and other appropriate departments or agencies, the Planning and zoning board shall review the preliminary plat materials at a scheduled meeting as part of a previously prepared agenda to determine conformity with the Comprehensive Plan and these Land Development Regulations. At the meeting, any person may appear in person or by agent. The Planning and zoning board shall recommend approval, approval subject to conditions, or disapproval of the preliminary plat to the City Council. In approving subject to conditions or in disapproving the reasons for such action shall be stated in writing to the subdivider and the City Council. Reference shall be made to the specific sections of these Land Development Regulations, the Comprehensive Plan, or other ordinances or regulations with which the preliminary plat does not comply.

5.16.4. Step 4:

After review and recommendation of the Planning and zoning board, the subdivider shall provide additional copies of preliminary plat materials for each Council member in time for the City Council to adequately review and consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The City Council reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference shall be made to the specific sections of these Land Development Regulations, the Comprehensive Plan, or other Land Development Regulations or ordinances or regulations of the City with which the preliminary plat does not comply.

5.16.5. The action of the City Council shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained in the office of the land development regulation administrator.

5.16.6. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat but shall not constitute approval of the final plat. A change in the number and configuration of lots and/or the addition of a new street subsequent to preliminary plat approval shall require the subdivider to re-submit the preliminary plat and follow the procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of twenty-four (24) months but may be extended by a request from the subdivider and approval of the City Council for a period not to exceed an additional twelve (12) months, provided [that] the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the subdivider shall follow the procedures for approval of an initial preliminary part.

5.16.7. For subdivisions presumed to be developments of regional impact as provided in F.S. Ch. 380, as amended, and F.A.C. Ch. 28-24, additional copies of the preliminary plat and completed applications for development approval shall be submitted to the regional Planning agency and the state land Planning agency.

5.16.8. A development order shall not be issued by the City Council prior to the review and approval of construction Plans as provided in section 5.17 of these Land Development Regulations.

Sec. 5.17. Construction Plans Procedure.

5.17.1. Step 1:

Either at the time of submission of preliminary plat materials or following preliminary plat approval by the City Council, the subdivider shall submit twelve (12) copies of the construction Plan materials as specified herein (with at least seven (7) sets conveniently prepackaged) to the land development regulation administrator.

5.17.2. Step 2:

The land development regulation administrator shall transmit copies of the construction Plan materials to other City departments and agencies as appropriate. The subdivider shall transmit copies to the county health department, the water management district and other non-City departments or agencies as may require review and comment. Such review agencies shall have forty-five (45) days in which to complete their review. The land development regulation administrator shall evaluate the comments from the appropriate departments or agencies and notify the subdivider of the status of the construction Plans.

5.17.3. Step 3:

Following review by these agencies, the City Council shall consider approval, approval with conditions, or disapproval of the construction Plans at its next regularly scheduled meeting as part of a previously prepared agenda. The reasons for approving with conditions or disapproving shall be stated in writing to the subdivider. Reference shall be made to the specific sections of these or other applicable ordinances or regulations with which the construction Plans do not comply.

5.17.4. At this point, if the proposed subdivision is a extensive and the City Council agrees that development in stages is consistent with the intent and purpose of these Land Development Regulations, the City Council, with the aid of the land development regulation administrator and appropriate departments, shall, if approval of the preliminary plat and construction Plans has been given, work out an agreement (or agreements) with the subdivider which shall include, but not be limited to, provisions for staging the required construction and improvements of the subdivision to completion.

This agreement (called the subdivider's agreement) shall constitute a covenant between the City Council and the subdivider identifying terms and conditions which shall run with the land and be binding upon all successors in interest to the subdivider (see section 5.37).

5.17.5. Approval of the preliminary plat and construction Plans by the City Council is authorization for the subdivider to proceed with site development and the installation of improvements in accordance with the approved construction Plans, subject to the approval of other agencies having authority. In the event minor changes or deviations from the approved construction Plans are necessary due to requirements caused by actual construction or other necessary causes, the City Council may authorize such minor changes or deviations. Where minor changes or deviations are authorized, the subdivider shall submit new construction Plan materials in quantities and for distribution as previously specified herein.

Sec. 5.18. Final Plat Procedure.

The final plat shall also conform with applicable provisions of F.S. Ch. 177, as amended.

5.18.1. Step 1:

No less than thirty (30) calendar days following approval of the preliminary plat and construction Plans, whichever is later, and while the preliminary plat approval is in effect, the subdivider shall submit twelve (12) copies of the first final plat for approval (with at least seven (7) sets conveniently pre-packaged) to the land development regulation administrator. The final plat shall include the information and materials required in section 5.39 of these Land Development Regulations as well as a copy of conditions imposed at the time of approval of the preliminary plat or of the construction Plans.

5.18.2. Step 2:

The land development regulation administrator shall transmit copies of the final plat and materials to other City departments and agencies, as appropriate. The subdivider shall transmit copies to the county health department, the water management district and other non-City departments or agencies as may require review and comment. The land development regulation administrator shall evaluate the comments from the appropriate departments and agencies and notify the subdivider of the status of the final plat.

5.18.3. Step 3:

Following review by these agencies, the City Council shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall conform with the preliminary plat as approved and, at the option of the subdivider, shall constitute only that portion of the approved preliminary plat which he or she proposes to record at the time provided, however, that such portion conforms with all requirements of these Land Development Regulations. Approval by the City Council shall not be shown on the final plat until all requirements of these Land Development Regulations have been met and the following conditions have been complied with:

1. Upon completion of the improvements, the City Council or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the approved construction Plans and the requirements of these Land Development Regulations or a surety device has been posted which meets the requirements of section 5.20 & 5.41;
2. Upon completion of improvements in the subdivision, the subdivider has submitted three blue line sets or equivalent and one reproducible set of blue prints or equivalent showing "as-built" improvements;
3. Subdivider's agreement has been executed between the subdivider and the City Council;
4. Certificate of the surveyor has been executed;
5. Certificate of the subdivider's engineer has been executed (see section 5.40 and Appendix A) or a certificate of estimated cost (see Appendix A) has been completed and a surety device has been provided by the subdivider to satisfy the requirements of section 5.20 & 5.41);
6. Certificate of approval of the county health department has been executed (see section 5.40 and Appendix A); and
7. Certificate of approval by the City Attorney has been executed (see section 5.40 and Appendix A).

5.18.4. Step 4:

Upon final plat approval by the City Council, the subdivider shall, within sixty (60) days, submit three (3) originals of the approved final plat to the clerk of the circuit court of the county for recording. The subdivider shall pay all recording costs. One (1) original remains with the clerk of the court, and one (1) original and three (3) copies of the recorded final plat shall be filed in the office of the land development regulation administrator. The third original remains with the subdivider. Failure of the subdivider to meet the sixty (60) day requirement mentioned above shall have the effect of canceling the City Council approval of the final plat.

Sec. 5.19. General Improvements.

Where required by these Land Development Regulations, the subdivider shall grade and improve streets, install sidewalks, street name signs, streetlights, fire hydrants, and curbs and gutters, place monuments and corner stakes, and install sanitary sewer and water mains and stormwater facilities in accordance with the specifications of these Land Development Regulations and any other specifications established by the City Council.

The City Council may, if conditions warrant, require improvements be designed and constructed to higher standards than are incorporated herein. Required improvements shall be paid for by the subdivider.

In addition to requirements established herein, subdivision plats shall comply with the following laws, rules, and regulations:

1. Applicable statutory provisions.
2. The building code and other applicable Land Development Regulations of the City.
3. The Comprehensive Plan in effect at the time of submission.

4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation, the appropriate water management district and other appropriate regional, state and federal agencies.
5. Rules and regulations of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.

Sec. 5.20. Maintenance and Repair of Required Improvements.

The subdivider shall maintain and repair all improvements which these Land Development Regulations require the subdivider to construct in the subdivision for a period of one (1) year after the completion of the same. A final plat shall neither be approved by the City Council nor accepted for filing until the subdivider posts a maintenance bond to cover at least ten (10) percent of the estimated costs of all required improvements for a period of one (1) year (see Appendix A). Defects which occur within one (1) year after completion of required improvements shall be remedied and corrected at the subdivider's expense.

Sec. 5.21. Subdivisions Located Outside the Corporate Limits of the Municipality but Connected to Municipal Utilities.

Subdivision which are located outside the corporate limits of the municipality but are to be connected to and serviced by municipal utilities such as water, sewage, and/or natural gas shall meet the requirements of the applicable sections of these regulations governing the design, construction, and connection of such utilities.

Sec. 5.22. Monuments.

The subdivider shall adhere to the requirements of F.S. Ch. 177, as amended, regarding the placement of monuments. In addition, three-eighths or one-half-inch diameter solid iron pipes or suitable concrete monuments, 24 inches long and driven so as to be flush with the finished grade, shall be placed at all block corners, angle points, and points of curves in streets. (See section 5.23 regarding monumenting of lots.)

Sec. 5.23. Lot Improvements.

5.23.1. Arrangement.

The lot arrangement shall be such that there will be no foreseeable difficulties because of topography or other conditions in securing building permits to build on any lot in compliance with these Land Development Regulations of the City and other applicable regulations and in providing driveway access to buildings or any lot from an approved street.

5.23.2. Dimensions and design.

Lot dimensions may exceed the minimum standards established within the Land Development Regulations of the City, provided [that] the lot length shall not exceed three (3) times the width of lots for the location of dwelling units. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot Plan. The entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to

provide positive drainage away from buildings, and individual lot drainage shall be coordinated with the general stormwater drainage pattern for the area in accordance with approved construction Plans (see Article 8 of these Land Development Regulations).

5.23.3. Double frontage.

Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from existing streets or to overcome specific disadvantages of topography and orientation.

5.23.4. Access.

Lots shall not derive access from an existing arterial or collector street.

5.23.5. Corner stakes.

As a minimum, lot corners shall be staked with three-eighths (3/8) or one-half (1/2) inch diameter solid iron bars or pipes or suitable concrete monuments with reinforced steel, either of which must be eighteen (18) inches long and driven so as to be flush with the finished grade.

Sec. 5.24. Use of Subdivided Lots.

The proposed use of lots within a subdivision shall comply with those uses permitted by the Comprehensive Plan and these Land Development Regulations. Further, when land in the incorporated area of the City is subdivided, a building permit for the construction of a residence, commercial building or other principal structure shall not be issued for any such structure on less than a lot as platted within such subdivided land.

Sec. 5.25. Public Purpose Sites.

The City Council may require the dedication to the public of public purpose sites (schools, parks, playground, or other public areas) as are attributable by the City Council to the demand created by the subdivision. At the discretion of the City Council, the subdivider may be required to pay in cash an amount equal to the fair market value of such public purpose sites, said fair market value to be estimated on the basis of platted land without improvements.

Sec. 5.26. Streets.

5.26.1 General requirements.

1. The arrangements, character, extent, width, grade, and location of streets shall conform with the Comprehensive Plan, where applicable, and shall be considered in their relations to existing and Planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of and to be served by such streets.

   Streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these Land Development Regulations. However, the City Council may approve private streets constructed to the

specifications of these Land Development Regulations where adequate provision for initial installation and future private maintenance is made for such streets.

2. Work performed under these Land Development Regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and amendments, where applicable, unless stated otherwise herein.

   These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these Land Development Regulations.

5.26.2. Street improvement schedule.

Street improvements shall be provided as required by the following schedule. Improvements shall conform to:

1. STANDARD A for commercial and industrial subdivisions.

2. STANDARD B for residential subdivisions where lots are less than or equal to twenty thousand (20,000) square feet.

3. STANDARD C, for residential subdivisions where lots are greater than twenty thousand (20,000) square feet but less than ten (10) acres.

4. STANDARD D, for residential subdivisions where lots are equal or greater than ten (10) acres.

An existing street within a proposed subdivision shall be improved to conform with this schedule. This requirement does not apply to an abutting street which is not connected with, and which the City Council agrees need not be connected with, the proposed subdivision's street system.

5.26.3. Standard improvement.

				5.26.3.1	Grading and centerline gradients shall have:
A	**B**	**C**	**D**		A maximum of eight (8) percent and a minimum of three-tenths (0.3) of a percent for standards A and B and a maximum of eight (8) percent with no minimum for standards C and D.
				5.26.3.2	Arterial streets shall have:
A	**B**	**C**	**D**		Two (2) twenty-four (24) foot wearing surfaces with a twenty (20) foot median. The subdivider need only install the second twenty-four (24) foot wearing surface in large subdivisions where projected average

					daily traffic generated on the arterial by the subdivision exceeds seven thousand (7,000) vehicles. Minimum rights-of-way shall be one hundred (100) feet.
				5.26.3.3	Collector streets shall have:
A	**B**	**C**	**D**		Thirty-two (32) foot wearing surfaces and minimum rights-of-way of eighty (80) feet with adequate provision for off-street parking located outside the right-of-way.
				5.26.3.4	Local streets shall have:
A					1. Twenty-four (24) foot wearing surfaces and minimum rights-of-way of sixty (60) feet, with adequate provision for off-street parking located outside the right-of-way, when there is no curb or gutter.
	B	**C**			2. Twenty-four (24) foot wearing surfaces and minimum rights-of-way of sixty (60) feet, with curb, and twenty-four (24) foot wearing surfaces and minimum rights-of-way of fifty (50) feet, with curb and gutter. Planned Residential Developments may have a minimum wearing surface width of 20 feet, if it is determined by the City Council that it will not negatively impact the overall design of the Planned Residential Development or be contrary to the health, safety and welfare of the City.
			D		3. Twenty (20) foot wearing surfaces and minimum rights-of-way of sixty (60) feet.
				5.26.3.5	Local “Cul-de-sacs” and “Loop” Streets shall have:
	B				Twenty-four (24) foot wearing surfaces and minimum rights-of-way of sixty-five (65) feet.
				5.26.3.6	Marginal Access Streets shall have:
A					1. Twenty-four (24) foot wearing surfaces and minimum rights-of-way of sixty (60) feet.
	B	**C**			2. Twenty (20) foot wearing surfaces and minimum rights-of-way of sixty (60) feet.
			D		3. Twenty (20) foot pavement bases and minimum rights-of-way of sixty (60) feet.
				5.26.3.7	Curbs and gutters (see Appendix A) shall be:

A	**B**				1. Curbs and gutters shall be type E, F, or drop curb.
		C	**D**		2. Curbs and gutters not required.
				5.26.3.8	Stabilized Shoulders are required:
	B	**C**	**D**		On both sides of streets not having curb and gutter and shall be six (6) feet in width and constructed similar to the sub-grade (see Section 5.26) except that they shall be compacted to a thickness of four (4) inches and have a minimum Florida Bearing Value (FBV) of fifty (50).
				5.26.3.9	Roadside Swales shall:
	B	**C**	**D**		Have side slopes and back slopes no steeper than four (4) to one (1). Run-off may be accumulated and carried in the swales in the right-of-way up to, but not above, the point where flooding of shoulders or roadside property would occur. Water in excess of this quantity shall be diverted from roadside swales and carried away by storm sewers or other approved means.
				5.26.3.10	Sub-grades shall have:
A	**B**	**C**	**D**		A compacted thickness of eight (8) inches, stabilized to a minimum Florida Bearing Value (FBV) of seventy-five (75), and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials D1557). Also, soil materials classified as AASHO (American Association of State Highway Officials) soil groups A-6 or A-7 encountered in the sub-grade shall be removed to a minimum depth of eighteen (18) inches below the pavement base and replaced with acceptable material. Soil materials classified as AASHO (American Association of State Highway Officials) soil group A-8 encountered in the sub-grade shall be removed.
				5.26.3.11	Pavement bases shall have:
A	**B**	**C**	**D**		1. Arterials: Eight (8) inches of compacted limerock or the equivalent meeting Florida Department of Transportation standards.
					2. Collector, local, and marginal access streets:
A					a. Eight (8) inches of compacted limerock.

	B	C			b. Six (6) inches of compacted limerock.
			D		c. Six (6) inches of compacted limerock constructed above the sub-grade and stabilized to have a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society of Testing Materials (D1557)).
				5.26.3.12	Wearing surfaces shall have:
A	**B**	**C**	**D**		1. Arterials: One and one-half (1-1/2) inch of Type I asphaltic concrete surface course.
A	**B**	**C**	**D**		2. Collector, Local, and Marginal access streets: One and one-fourth (1-1/4) inch of Type I asphaltic concrete surface course. In Planned residential developments, a wearing surface equivalent to one and one-fourth inch of Type I asphaltic concrete surface course may be approved by the City Council.
				5.26.3.13	Grassing shall be provided as follows:
A	**B**	**C**	**D**		1. Seeding and mulching shall be performed in areas within the right-of-way except that part of the right-of-way covered by a wearing surface.
A	**B**	**C**	**D**		2. Sodding shall be required in areas of high erosion potential and swales.
5.26.3.14					Concrete Sidewalks are required on both sides of streets except those streets lying in residential districts developed to a density of less than one (1) dwelling unit per acre. Where sidewalks are required, they shall be installed by the subdivider and shall provide curb cuts for bicycles and handicapped access. Further, sidewalks shall be constructed at least four and one-half (4 ½) feet in width and four (4) inches thick.

5.26.3.15 Quality Control.

The subdivider shall have a qualified soils and materials testing laboratory certify to the City Council that all materials and improvements entering into the completed work are in compliance with these Land Development Regulations.

Costs for such certifying shall be borne by the subdivider, and copies of the test results shall be submitted to the City Council.

There shall be a minimum of one (1) density test on sub-grade and base for every one thousand (1,000) square yards of each. In addition, there shall be a minimum of one (1) Florida Bearing Value Test (FBV) for every one thousand (1,000) square yards of the sub-grade.

5.26.4. Design standards.

5.26.4.1. Topography and arrangement.

1. Streets shall be related appropriately to the topography and shall be arranged so as to place as many building sites as possible at or above the grades of the streets.

   Grades of streets shall conform as closely as possible with the original topography. A combination of steep grades and curves shall be avoided.

2. Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

3. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets are encouraged where such configurations will result in a more desirable layout.

4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Council, such extension is neither necessary nor desirable for coordinating the layout with future development of adjacent tracts.

5. In commercial and industrial developments, streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

5.26.4.2. Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to existing streets, railroads, or waterways.

2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed fourteen hundred (1,400) feet nor be less than four hundred (400) feet in length.

3. In long blocks (defined as blocks longer than eight hundred (800) feet), the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

4. Pedestrian ways or crosswalks not less than ten (10) feet wide may be required by the City Council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

5.26.4.3. Access to existing streets.

Where a subdivision borders on or contains an existing street, the City Council may require access to such street be limited by means of one (1) of the following:

1. Backing lots onto the existing street, providing no access from the existing street, and requiring buffer screening along the rear property line of such lots (extra depth may be required to allow for this buffer).

2. Providing a marginal access street separated from the existing street by a grass strip with access provided thereto at suitable points.

3. Providing a series of cul-de-sacs or U-shaped streets entered from, and designed generally at right angles to, the existing street. These proposed streets shall be separated by no less than one thousand (1,000) feet where connecting with the existing street.

5.26.4.4. Street names.

The following standards shall be followed in establishing street names during the preliminary plat approval process:

1. No two (2) streets shall have the same name.

2. Streets in a proposed subdivision which are extensions of existing streets shall have the same name as the existing street.

3. No street names shall be used which will duplicate or be confused with names of existing or other proposed streets.

4. Street names shall conform with the City's street naming and addressing system.

5. The City Council shall have final authority to approve the names of streets.

5.26.4.5. Road and street name signs.

1. Road and street signs are traffic control signs such as stop signs, speed limit signs, etc. and shall be designed in number and location to meet Florida Department of Transportation standards and shall be shown on the preliminary plat.

   Prior to approval of the final plat, the subdivider shall install such road and street signage as approved by the City Council and shall maintain and repair such signage as provided in section 5.20 herein.

   In lieu of installation of such signage prior to the approval of the final plat, the posting of a surety device in accordance with section 5.20 & 5.41 herein shall be filed, approved and accepted by the City Council.

2. Street name signs are signs within a subdivision which identify street names. Street name signs shall be placed by the subdivider at intersections within or abutting the subdivision, the type and location of which to be approved by the City Council as part of the preliminary plat and construction Plan approval process.

5.26.4.6. Street lights.

The subdivider shall provide street lighting in the subdivision at each intersection, provided that such lights will be no more than three hundred (300) feet apart, as specified by the City Council.

5.26.4.7. Reserve strips.

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to such street from property adjacent to the proposed subdivision.

5.26.4.8. Layout of streets and dead-end streets.

1. Layout of streets.
   The arrangement of streets shall provide for the continuation of arterial and collector streets between the proposed subdivision and adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan.

   If the property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street (a street planned for future continuation), the street right-of-way shall be extended to the property line of the proposed subdivision. Stub streets which are two hundred fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred fifty (250) feet shall have a temporary cul-de-sac turnabout.

There shall be a notation on the final plat that land used for a temporary T- or L-shaped, cul-de-sac or turnabout which is outside the normal street right-of-way shall revert to abutting land owners where the street is continued.

The subdivider of the adjoining area shall pay the cost of restoring a stub street to its original design cross-section and to extending the street. The City Council may limit the length of temporary stub streets in accordance with the design standards of these Land Development Regulations.

2. Dead-end streets. Permanent dead-end streets are not permitted under these Land Development Regulations. For purposes of these Land Development Regulations, stub streets (streets planned for future continuation) are not considered permanent dead-end streets.

5.26.4.9. Cul-de-sac streets.

Cul-de-sacs shall be provided with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet (see Appendix A). Cul-de-sacs shall have a maximum length of five hundred (500) feet including the turn around.

Longer cul-de-sacs may be permitted because of unusual topographic or other physical conditions provided no more than thirty (30) residential units shall front on any cul-de-sac which exceeds five hundred (500) feet in length. Cul-de-sac streets require specific approval of the Planning and Zoning Board and the City Council.

5.26.4.10. Intersections.

1. Streets shall be laid out so as to intersect as nearly as possible at right angles (see Appendix A). A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees is not acceptable.

   An oblique street should be curved where approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom.

   No more than two (2) streets shall intersect at one (1) point unless specifically approved by the City Council.

2. Proposed new intersections along one (1) side of an existing street shall, where practicable, coincide with existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted (see Appendix A).

   Where proposed streets intersect major streets, their alignment shall be continuous. Intersections with arterial streets shall be at least eight hundred (800) feet apart.

3. Minimum curb radii at intersections of two (2) residential local streets shall be at least twenty-five (25) feet, and minimum curb radii at intersections involving a commercial or industrial local street or collector street shall be at least thirty-five (35) feet.

   Abrupt changes in alignment within a block shall have corners smoothed in accordance with standard engineering practice to permit safe vehicular movement.

5.26.4.11. Widening and realignment of existing roads.

Where a subdivision borders on an existing street or where the Comprehensive Plan, these Land Development Regulations, or plan or program of the City or other local, regional or State Agency indicates realignment or widening of a road and requiring use of some of the land in the subdivision, the applicant shall dedicate at his or her expense such areas for widening or realignment of such roads.

Frontage roads and streets shall be dedicated by the subdivider at his or her expense to the full width as required by these Land Development Regulations.

Sec. 5.27. Stormwater Management and Flood Protection Area Requirements.

(Refer to Articles 7 and 8 of these Land Development Regulations).

Sec. 5.28. Sanitary Sewer.

5.28.1. Where a publicly-owned sanitary sewer system is available and reasonably accessible as determined by the City Council, the subdivider shall provide sanitary sewer service to each lot within the subdivision. Sewer lines serving lots within the subdivision shall be designed to operate on a gravity flow basis, where possible, and lines shall be installed by the subdivider prior to paving the street.

5.28.2. Where lots cannot be served by the extension of the City's sanitary sewer system, an alternate method of sewage disposal for each lot may be used in compliance with applicable standards of the county health department, the Florida Department of Health and Rehabilitative Services, the Florida Department of Environmental Regulation and other regional, state or federal agency, as applicable, provided that platted lots equal or exceed one-half acre and are of such soil composition and configuration that drainfields may be properly installed. Alternative methods of sewage disposal shall be so installed as to simplify later connections to a publicly-owned sanitary sewer system as service becomes available.

5.28.3. The subdivider shall furnish written proof to the City Council which shows that provision for sanitary sewage disposal of the entire subdivision meets with the approval of the county health department. Construction Plans cannot be considered as having received approval until this condition has been met regardless of what may transpire at a City Council meeting.

Sec. 5.29. Water Supply.

5.29.1. Where a publicly-owned water supply is available and within a reasonable distance as determined by the City Council, the subdivider shall provide a system of water mains and shall connect the system to such supply. If a wearing surface (see section 5.26) and water mains are required, water lines shall be installed by the subdivider prior to the paving of the street.

5.29.2. Where no publicly-owned water supply is available within a reasonable distance, an alternate supply may be used when in compliance with applicable standards of the county health department. The Florida Department of Health and Rehabilitative Services, the water management district and the Florida Department of Environmental Regulation.

5.29.3. The subdivider shall furnish written proof to the City Council showing that provisions for the water supply of the entire subdivision meet with the approval of the county health department. Preliminary plat and construction Plan approval may not be deemed as having been given until this condition has been met.

5.29.4. The water system shall be sized to provide maximum daily domestic requirements at residual pressures not less than 50 pounds per square inch at all points in the system. In addition, the system shall be capable of providing fire flows of at least 500 gallons per minute in single-family residential subdivisions and at least 1,500 gallons per minute from at least two hydrants in commercial, industrial, institutional, and multiple-family residential areas with a residual pressure of at least 20 pounds per square inch at each hydrant.

Fire protection improvements shall be provided where the subdivision is connected to a publicly-owned water system. Fire hydrants shall be connected to water mains with a minimum pipe size six inches in diameter. Single main extensions supplying a looped gridiron shall not be less than eight inches in diameter unless design calculations demonstrating the adequacy of a six inch minimum diameter line are submitted by the subdivider and approved by the City engineer. If fire protection improvements are required, fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of each lot. Fire hydrants in commercial, industrial, institutional, and multiple family residential developments shall be placed within 250 feet of each structure and shall be not more than 500 feet apart.

Sec. 5.30. Water and Sanitary Sewer Systems.

New central water and sanitary sewer systems, where required by the City's Comprehensive Plan, shall be designed by a Florida registered engineer in accordance with applicable regulations of the county health department, the Florida Department of Environmental Regulation, the water management district, and the Florida Department of Health and Rehabilitative Services.

Sec. 5.31. Utilities.

5.31.1. Location. Utility location within the street right-of-way shall be as shown in Appendix A. Placement and installation of utility lines shall conform with standard construction procedures. The subdivider shall satisfy the necessary cost and other arrangements, including easements, for such installation for each person, firm, or corporation furnishing utility services involved.

5.31.2. Easements. Utility easements across lots or centered on lot lines generally are not permitted. Where, due to topography or other circumstances, such easements are deemed by the City Council to be reasonable for the development of the property, such easements shall be at least 15 feet wide and centered as near as practical between lots.

Sec. 5.32. Preliminary Plat Specifications.

The preliminary plat shall be drawn clearly and legibly at a scale of at least one inch equals 100 feet using a sheet size of 24 inches by 36 inches, reserving a three inch binding margin on the left side and one-half inch margin on the other three sides (see Appendix A). If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. Twelve sets of the preliminary plat and necessary supporting material shall be submitted in accordance with procedures outlined in section 5.16 of these Land Development Regulations.

Sec. 5.33. Required Information on Preliminary Plat.

The preliminary plat shall contain the following information:

1. Proposed name of subdivision and the name of former subdivision if re-subdivision is involved.
2. Name, address, and telephone number of the subdivider and agent of the subdivider.
3. Name, address, telephone number, and registration number of surveyor and engineer.
4. Proposed staging of development if more than one phase.
5. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
6. Existing contours at two feet intervals based on United States Coastal and Geodetic Datum for the tract to be subdivided and extending 25 feet beyond the tract boundary.
7. Vicinity map showing location with respect to existing roads, landmarks, etc., total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required but not less than one inch to 2,000 feet. United States Geological Survey Maps may be used as a reference guide for the vicinity map.
8. Section and quarter-section lines as referenced on geodetic base map or maps as required.
9. Boundary line of the tract, by bearing and distance, drawn with a heavy line.
10. Legal description of the tract to be subdivided.
11. Names of owners of adjoining land with their approximate acreage or, if developed or subdivided, names of abutting subdivisions.
12. Existing street, utilities, and easements on and adjacent to the tract, including the name, purpose, location and size of each and the invert elevation of sewers within 100 feet of the subdivision boundary.
13. Proposed location of lift stations, as applicable.
14. Other existing improvements including buildings on or adjacent to the tract.
15. Preliminary layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and land to be used for other than single-family dwellings.
16. Block letters and lot numbers, lot lines, and scaled dimensions.
17. Zoning district boundaries on and abutting the tract.
18. Proposed method of water supply, sewage disposal, drainage, and street lighting.
19. Minimum building front yard setback lines as required by these Land Development Regulations.

20. Typical street cross-sections for each street type; the type and location of all road and street signs and street name signs as required within these Land Development Regulations shall be noted on a separate sheet (detailed specifications are part of the construction Plan approval process).
21. Natural features, including lakes, marshes or swamps, water courses, wooded areas, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency's flood hazard boundary maps.
22. Surface drainage and direction of flow and method of disposition and retention indicated.
23. Soil surface map.
24. Subsurface conditions of the tract showing subsurface soil, rock and groundwater conditions, location and results of soil percolation tests, and location and extent of muck pockets.
25. Existing and proposed covenants and restrictions.
26. Inscription stating: "NOT FOR FINAL RECORDING."
27. Other information considered necessary by either the subdivider, the Planning and zoning board or the City Council for full and proper consideration of the proposed subdivision.

Sec. 5.34. Title Certification and Real Estate Taxes.

As part of the application for final plat approval process, the subdivider shall file with the City Council certification of title opinion by an attorney-at-law licensed in Florida or certification by an abstractor or a title company showing that apparent record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as shown on the plat and, if the plat does not contain a dedication, that the subdivider has apparent record title to the land. The title opinion or certification shall show mortgages of record not satisfied or released in accordance with F.S. § 177.041, as amended, accompanied by a certificate from the subdivider's attorney, abstract company, or the tax collector that all taxes due and payable have been paid.

Sec. 5.35. Certificates of the Surveyor.

Certificate of the surveyor shall accompany submission of the preliminary and final plats.

Sec. 5.36. Construction Plan Specifications.

Plans for required improvements shall be prepared for approval by the City Council prior to construction and shall be submitted either at the time of submission of the preliminary plat or after approval of the preliminary plat. Construction Plans shall show the proposed locations, sizes, grades, and general design features of each facility.

5.36.1. Required materials for submission. Twelve sets of construction Plans and necessary supporting material shall be submitted in accordance with the procedure outlined in section 5.17 of these Land Development Regulations.

5.36.2. Plans specifications. Construction Plans shall be drawn to a scale of one inch represents 200 feet or larger and shall consist of the following:

1. A topographic map of the subdivision with a maximum contour interval of one foot where overall slopes are zero percent to two percent, two feet where slopes are over two percent, based on

United States Coastal and Geodetic Datum. This topographic map shall be prepared by a land surveyor.

2. A contour drainage map of the basins within the proposed subdivision with the size of each basin shown in acres. The outlines and sizes, in acres, of existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each drainage area shall be clearly delineated. Flow paths shall be indicated throughout including final outfalls from the subdivision and basins. Existing and proposed structures affecting the drainage shall be shown.
3. Plans showing proposed design features and typical sections of all canals, swales and other open channels, storm sewers, drainage structures, and other proposed subdivision improvements.
4. Plans and profiles for proposed streets and curbs. Where proposed streets interest existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of 300 feet from the point of intersection.
5. Plans of the proposed water distribution and sanitary sewer collection systems showing pipe sizes and location of valves, pumping stations and fire hydrants where such facilities are required by these Land Development Regulations.
6. Plans for road and street signs and street name signs showing the type and location of such signage and other traffic safety control devices. Specifications for such signage, including installation, shall be provided as part of this Plan and shall detail in diagram form, as necessary, sizes, materials and colors.
7. Other information on the construction Plans as may be required by the City Council.

Sec. 5.37. Subdivider's Agreement.

The subdivider's agreement described in section 5.17.4 shall specify the following:

1. Work to be done, and the time frame therefor, by the subdivider.
2. Variances [which may have been] approved by the Board of Adjustment to zoning requirements (see Article 3 of these Land Development Regulations).
3. Participation in the development by the City and the time for completion of such work.
4. The lien imposed upon the land for work performed by the City.
5. The conveyance by the subdivider to the City of required water, sanitary sewer, and storm sewer lines installed within dedicated public rights-of-way.
6. The agreement of the subdivider to maintain and repair improvements installed by the subdivider for a period of one year after completion of the same.

Sec. 5.38. Final Plat Specifications.

The final plat shall be drawn clearly and legibly in ink at a scale of at least one inch equals 100 feet using a sheet size of 24 inches by 36 inches. Each sheet shall be drawn with a marginal line completely around it and placed so as to leave a three-inch binding margin on the left side and a one-half-inch margin on the other three sides (see Appendix A). If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

Twelve sets of the final plat and necessary supporting material shall be submitted in accordance with the procedure outlined in section 5.18 of these Land Development Regulations.

Sec. 5.39. Required Information on Final Plat.

[The following information is required on the final plat:]

1. Name of subdivision in bold legible letters as stated in F.S. Ch. 177, as amended. The name of the subdivision shall be shown on each sheet and shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended," etc.
2. Name and address of subdivider and of owner, if different.
3. North arrow, graphic scale, and date of plat drawing.
4. Vicinity map showing location with respect to existing streets, landmarks, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required but not less than one inch to 2,000 feet. United States Geological Survey Maps may be used as a reference guide for the vicinity map.
5. The exact boundary line of the tract, determined by a field survey and providing distances to the nearest 1/100 foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not exceeding one in 5,000.
6. Legal description of the tract.
7. Names of owners of adjoining lands with their approximate acreage or, if developed, names of abutting subdivisions.
8. Location of streams, lakes, swamps, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency, official flood maps.
9. Bearing and distance to permanent points on the nearest existing street lines of no less than three bench marks or other permanent monuments accurately described.
10. Municipal, county, section and quarter-section lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
11. The closest land lot corner accurately tied to the lines of the subdivision by distance and angles.
12. Location, dimensions, and purposes of any land reserved or dedicated for public use.
13. Exact locations, width, and names of all streets within and immediately adjoining the new subdivision.
14. Street right-of-way lines showing deflection angles of intersection, radii, and lines of tangents.
15. Lot lines shown with dimensions to the nearest 1/100 foot and bearings to the nearest ten seconds.
16. Lots numbered in numerical order and blocks lettered alphabetically.
17. Accurate location and description of monuments and markers.
18. Minimum building front yard setback lines as required by these Land Development Regulations.
19. Reference to recorded subdivision plats of adjoining platted land shown by recorded names, plat book, and page number.
20. Covenants and restrictions.

Sec. 5.40. Signed Certificates.

The following certificates shall appear on the final plat and be properly signed before the final plat is submitted to the City Council, except the certificate of approval by the City Council shall be signed after the final plat is approved by the City Council (see Appendix A).

1. Certificate of surveyor.
2. Certificate of the subdivider's engineer.
3. Certificate of approval by county health department.
4. Certificate of approval by the City attorney.
5. Certificate of approval by the City Council.

Sec. 5.41. Bonding In Lieu of Completed Improvements.

A final plat shall neither be approved by the City Council nor accepted for filing until the improvements required by these Land Development Regulations have been constructed in a satisfactory manner or, in lieu of such construction, a surety device in the form of a survey bond, performance bond, escrow agreement, or other collateral (the form of which to be approved by the attorney for the City) has been filed with the City Council. Such surety shall:

5.41.1. Cover at least 110 percent of the total estimated cost of all required improvements such as streets, drainage, fill and other public improvements with estimated costs provided by the subdivider's engineer. A properly signed certificate of the estimated cost shall appear on the final plat (see Appendix A) upon its submission to the City Council. This estimate shall represent the total cost of installing all required improvements. As alternatives to the above, bids from two licensed contractors or copies of all executed contracts for the installation of the improvements may be submitted.

5.41.2. Be conditioned upon the subdivider completing all improvements and installations for the subdivision, or unit division thereof, in compliance with these Land Development Regulations and within the time specified between the subdivider and the City Council. The City, after 60 days' written notice to the subdivider, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the subdivider or failure of the subdivider to complete such improvements within the time required, allowing for properly approved extensions by the City Council.

5.41.3. Be payable to, and for the indemnification of, the City Council.

Sec. 5.42. Other Documents Required with the Final Plat.

[The following documents are required with the final plat:]

5.42.1. Dedication.

A dedication to the public by the owners of the land involved of all streets, drainage easements, and other rights-of-way however designated and shown on the plat for perpetual use for public purposes, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgage's interest to the dedication of public rights-of-way.

5.42.2. Certificate of payment of taxes.
Certification that all payable taxes have been paid and all tax sales against the land redeemed.

5.42.3. Certificate of title and encumbrances.
Title certification as required by F.S. Ch. 177, as amended.

5.42.4. Covenants and restrictions.

ARTICLE SIX – PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELL-FIELD REGULATIONS

Sec. 6.1. Prime natural groundwater aquifer recharge protection.
Sec. 6.2. Potable water well-field protection area.

Sec. 6.1. Prime natural groundwater aquifer recharge protection.

6.1.1. Prime natural groundwater aquifer recharge areas.

For the purposes of these land development regulations prime natural groundwater aquifer recharge areas are defined by the water management district and shown on the City's comprehensive plan.

6.1.2. Prime natural groundwater aquifer recharge area requirements.

Within areas designated as prime natural groundwater aquifer recharge areas proposed development shall comply with the following:

1. Stormwater management practices in close proximity to drainage wells and sinkholes shall ensure that stormwater is appropriately treated prior to any discharge taking place into said drainage well or sinkhole. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in article 7 herein;
2. Well construction, modification, or closure shall be regulated in accordance with the Florida Statutes and the criteria, determinations and/or permitting established through the applicable water management district office;
3. Abandoned wells shall be closed in accordance with criteria established by F.A.C. Ch. 17-28, as amended;
4. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in section 2.1 of these land development regulations (or as listed in F.S. Ch. 442, as amended), to the soils, groundwater, or surface water of any prime natural groundwater aquifer recharge area;
5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system within a prime natural groundwater recharge area except as necessary for maintenance or testing of those components; and
6. Landfill and storage facilities for hazardous/toxic wastes shall require approval as a special exception by the Board of Adjustment in accordance with article 12.

Sec. 6.2. Potable water well-field protection area.

6.2.1. Purpose and intent.

The purpose and intent of this section is to protect the health and welfare of the residents and visitors of the City of Live Oak by providing standards for regulating deleterious substances, materials and contaminants, and by regulating the design, location and operation of activities which may impair existing and future public potable water supply wells.

6.2.2. Applicability.

This section shall apply to all locations within the incorporated area of the City of Live Oak. The provisions shall set restrictions, constraints and prohibitions to protect existing and future public potable water supply wells from degradation by contamination from deleterious substances and materials.

6.2.3. Definitions.

Community water system.
The community water system includes any current or established wellhead which serves the public utility system of the City of Live Oak, Florida, or the parcel boundaries of any parcel site so adopted by the City Council by resolution as a potential location for future public well-field(s).

6.2.4. Well-field protection area.

A well-field protection area shall be established: As a minimum 500 foot extension outward from all existing or established wellheads, and, as a minimum 500 foot extension outward from all parcel boundaries of sites adopted by the City Council by resolution designated as a potential location for future public well-field community water systems.

6.2.5. Protection of future public water supply wells.

The prohibitions and restrictions set forth in this section and any regulations promulgated pursuant hereto, shall apply to any future public potable water supply well sites adopted by the City Council by resolution.

6.2.6. Regulated area maps.

The official Water-well map of the Comprehensive Plan, combined with locations named by any intermediate resolution adopted by the City Council, shall illustrate existing and future community water systems public potable community water systems and supply wells.

6.2.7. Restrictions on issuance of permits and licenses for new activities.

The following standards and restrictions shall apply for the issuance of development orders, permits or licenses for structures or uses located wholly or partially within a well-field protection area:

6.2.7.1. Every application for a development permit shall indicate whether or not the property or any portion thereof, lies within a well-field protection area.

6.2.7.2. Every application for development permit which involves property located wholly or partially within a well-field protection area shall be reviewed by the following City Departments: Building, Planning and Zoning, and Public Works. Once all departments have reviewed the development, a notice as to whether or not the proposed use or activity meets the requirements of this section shall be issued.

6.2.7.3. No development order for any activity regulated by this section shall be issued that is contrary to the restrictions and provisions provided in this section. A development order issued in violation of this section shall confer no right or privilege on the grantee and such invalid permit will not vest rights.

6.2.7.4. New Uses.

No new uses of land, except as otherwise provided for, shall be permitted which require or involve storage, use or manufacture of regulated materials as defined in section 2.1 herein.

6.2.7.5. Limitation on new wells.
No new wells shall be permitted for construction in a Surficial, Intermediate, or Floridan Aquifer System.

Exemptions approved by the City Council, after recommendation by the Planning and Zoning Board, may be granted on a case-by-case basis and shall be limited to:

1. Wells constructed by the City as part of a monitoring system surrounding the well-field , including new construction or repair of the well-field production wells, or other well construction or modification required in the operations of a City water treatment plant.
2. Wells constructed as part of a City/Florida Department of Environmental Regulation-approved contaminant assessment/remediation plan where groundwater contamination has been identified or is suspected.
3. Wells constructed for private water supply in locations where the cost of connection to a public water utility would exceed the cost of the proposed private supply well and pumping system by a factor of 2 1/2 times.
4. Geotechnical borings constructed in the Surficial Aquifer System.

6.2.7.6. Temporary storage permit.
A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding 50 gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the well-field protection area. The temporary permit procedure shall consist of application to the Planning and Zoning Board for the proposed activity requiring temporary hazardous material storage. The application shall be made on City forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored, and a plan for monitoring and remedial action, where necessary, as determined by the City Council. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the City Council shall approve, approve with conditions, or deny the application.

6.2.7.7. Nonresidential use of regulated materials.
If a nonresidential building proposes to contain, use, handle or store regulated substances and materials and is located partially within a protection area, then the entire building shall be governed by the restrictions applicable to that area or to the more restrictive area.

6.2.8. Exemptions.

The following shall be exempt from the requirements of this section to the extent indicated.

6.2.8.1. Material exemptions.
The City Council, after review and recommendation by the Planning and Zoning Board, may exempt a material from the requirements of these land development regulations if, in the opinion of the City Council, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of groundwater in case of discharge.

6.2.8.2. Previous approvals and development projects which are exempt from the provisions of the LDR. General approval for uses authorized within specific Zoning districts shall not, however, constitute authorization for specific uses.

6.2.8.3. Vehicular fuel and lubricant use.
The use of any regulated substance or material solely as operating fuel in a vehicle or as a lubricant in that vehicle shall be exempt from the provisions of this section.

6.2.8.4. Pesticides, herbicides, fungicides and rodenticides.
The application of substances used as pesticides, herbicides, fungicides and rodenticides in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this section provided that:

6.2.8.4.1. In all regulated areas the application is in strict conformity with the use requirement as set forth in the substances' EPA registries as is indicated on the containers in which the substances are sold; and

6.2.8.4.2. In all regulated areas the application is in strict conformity with the requirements as set forth in F.S. Chs. 482 and 487, and F.A.C. Chs. 5E-2 and 5E-9. This exemption only applies to the application of pesticides, herbicides, fungicides and rodenticides.

6.2.8.5. Retail sales activities.
Retail sales establishments in regulated areas that store and handle regulated materials for resale in their original unopened containers shall be exempt from the prohibitions as set forth in this section.

6.2.9. Prohibited activities within regulated areas.

6.2.9.1. Regulated materials.
Non-residential activities, other than retail sales exempted by section 6.2.8.5., which store, handle, produce or use any regulated substance or material within the well-field protection area, shall be prohibited.

6.2.9.2. Septic tanks.
New septic tank waste water treatment systems shall be prohibited within the well-field protection area.

6.2.9.3. Stormwater retention/detention areas.
Stormwater retention/detention areas (wet), as defined by the Suwannee River Water Management District, shall not be located within the well-field protection area.

6.2.9.4. Wastewater effluent discharges.
Wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, or drain fields, shall not be located within the well-field protection area.

6.2.9.5. Negative water supply impacts.
No development shall be approved that negatively impacts the water resources of adjoining property owners, wetlands or lakes. Impacts shall include potential supply limitations by excessive drawdown or other quality problems.

6.2.9.6. Discharge prohibited.

No person shall discharge or cause to or permit the discharge of a regulated material, as defined in section 2.1 of these land development regulations, or within F.S. Ch. 442, as amended, to the soils, groundwater, or surface water of any well-field protection area.

6.2.9.7. Landfills prohibited.
New sanitary landfills, as defined by F.A.C. Ch. 17-7, as amended, shall be prohibited within well-field protection areas.

6.2.9.8. Sanitary sewer plants prohibited.
New domestic and/or industrial waste water treatment facilities shall be prohibited within well-field protection areas.

6.2.9.9. Mines and excavation of waterways or drainage facilities prohibited.
Mines and excavation of waterways or drainage facilities which intersect the water table are prohibited within well-field protection areas.

6.2.9.10. Bulk storage, agricultural chemicals, feedlots or other animal facilities prohibited.
Bulk storage, agricultural chemicals, feedlots or other animal facilities are prohibited within well-field protection areas.

6.2.9.11. Transportation of regulated materials.
Transportation of regulated materials is prohibited within the well-field protection area except local traffic serving facilities in the well-field protection area.

6.2.10. Procedural requirements.

The following shall be submitted by the applicant concurrent with any plans for development located within regulated areas:

6.2.10.1. Source of water for irrigation.

6.2.10.2. Existing and proposed wells for potable or irrigational use on all plans submitted for review.

6.2.10.3. A demonstration that potable and/or non-potable wells will not cause adverse impacts to wetlands, lakes or other well-fields by performing a computer model analysis of the groundwater in the Surficial Aquifer. This shall include a simulation of the drawdown of all the proposed wells pumping during a ninety-day drought period.

6.2.10.4. Nature and extent of proposed water conservation measures.

6.2.11. Inspections.

6.2.11.1. City personnel or designated inspectors are hereby authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this section including nonresidential buildings, structures and land within well-field protection areas in the City in order to determine if applicable provisions of the City Code relating to well-field protection are being followed.

6.2.11.2. Any person subject to this section shall be liable for any damage caused by a regulated substance or material present on or emanating from the person's property, for all costs of removal or

remedial action incurred by the City, and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from the release or threatened release of a regulated substance. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of ground water, monitoring, containment and clean-up or disposal of regulated substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

6.2.11.3. A notice to cease a land use or activity or an exemption issued under this section, shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local code, regulation, rule, ordinance or requirement. Nor shall said notice or exemption relieve any owner or operator of any liability for violation of such codes, regulations, rules, ordinances or requirements.

ARTICLE SEVEN – STORMWATER MANAGEMENT REGULATIONS

Sec. 7.1. Relationship to other stormwater management requirements
Sec. 7.2. Exemptions
Sec. 7.3. Stormwater management requirements
Sec. 7.4. Dedication or maintenance of stormwater management systems

Sec. 7.1. Relationship to other stormwater management requirements.

7.1.1. General. In addition to meeting the requirements of these land development regulations, the design and performance of stormwater management systems shall comply with standards in F.A.C. Ch. 17-25, as amended (Rules of the Florida Department of Environmental Regulation) and F.A.C. Ch. 40B-4, (Rules of the Water Management District). In all cases the strictest of the applicable standards shall apply.

Sec. 7.2. Exemptions.

7.2.1. General exemptions.
The following development activities are exempt from these land development regulations except that steps to control runoff (see section 7.3), erosion and sedimentation shall be taken for all development.

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture, provided [that] no obstruction or impoundment of surface water will take place. Also, the construction, maintenance, and operation of self-contained agricultural drainage systems provided adjacent properties will not be impacted and sound engineering practices are followed.
2. Facilities for agricultural lands provided those facilities are part of a water management district approved conservation plan. However, if the conservation plan is not implemented according to its terms, this exemption shall be void.
3. Facilities for silvicultural lands provided the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, Revision Map 1990, published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry, as amended.
4. The construction, alteration, or maintenance of a single-family dwelling, duplex, triplex, quadraplex or agricultural building of less than ten acres total land areas and provided the total impervious area is less than two acres (i.e., dwelling unit, barn, driveways, etc.).
5. The connection of a stormwater management system to an existing permitted stormwater management system, provided [that] the existing stormwater management system has been designed to accommodate the proposed system.
6. The placement of culverts whose sole purpose is to convey sheet flow when an existing stormwater management facility is being repaired or maintained, provided [that] the culvert is not placed in a stream or wetland.
7. Existing stormwater management systems that are operated and maintained properly and which pose no threat to public health and safety.

8. Connections to existing stormwater management systems that are owned, operated, and maintained by a public entity, provided [that] the proposed connections comply with a stormwater management plan compatible with the water management district requirements.
9. Development activity within a subdivision if each of the following conditions have been met:
   a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a preliminary or final plat or development plan; and
   b. Development is conducted in accordance with approved stormwater management provisions submitted with the construction plan.
10. Action taken under emergency conditions to prevent imminent harm or danger to persons or to protect property from imminent fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the city council and water management district as soon as practicable.

Sec. 7.3. Stormwater management requirements.

7.3.1. Natural drainage system utilized to extent feasible.
To the extent practicable, development shall conform with the natural contours of the land, and natural and pre-existing manmade drainage ways shall remain undisturbed.

7.3.2. Lot boundaries.
To the extent practicable, lot boundaries shall coincide with natural and pre-existing manmade drainage ways within subdivisions to avoid creating lots that can be built upon only by altering such drainage ways.

7.3.3. Developments must drain properly.
Developments shall be provided with a drainage system that is adequate to prevent undue retention of stormwater on the development site. Stormwater shall not be regarded as unduly retained if:

1. Retention results from a technique, practice or device deliberately installed as part of a sedimentation or stormwater runoff control plan approved by the water management district; or
2. Retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless such retention presents a danger to health or safety.

7.3.4. Stormwater management general.
Developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state except that the first one-half inch of stormwater runoff shall be treated in an off line retention system or according to other best management practices described in the water management district's Surface Water Management Permitting Manual, as amended. More specifically:

1. No development may be constructed or maintained that impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and

2. No development may be constructed or maintained so that stormwaters from such development are collected and channeled onto lower adjacent properties.

7.3.5. Sedimentation and erosion control.
Final plat approval for subdivisions may not be given with respect to development that would cause land disturbing activity subject to the jurisdiction of the water management district unless the water management district has certified to the city either that:

1. The proposed construction plans are approved for permitting by the water management district; or
2. The water management district has examined the preliminary plat for the subdivision, and it reasonably appears that permits for such subdivision improvements can be approved upon submission of the subdivider of construction plans. However, construction of the development may not begin until the water management district issues its permit.

For the purposes of this section, land disturbing activity means:

1. Use of the land in residential, industrial, educational, institutional, or commercial development, or
2. Street construction and maintenance that results in a change in the natural cover or topography or causes or contributes to sedimentation.

7.3.6. Water quality.
The proposed development and development activity shall not violate the water quality standards of F.A.C. Ch. 17-3, as amended.

7.3.7. Design standards.
To comply with the foregoing standards the proposed stormwater management system shall conform with the following:

1. Detention and retention systems shall be designed in conformance with the water management district's Surface Water Management Permitting Manual, as amended.
2. Natural systems shall be used to accommodate stormwater to the maximum extent practicable.
3. The proposed stormwater management system shall be designed to accommodate stormwater that both originates within the development and that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
5. Design and construction of the proposed stormwater management system shall be certified as meeting the requirements of these land development regulations and the water management district's Surface Water Permitting Manual, as amended, by a professional engineer, architect, or landscape architect, registered in the State of Florida.
6. No stormwater may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall coordinate with and connect to the drainage systems or drainageways on surrounding properties or roads where practicable.
8. Use of drainage swales rather than curb and gutter and storm sewers in a subdivision is provided for in article 5 of these land development regulations. Private roads and access ways within

unsubdivided developments shall use curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

9. Stormwater management systems shall be designed and constructed to provide retention of run-off volumes such that the peak discharge from the developed site shall not exceed the equivalent peak discharge from the natural or undeveloped site.
10. The city council may require water retention areas to be fenced and screened by trees or shrubbery.
11. In areas where high groundwater and other conditions exist and it is deemed necessary by the city council, subsurface drainage facilities shall be installed. If a wearing surface (see article 5 of these land development regulations) is required over a subsurface drainage facility, the subsurface drainage facility shall be installed by the subdivider prior to the paving of the street.
12. Required improvements shall be installed so as to maintain natural watercourses.
13. Construction specifications for drainage swales, curbs and gutters are contained in article 5 and Appendix A of these land development regulations.
14. The banks of detention and retention areas shall be sloped to accommodate and shall be planted with vegetation which will maintain the integrity of the bank.
15. Dredging, clearing of vegetation, depending, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized.
16. Natural surface water shall not be used as sediment traps during or after development.
17. For aesthetic reasons and to increase shoreline habitat, shorelines of detention and retention areas shall be curving rather than straight where practicable.
18. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development, if any.
19. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or manmade surface waters.
20. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by these land development regulations.
21. Detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

Sec. 7.4. Dedication or maintenance of stormwater management systems.

7.4.1. Dedication.
If a stormwater management system approved under these land development regulations will function as an integral part of the city's system, as determined by the city council, the facilities shall be dedicated to the city.

7.4.2. Maintenance by an acceptable entity.
Stormwater management systems that are not dedicated to the city shall be operated and maintained by one of the following entities:

1. A local governmental unit including a school board, special district or other governmental unit.
2. A regional water management agency or an active water control district created pursuant to F.S. Ch. 298, as amended, or drainage district created by special act, or special assessment district created pursuant to F.S. Ch. 170, as amended.
3. A state or federal agency.
4. An officially franchised, licensed, or approved communication, water, sewer, electrical or other public utility.
5. The property owner or developer if:
   a. Written proof as submitted in the appropriate form by either letter or resolution that a governmental entity, as set forth in paragraphs 1--3 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
   b. A surety bond or other assurance of continued financial capacity to operate and maintain the system is submitted to and approved by the city council. The developer shall maintain and repair all improvements which these stormwater management regulations require the developer to construct. The developer shall post a maintenance bond to cover at least ten percent of the estimated costs of all required stormwater improvements (See Appendix A).
6. For-profit or nonprofit corporations, including homeowners associations, property owners associations, condominium owners associations or master associations, if:
   a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the city, whereby the entity affirmatively takes responsibility for the operation and maintenance of the stormwater management facility.
   b. The association has sufficient powers reflected in its organizational or operational documents to:
      (1) Operate and maintain the stormwater management system as permitted by the water management district.
      (2) Establish rules and regulations.
      (3) Assess members.
      (4) Contract for services.
      (5) Exist perpetually with the articles of incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

7.4.3. Phased projects.
If a project is to be constructed in phases and subsequent phases will use the same stormwater management systems as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In phased developments that have an integrated stormwater management system but which employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities should any entity fail to maintain a portion of the stormwater management system within the project.

7.4.4. Applicant as acceptable entity. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

ARTICLE EIGHT – FLOOD DAMAGE PREVENTION REGULATIONS

Sec. 8.1. Standards for reducing flood hazards in the area of special flood hazard
Sec. 8.2. Standards for residential construction
Sec. 8.3. Standards for nonresidential construction
Sec. 8.4. Standards for elevated buildings
Sec. 8.5. Standards for floodways
Sec. 8.6. Standards for streams without established base flood elevations and/or floodways
Sec. 8.7. Standards for unnumbered A zones
Sec. 8.8. Standards for areas of shallow flooding
Sec. 8.9. Required floor elevation
Sec. 8.10. Exemptions from the general standards of this article
Sec. 8.11. Manufactured home criteria
Sec. 8.12. Stabilization of slopes
Sec. 8.13. Special provisions for subdivisions
Sec. 8.14. Water supply and sanitary sewer systems in floodways and floodplains
Sec. 8.15. Additional duties of the land development regulation administrator related to flood insurance and flood control
Sec. 8.16. Location of boundaries of floodplain and floodway districts

Sec. 8.1. Standards for reducing flood hazards in the area of special flood hazard.

The standards in the article apply to all development within the areas of special flood hazard as shown in the city's flood insurance rate map.
For the purposes of this section, "substantial improvement" means for a building constructed prior to the effective date of these land development regulations, any repair, reconstruction, or improvement of a building the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs which the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to insure safe living conditions, or
2. Any alteration of a building listed on the National Register of Historic Places or the state inventory of historic places.

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to

ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
9. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of these land development regulations shall meet the requirements of "new construction" as defined in section 2.1.
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this article shall be undertaken only if said nonconformity is not furthered, extended or replaced.

Sec. 8.2. Standards for residential construction.

New construction or substantial improvement of any residential structure shall have the lowest floor, including a basement as defined within section 2.1 of these land development regulations, elevated no lower than one foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards herein.

Sec. 8.3. Standards for nonresidential construction.

New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including [the] basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied.

Sec. 8.4. Standards for elevated buildings.

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
   a. Provide a minimum 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. The bottom of all openings shall be no higher than one foot above grade; and
   c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
3. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 8.5. Standards for floodways.

Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and which has erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article;
3. Prohibit the placement of manufactured homes, except in existing manufactured home parks or subdivisions which existed prior to the adoption of these land development regulations. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards established herein are met.

Sec. 8.6. Standards for streams without established base flood elevations and/or floodways.

Within areas of special flood hazard where small streams exist, but where no base flood data have been provided or where no floodways have been provided, the following provisions shall apply:

1. Where a perennial stream or creek is located, no encroachments, including fill material or buildings, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 50 feet, whichever is greater;
2. No encroachments, including fill material or structures, shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms with standard hydraulic engineering principles.

Sec. 8.7. Standards for unnumbered A zones.

Within the A zone areas of special flood hazard, areas denoted with the letter "A" with no suffix are referred to as "unnumbered A zones" and are areas where special flood hazards exist but where no base flood data has been provided. The following provisions apply:

1. No encroachments, including fill material or structures, shall be located within areas of special flood hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms with standard hydraulic engineering principles;
2. At a minimum, no encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 50 feet, whichever is greater;
3. New construction or substantial improvements of buildings or manufactured homes shall be elevated or floodproofed in accordance with the design standards of this article to:
   a. Elevate structure to one foot above an elevation established in accordance with the best available data of such agencies as the United States Army Corps of Engineers or water management district; or
   b. At least five feet above highest adjacent natural grade.
4. For all development projects, including manufactured home parks and subdivisions greater than five acres or 50 lots, whichever is lesser, base flood elevation information shall be provided in accordance with this article as part of the development proposal; and
5. Accessory or temporary structures shall be permitted as provided within this article.

Sec. 8.8. Standards for areas of shallow flooding.

The following standards apply to areas of shallow flooding located within the area of special flood hazard:

1. 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 flood insurance rate map (at least two feet if no depth number is specified).
2. The lowest floor of all new construction of and substantial improvements to nonresidential structures shall:
   a. Have the lowest floor, including [the] basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including [the] basement, shall be elevated at least two feet above the highest adjacent grade; or
   b. Together with attendant utility and sanitary facilities be completely floodproofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Sec. 8.9. Required floor elevation.

No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including any portion of the structure below grade) of the building or improvement is elevated to one foot above the base flood level.

1. Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
2. Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half-inch bolts six feet on center with a minimum of two per side with a force adequate to secure the building is required.

Sec. 8.10. Exemptions from the general standards of this article.

Structures that represent a minimal investment and that are subordinate to an accessory to the primary structure or of a temporary nature, may be exempted from the general standards of this article, provided [that] the following criteria are met:

1. The structure is not used for human habitation.
2. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g. using flood-resistant materials).
3. The structure shall be located on the building site so as to offer the minimum resistance to the flood of floodwaters.
4. The structure is firmly anchored to prevent flotation per the provisions of this article.
5. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is either elevated above the required elevation of this article or is floodproofed.
6. A temporary structure, such as fruit stands and construction site offices, may remain on the property for not more than 180 days if the structure is mobile, or can be made so, and is capable of being removed from the site with a minimum of four hours warning. The temporary nature of the structure shall be clearly marked on the face of the permit and shall clearly show the expiration date. In addition, a plan for the removal of the structure, providing contacts and the name of individuals responsible for removal of the structure shall be on file with the land development regulation administrator for a period of not less than five years of issue.

Sec. 8.11. Manufactured home criteria.

Notwithstanding any other provision of these land development regulations, no manufactured home may be located within that portion of the floodplain outside of the floodway unless the following criteria are met:

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, shall meet all requirements for new construction including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision shall be elevated so that:

a. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation on a permanent foundation;
b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at lease an equivalent strength, of no less than 36 inches in height above grade;
c. The manufactured home is securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; or
d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of flood, any manufactured home placed or substantially improved meets the standards of this article.

3. All recreational vehicles placed on sites shall either:
   a. Be fully licensed and ready for highway use; or
   b. Meet all requirements for new construction including anchoring and elevation requirements of this article.

A recreational vehicle is read for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

Sec. 8.12. Stabilization of slopes.

Where a portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

Sec. 8.13. Special provisions for subdivisions.

An applicant requesting the plat approval of a major or minor subdivision shall be informed by the land development regulations administrator of the use and condition restrictions contained within this article and article 5 of these land development regulations. Lands which lie within any "flood hazard area" as shown on the Federal Emergency Management Agency, official flood maps, shall be subdivided and developed only if:

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and/or constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. New or replacement water supply systems and/or sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
5. All preliminary subdivision plats shall identify any areas of special flood hazard and the elevation of the base flood.
6. All final subdivision plats shall identify the elevation of proposed structures and pads and the site is filled above base flood, the final pad elevation is certified by a professional engineer or surveyor.

7. Each lot includes a site suitable for constructing a structure in conformity with the standards of articles 7 and 8 of these land development regulations.
8. All 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 prominently publish the following flood hazard warning in the document:

FLOOD HAZARD WARNING
This property may be subject to flooding. You should contact the city land development regulation administrator and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

Sec. 8.14. Water supply and sanitary sewer systems in floodways and floodplains.

Whenever any portion of a proposed development is located within a floodway or floodplain, the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation and the water management district shall be informed by the subdivider that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed systems by such agencies shall constitute a certification that:

1. Such water supply system is designed to minimize or eliminate infiltration of floodwaters into it.
2. Such sanitary sewer system is designed to eliminate infiltration of floodwaters into it and discharges from it into floodwaters.
3. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

Sec. 8.15. Additional duties of the land development regulation administrator related to flood insurance and flood control.

The land development regulation administrator shall:

1. For the purpose of the determination of applicable flood insurance risk premium rates within zone A on the city's flood insurance rate map published by the Federal Emergency Management Agency:
   a. Obtain from the applicant the elevation, which is certified by a registered professional engineer or surveyor (in relation to mean sea level) of the lowest habitable floor (including any portion of the structure below grade) of all new or substantially improved structures; and
   b. Obtain, from the applicant for all structures that have been floodproofed (whether or not such structures contain a portion which is below grade), the elevation, which is certified by a registered professional engineer or surveyor, (in relation to mean sea level) to which the structure was floodproofed.
2. Notify, in riverine situations, adjacent communities, the local district office of the United States Army Corps of Engineers, the State of Florida National Flood Insurance Program Coordinating Office (Florida Department of Community Affairs), the regional planning council and the water management district prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.

3. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
4. Advised the applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, inform applicant of such permit requirements.
5. Verify actual elevation (in relation to mean sea level) of the lowest floor (including basements of all new or substantially improved structures) is in accordance with these land development regulations.
6. Verify actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed are in accordance with these land development regulations. Include the certification by professional engineer or architect of compliance in the record of the application.
7. Decide boundaries of areas of special flood hazard where mapped boundaries conflict with actual field conditions. Such decision may be appealed in accordance with these land development regulations.
8. Utilize the best available base flood elevation data for instances in which such data is not provided in accordance with these land development regulations. Base flood elevation data shall be provided for subdivision proposals and other proposed development in excess of 50 lots or five acres.
9. Maintain records, available for public inspection, in the office of the land development regulation administrator.

Sec. 8.16. Location of boundaries of floodplain and floodway districts.

As used in this article, the terms "floodplain" and "floodway" refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms in section 2.1.

ARTICLE NINE – HOUSING REGULATIONS AND CODE

Sec. 9.1. Findings of fact and declaration of necessity.
Sec. 9.2. Applicability; violation.
Sec. 9.3. Maintenance.
Sec. 9.4. Housing Standards

9.1. Findings of fact and declaration of necessity.

The city council finds the following:

1. *Existence of conditions.* Premises exist and continue to be established within the city containing blighted dwellings or other structures intended for human habitation, and such dwellings or other structures are blighted because of faulty or undesired design, placement, construction or other factors, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate heat, light or ventilation, or improper management, or any combination of these factors, as a result of which such buildings or structures are or have become deteriorated, dilapidated, neglected, overcrowded with occupants or unsanitary as to be unfit for human habitation, thereby imperiling the health, safety or welfare of the occupants thereof or the inhabitants of the surrounding area.

2. *Results if conditions uncorrected.* Such blighted premises, dwellings and other blighted buildings or other structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas; and conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services.

3. *Necessity to protect public health, safety and welfare.* The enactment of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, utilities, occupancy, construction, establishment, relocation, repair and maintenance of buildings and grounds used or intended for human habitation.

4. *Remedial application.* This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or building, structures or premises used as such. Additionally, it is determined that review and regulations of site development and property line requirements, onsite siting requirements, subdivision control, and review and regulation of architectural and aesthetic requirements for all housing constructed, established, replaced or relocated within or to the city is necessary and appropriate to further the objectives, goals and policies for community planning to promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general

welfare of the City.

9.2. Applicability; violation.

Except as otherwise more restrictive in this Article, other applicable Articles of the LDR, and other applicable local, state, federal laws or regulations, the International Property Maintenance Code, 2003 Edition, as may be amended, shall apply to all existing and proposed residential buildings, structures, and premises and constitute the minimum requirements and standards for such building, structures, and premises. Any person violating the provisions of the International Property Maintenance Code shall be in violation of these Land Development Regulations.

9.3. Maintenance.

1. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Property Maintenance Code shall be the minimum requirements in a building regardless of when erected, altered or repaired, and shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this article.

2. It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage or repair of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the enforcement official.

3. Occupancy and utility related inspections for required maintenance and minimum housing standards shall also include compliance with the following:

    a. House numbers must be posted, placed above or on the door or wall that is most visible from the street upon which such building fronts and is addressed off of. Numerals must be at least 4 inches tall and not hand written.
    b. All doors must be functioning and able to be opened and closed. They cannot be nailed or screwed shut.
    c. All windows must be functioning and able to be opened and closed. They cannot be nailed or screwed shut. All cracked or broken panes must be replaced.
    d. The roof is found to be in good condition – no leaks, loose shingles, or loose metal.
    e. The general condition of the property has been maintained with no trash or overgrown grass.
    f. If a manufactured home, there shall be found a black real property (RP) or a current annual registration sticker affixed to an exterior window as required.

9.4. Housing Standards.

In order to insure that appropriate and consistent architectural and site development elements and standards are in place, and that dwelling units have properly maintained and refurbished or upgraded habitable living areas, the following standards are to be applied and enforced uniformly, without distinctions as to whether such housing is manufactured, modular, mobile, located in a mobile/manufactured home park or subdivision, or built in a conventional manner, subject to specific allowances according to the zoning district assigned to the subject property.

Effective at the date the ordinance is adopted containing this amendment, all types of single-family, duplex and multi-family housing sought to be newly constructed, established, replaced or relocated in or to the city, for which by said date, a current and/or active building permit has not been issued by the City Building Official, shall be required to comply with the following enumerated standards.

1. The Future Land Use Element and associated Future Land Use Plan Map shall continue to control aspects of density, floor area ratio and impervious lot coverage for residential land use classifications.

2. Article 4 of the LDR, which contains the various zoning districts, shall continue to control uses, minimum lot requirements, minimum yard requirements (setbacks), heights, and other standards as found therein, for residential zoning districts.

3. All applications for a permit for any dwelling unit shall begin with a pre-housing development application stating the owner, contractor or installer, parcel identification number, address, and legal description, as well as the desired housing type, to be submitted to the LDR Administrator.

   These will be processed in the order of receipt. Within 10 calendar days, the LDR Administrator shall communicate back in writing as to what the allowances are, and what standards are applicable to the subject property, also with additional information on the process for permit application review.

4. When found to be consistent with the requirements as stated under 1 and 2 above, all housing sought to be constructed, established, replaced or relocated shall further be governed by the following standards and criteria as a condition, in order for a building permit to be issued:

   a. Verification of these standards shall be demonstrated either by review of submitted engineered construction and site plans which show the standards will be met through the conventional construction taking place on-site; and/or through certified third-party manufacturer's design plans which show the dwelling unit was originally constructed at the factory to meet the required criteria. Conventional housing which was previously constructed at another location, which is sought to be relocated to or within the city, shall submit engineered plans which show the dwelling unit was originally constructed at another site to meet the required criteria.

      An applicant may also substitute said design plans with photos and other documentation as required by city staff of said dwelling unit. Dwelling units which

are subsequently found, upon relocation or delivery into the city to not meet the required standards which were documented as part of the permit application, shall be issued a stop work order by the Building Official, and ordered to be removed from the city.

b. Pursuant to the adopted City of Live Oak Comprehensive Plan, the following housing standards are hereby adopted pursuant to:

OBJECTIVE III.2

The City shall promote the maintenance of a safe and sanitary housing stock and the elimination of substandard housing conditions, as well as, the establishment of provisions for the structural and aesthetic improvement of housing through adoption of minimum housing standards.

c. New Housing shall mean new construction or establishment of a dwelling unit which is stick built in a conventional manner, or a dwelling unit which otherwise has never been previously titled to any previous owner.

d. Relocated Housing shall mean the moving of any dwelling unit which was constructed: conventionally previously at another site which by nature of its construction has the potential to be moved; or ones which were constructed in a factory which have been previously titled to any previous owner, or one which was previously established at another location for occupancy regardless of ownership, and is sought to be relocated to a new location.

e. Legal Lots eligible for permit consideration shall be in accordance with Section 4.19.7. and 4.1.6.1. of these LDR.

f. Required residential driveway and curb-cut connections for permit consideration shall be according to Section 4.19.3. Access Control.

g. Eligibility for Septic Tank installation and connection for permit consideration shall be according to Section 4.19.30., otherwise, connection to City Water and Sewer is mandatory.

h. Any activities pertaining to the installation, removal or movement of dirt or earth for permit consideration shall be according to Section 3.7. Special Impact Permits.

i. Any residential development proposed on a lot or parcel which contains areas designated as a Flood Zone according to City and FEMA maps, shall be bound by all applicable flood-plain regulations, ordinances and codes.

j. Any legal lot, regardless of zoning or lot size, which at the time of application contains a dwelling unit which does not meet the minimum width which would be required for a replacement home, may propose to replace said dwelling unit with another of the same or greater width, subject to meeting all other requirements as may be applicable. City Planning and Building Department Staff shall inspect and document the existing dwelling unit at the subject location, prior to it being moved and/or applied to be replaced.

k. Combination/mating of additional units: The joining together or two or more manufactured homes or sections of homes, when not originally manufactured and identified as matching units or designated as an expansion unit as designated by the manufactured home manufacturer, shall be prohibited.

l. Anchoring. Each manufactured home shall be located on a stand that will permit each unit to be sufficiently supported and anchored as in compliance with the state standards for anchoring manufactured homes.

   In addition, each manufactured home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed from the manufactured home unless that portion of the manufactured home is permanently attached in such a manner that it cannot be readily be removed therefrom.

m. Skirting. A skirt or apron, to standards as provided for herein, which is continually and properly maintained by the owner of the manufactured home shall be installed and shall surround each manufactured home between the bottom of the unit and the ground.

   Manufactured homes within Federal Emergency Management Agency described 100-year flood prone areas shall install skirting with design features which conform to FEMA standards for such.

n. As a condition for eligibility for permit issuance, manufactured home applicants shall produce verification that said home or home section has displayed and affixed the applicable HUD Label (metal plate), certifying that it was built in accordance with the Federal Manufactured Housing Construction and Safety Standards. If eligible for a move-on permit, city department staff shall also re-inspect for this once a home has been located within the city limits.

o. Minimum living space shall mean that living area which is heated and cooled, exclusive of open porches or attached garages or similar spaces not suited or intended for occupancy as living quarters.

p. Minimum width shall mean, as measured across the narrowest portion, from outside wall to outside wall.

q. Minimum roof pitch shall mean as calculated and measured, a certain distance of roof rise for a related 12 foot of horizontal run. Dwelling units with curved or flat roof structures and no integrated peak or ridge are prohibited.

r. Minimum overhang shall mean as measured from outside wall to fascia board edge. Each ‘leg’ of the home perimeter shall meet the minimum standard. Required overhang shall be that which was incorporated into the original design and construction/manufacturing of the home, except as otherwise provided for.

s. Dwelling units with metal and Masonite/hardboard style siding are prohibited, with the exception of horizontal, lap-style aluminum siding products. Consideration may be given for newly engineered siding products which have or may be created which serve as a replacement to older siding products which have been discontinued,

outlawed or the subject of class-action lawsuits, etc.

t. Foundations and related appendages:

   (1) Conventional construction and off-frame modular type dwelling foundations shall be in compliance with Florida Building Codes. Any stem walls shall extend at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the homes; or said home shall be constructed on a permanent slab system foundation. Stem walls exceeding 8 inches in height shall be finished with painted stucco, brick or siding to match that of the home. Dry stacking of stem walls is prohibited;

   (2) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, shall be installed on foundations in compliance with applicable state and national codes and standards, including engineering when necessary;

   (3) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, in: A-1, Rural Residential or RMH-P zoning districts, may have required skirting which is the standard, vertical vinyl type, or any other type which is listed as allowable herein;

   (4) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, in: any single-family zoning district, required skirting shall be constructed as: painted stucco or CMU block, mortared brick or stone, faux brick or rock panels, rigid insulated foam, painted hardi-board, or matching horizontal vinyl siding. Various types of metal, wood products, lattice, and corrugated fiberglass, etc., and standard vertical vinyl style are not allowable skirting materials.

   (5) Any home proposed to be placed sixty (60) or more inches above adjacent ground grade, on piers, pylons, columns or other similar structures, which would result an open-air or enclosed area beneath the home, shall be required to apply for and obtain a Special Exception approval pursuant to Section 3.9, prior to consideration for any permit. This shall also apply to homes proposed to be elevated with engineered columns, which may be necessary to develop on parcels in flood zones, etc. where the deposition of fill dirt or mounding is not feasible due to Special Impact Permit requirements.

u. Homes shall be placed on the legal parcel, within allowable setbacks, in such a manner to be orientated with the longer dimension of the home being parallel to the adjacent street frontage.

   For corner parcels, the home shall be orientated with the longer dimension of the home to be facing towards one or both of the street frontages.

   For through parcels, the home shall be orientated with the longer dimension of the

home being parallel to the street frontage which the majority of neighboring homes face towards.

For multi-family and/or mobile-home park housing developments, any dwelling units located on the periphery of the parcel, which face or front a street frontage, shall be orientated with the longer dimension of the home or building being parallel to the adjacent street frontage; with those in the internal portions of the parcel orientated otherwise to meet spacing and setback requirements.

Any singular legal lot of record less than 80 feet in width, which has its own individual Parcel ID number assigned and recorded prior to the date of this amendment, which cannot be otherwise developed with a dwelling unit with the above stated orientation may receive an administrative approval by the Land Development Regulation Administrator for alternative placement of the home.

v. On un-platted parcels zoned to allow for residential uses, 1 or more acres in size, the Land Development Regulation Administrator may allow for an adjustment of the standards listed under (u) herein, when it is deemed to not conflict with the general housing character of the area.

w. Any lot or parcel for which a permit is sought for a dwelling unit shall provide a certified paper copy of a survey to the city, and shall have all corners staked with survey markers, as part of the application process.

x. All manufactured homes which are found or determined by the City to be in such a state of disrepair or have structural, fire, flood, water, impact, termite or other damage or deterioration to the extent where the integral or inherent components have been compromised, shall be deemed ineligible to be relocated into the city, as certain factory homes come inspected and certified by factory and state inspectors, and cannot be properly or effectively refurbished without being returned to the factory for rebuilding and recertification.

y. All manufactured dwelling units proposed are also bound by applicable City Code of Ordinances, including but not limited to, Chapter 42.

z. Lots and parcels which are the subject property for a proposed dwelling unit shall also be inspected for required code compliance and maintenance being completed prior to permit issuance, including but not limited to: all fencing properly maintained or removed/replaced if in violation; dead trees and limbs removed and all stumps ground down; all trash and debris removed, yard mowed and maintained; accessory buildings /decks/pools, etc. properly maintained and in good condition or demolished and removed; no outside storage or accumulations of debris, materials or articles which would permit vermin harborage; no keeping of animals in violation; all inoperable or untagged vehicles removed or located within enclosed garages; any encroachments of structures from neighboring properties removed; and other violations as may be identified by City Staff.

Protected 'Live Oak' trees may not be removed unless applied for and approved as provided for in City Ordinances.

9.4.1 Housing Standards Criteria (this sub-section contains all new proposed text)

(1) The nature of New Housing materials and techniques, regardless of housing type, are hereby deemed to meet the intent and requirements of Section 9.1, Findings of fact and declaration of necessity, Section 9.3, Maintenance, as well as Objective III.2 of the City's Comprehensive Plan, and may be applied for with the standard plan review and permit application process applicable for such, further subject to other requirements herein stated being found to be met.

(3) Any Legal Lot, as applicable, which cannot meet the minimum width required, due to mature growth trees on the lot, as documented by City Staff, which the owner does not wish to have removed, may propose a home which meets the associated criteria for a smaller lot in width in the same zoning district.

	Zoning District	Minimum Living Space (sf)	Minimum Width (actual feet)	Minimum Roof Pitch	Minimum Overhang (actual inches)
New Housing [1]	A-1 / Rural-Residential	350 (Park Model)	12-16	n/a	n/a
	A-1 / Rural-Residential	700	13-19	2:12	2
	A-1 / Rural-Residential	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-1	700	13-19	2:12	2
Legal lots 71' or more feet in width [3]	RSF or RSF/MH-1	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-2	600	13-19	2:12	2
Legal lots 71' or more feet in width [3]	RSF or RSF/MH-2	800	20+	3:12	5
Legal lots 60' or less in width	RSF or RSF/MH-3	600	13-19	2:12	2
Legal lots 61' or more feet in width [3]	RSF or RSF/MH-3	800	20+	3:12	5
	RMH-P	350 (Park Model)	12-16	n/a	n/a
	RMH-P	600	13+	n/a	n/a
	RMF	500	15	n/a	6
	R-O, O-I	500	15	n/a	6
	C-D, PRD, PUD	400	n/a	n/a	n/a

[2] Any Relocated Housing, regardless of housing type, has the potential to conflict with the intent and requirements of Section 9.1, Findings of fact and declaration of necessity, Section 9.3, Maintenance, as well as Objective III.2 of the City's Comprehensive Plan, and thus is deemed to require additional documentation and review, with possible improvements required, in order to effectively satisfy the intent and requirements of these sections, further subject to other requirements herein stated being found to be met.

[3] Any Legal Lot, as applicable, which cannot meet the minimum width required, due to mature growth trees on the lot, as documented by City Staff, which the owner does not wish to have removed, may propose a home which meets the associated criteria for a smaller lot in width in the same zoning district.

	Zoning District	Minimum Living Space (sf)	Minimum Width (actual feet)	Minimum Roof Pitch	Minimum Overhang (actual inches)
Relocated Housing [2]	A-1 / Rural-Residential	350 (Park Model)	12-16	n/a	n/a
	A-1 / Rural-Residential	700	13-19	2:12	2
	A-1 / Rural-Residential	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-1	700	13-19	2:12	2
Legal lots 71' or more feet in width [3]	RSF or RSF/MH-1	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-2	600	13-19	2:12	2
Legal lots 71' or more feet in width [3]	RSF or RSF/MH-2	800	20+	3:12	5
Legal lots 60' or less in width	RSF or RSF/MH-3	600	13-19	2:12	2
Legal lots 61' or more feet in width [3]	RSF or RSF/MH-3	800	20+	3:12	5
	RMH-P	350 (Park Model)	12-16	n/a	n/a
	RMH-P	600	13+	n/a	n/a
	RMF	800	18	n/a	6
	R-O, O-I	800	18	n/a	6
	C-D, PRD, PUD	400	n/a	n/a	n/a

(2) Any relocated housing dwelling unit applied for shall provide a detailed packet of color photos of: all portions of all interior rooms (ceilings, walls, floors, fixtures, cabinets, appliances, etc.), and all exterior walls, and all areas which comprise the roof (materials, vents, fascia, eves, etc.) of the dwelling unit as part of their standard permit application. The packet shall contain an enumerated list of any owner, dealer or contractor refurbished components of the home.

The packet shall also contain a full written narrative of the home with supporting documentation, including but not limited to: titles, registrations and other documents pertaining to the home; a history of the home; where it was previously installed or located; how many past owners had title to or possession of it; if it has sustained any flood, fire, or wind damage; has it been totaled out by the DMV or an insurance carrier; and how and when it was it acquired.

Said packet shall be reviewed by the City Manager and up to 3 City-Staff designees in order for a determination to be made if the home meets the intent of LDR Sections 9.1., 9.3, and Objective III.2 of the City's Comprehensive Plan. If found to be met, the permit application will then be processed according to standard procedure. If found not to be met, City Staff shall communicate to the applicant what actions will be needed, or if the home is ineligible for permit issuance in the City Limits. The City Manager shall have final authority for such decisions, with appeal to the Board of Adjustment, as provided for in Section 3.8.1. (1.).

Sufficient maintenance (properly maintained with no damage or deficiencies and in good condition and/or functional/working order, aesthetically appealing, sanitary and safe) shall include, but it not limited to: no structural or compromised deficiencies in structural elements of home; no mold or insect damage, etc.; exterior: roofing, fascia/soffit/drip-edge, matching siding, windows/screens, doors and storm-doors, paint/pressure-washed, shutters, lighting, outlets, etc.; interior: ceilings, walls and flooring; light fixtures, switches and outlets, faucets, sinks, toilets, tubs/showers, cabinets, doors, shelving, etc.; appliances; central HVAC; electric; plumbing; and other components as determined by city staff.

At the discretion of the City Manager, consideration may be given for housing which has greater original or factory overhangs on one side(s) and lesser factory overhang on alternate side(s), which average overall to the required amount.

If a home fails to meet the factory built overhang requirement, said dealer, installer or contractor may enlist a licensed roofing contractor to re-roof with all new shingles, drip-edge, etc., and at the same time modify said roof eves and gables, etc.; or said roofing contractor may also roof-over the entire existing roof with new drip-edge, and vertical standing-seam metal panels. If this is proposed, the required overhang shall be double that which is required in the associated chart section(s). Gutters are recommended and preferred but shall not be used for minimum measurement purposes.

The dealer, installer or contractor may submit a proposal for such, to be done prior to delivery. Said proposal must contain a copy of all licenses and material lists as part of their application. Prior to any permit being issued, before and after photos of the roof job shall be submitted to the City for review. For homes located in the city limits, the licensed roofer shall obtain a permit from the City, and inspections and documentation of the completed work will be done by City Staff. As an alternative, said dealer, installer or contractor may propose as part of their permit application, to set-up said home on-site and for the work to be completed on-site as a condition of the Certificate of Occupancy. In that case, the licensed roofer shall obtain a permit from the City, and inspections and documentation of the completed work will be done by City Staff.

ARTICLE TEN – HAZARDOUS BUILDINGS REGULATIONS

Sec. 10.1. Article remedial
Sec. 10.2. Scope
Sec. 10.3. Organization
Sec. 10.4. Powers and duties of the land development regulation administrator
Sec. 10.5. Appeals to the board of adjustment
Sec. 10.6. Inspections
Sec. 10.7. Notice
Sec. 10.8. Standards for compliance
Sec. 10.9. Compliance
Sec. 10.10. Extension of time
Sec. 10.11. Interference
Sec. 10.12. Performance of work

Sec. 10.1. Article Remedial.

This article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incidental to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

Sec. 10.2. Scope.

[10.2.1. Reserved.]

10.2.2. Scope.
The provisions of this article shall apply to unoccupied and unsafe buildings or structures as herein defined and shall apply equally to new and existing conditions.

10.2.3. Alterations, repairs or rehabilitation work.

1. Alterations, repairs or rehabilitation work may be made to an existing building without requiring the building to comply with all requirements of the city building code, provided [that] the alteration, repair or rehabilitation work conforms with the requirements of the city building code for new construction. The land development regulation administrator shall determine, subject to appeal to the board of adjustment, the extent, if any, to which the existing building shall be made to conform to the requirements of the city building code for new construction.
2. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in section 2.1 of these land development regulations.
3. If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the city building code for the new occupancy classification as established by the land development regulation administrator.
4. Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing

nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

10.2.4. Special historic buildings and districts.
The provisions of this article relating to the construction alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified as historic buildings by the city's comprehensive plan and these land development regulations when such buildings or structures are judged by the land development regulation administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts. The applicant shall submit complete architectural and engineering plans and specifications bearing the seal of a professional engineer or architect registered in the State of Florida.

Sec. 10.3. Organization.

10.3.1. Enforcement officer.
The land development regulation administrator shall be the enforcement officer of the provisions of this article.

10.3.2. Restrictions on employees.
An officer or employee connected with the city shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he or she is the owner of such building. Such officer or employee shall not engage in work which is inconsistent with his or her duties or with the interests of the city.

10.3.3. Records.
The land development regulation administrator shall keep, or cause to be kept, a record of the actions related to this article.

Sec. 10.4. Powers and duties of the land development regulation administrator.

10.4.1. Right of entry.
The land development regulation administrator shall enforce the provisions of this article, and such land development regulation administrator, or his or her duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, entry may be at any hour.

10.4.2. Inspections.
The land development regulation administrator or his or her authorized representative is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

10.4.3. Liability.
An officer or employee of the city charged with the enforcement of this article, acting for the city in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from personal liability for damage that may accrue to persons or property as a result of an act

required or permitted in the discharge of duties. A suit brought against an officer or employee because of such act performed in the enforcement of a provision of this article shall be defended by the city attorney until the final termination of the proceedings.

Sec. 10.5. Appeals to the board of adjustment.

(Refer to Article 3 of these land development regulations.)

Sec. 10.6. Inspections.

10.6.1. General.
The land development regulation administrator shall inspect or cause to be inspected a building, structure or portion thereof which is or may be unsafe.

10.6.2. Action required.
After the land development regulation administrator has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair or demolition.

Sec. 10.7. Notice.

10.7.1. The land development regulation administrator shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure.

1. The notice shall contain, but not be limited to, the following information:
    a. The street address and/or legal description of the building, structure, or premises.
    b. A statement indicating the building or structure has been declared unsafe by the land development regulation administrator and a report adequately documenting the conditions which rendered the building or structure unsafe under the provisions of this article.
    c. The corrective action required as determined by the land development regulation administrator.
2. If the building or structure is determined repairable, the notice shall require all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the land development regulation administrator determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the city building code, in accordance with the provisions of this article.
3. If the building or structure is determined to be a candidate for demolition, the notice shall require all required permits for demolition be secured and that the demolition be completed within 90 days except as provided under "extension of time" found within this article.
4. The notice shall state that any person having a legal interest in the property may appeal the notice by the land development regulation administrator to the board of adjustment in writing in the form specified by the city. Such form shall be filed with the land development regulation administrator within 30 days from the date of the notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal.

5. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the land development regulation administrator to serve a person herein indicated to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve a person served from any obligation imposed on him or her.
6. The notice shall be served by certified mail, postage prepaid, return receipt requested, to the property owner at the last address appearing on the official public records. If addresses are not available for a person to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of a person to receive notice, other than the owner of record, shall not invalidate the proceedings under this section. Service by certified mail as herein described shall be effective on the date the notice is received as indicated on the return receipt, or when returned refused or unclaimed.
7. Proof of service of the notice shall be by written declaration on the return receipt indicating the date, time and manner in which service is made or by postal service indication of refusal or not claimed.

Sec. 10.8. Standards for compliance.

When ordering the repair or demolition of an unsafe building or structure, the land development regulation administrator shall order that repair work be performed in accordance with the city building code or demolition at the option of the owner with full deference to public health, safety and welfare.

Sec. 10.9. Compliance.

10.9.1. Failure to respond.
A person who, after the order of the land development regulation administrator or the decision of the board of adjustment becomes final, fails or refuses to respond to the direction of such order shall be prosecuted in accordance with article 15 of these land development regulations.

10.9.2. Failure to commence work.
When the required repair or demolition is not commenced within 60 days after the effective date of an order, the building, structure or premises shall be posted as follows:

UNSAFE BUILDING - DO NOT OCCUPY
It shall be punishable by law to occupy this building or remove or deface this notice.
Land Development Regulation Administrator

10.9.3. [Repair or demolition.]
Subsequent to posting the building, the land development regulation administrator may cause the building to be repaired to the extent required to render it safe or, if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premises. The cost of such repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

10.9.4. [Monies received from sale or demolition.]
Monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

Sec. 10.10. Extension of time.

The board of adjustment may approve one or more extensions of time as it may determine to be reasonable to initiate or complete the required repair or demolition. However, such extension or extensions shall not exceed a total of 90 days. Such request for extensions shall be made in writing stating the reasons therefore.

Sec. 10.11. Interference.

No person shall obstruct or interfere with the implementation of an action required by the final notice of the land development regulation administrator. A person found interfering or obstructing such actions shall be prosecuted in accordance with article 15 of these land development regulations.

Sec. 10.12. Performance of work.

The repair or demolition of an unsafe building as required in the notice by the land development regulation administrator or the final decision by the board of adjustment shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and applicable provisions of these land development regulations, other codes and ordinances of the city and accepted engineering practice standards.

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ARTICLE ELEVEN

-RESERVED-

Text previously found in this Article 11, which was entitled Historic Sites and Structures Preservation Regulations, can be found, as amended and renumbered, in Article 3.

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ARTICLE TWELVE:

-RESERVED-

Text previously found in this Article 12, which was entitled Appeals, Special Exceptions, Variances and Interpretations, can be found, as amended and renumbered, in Article 3.

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ARTICLE THIRTEEN:

-RESERVED-

Text previously found in this Article 13, which was entitled Hearing Procedures for Special Exceptions, Variances, Certain Special Permits, Appeals and Applications for Amendment, can be found, as amended and renumbered, in Article 3.

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ARTICLE FOURTEEN – PERMITTING AND CONCURRENCY MANAGEMENT

Sec. 14.1. General
Sec. 14.2. Land Development Regulation action on building permits
Sec. 14.3. Application for building permit
Sec. 14.4. Certificate of Land Development Regulation compliance
Sec. 14.5. Assurance of completion of public improvements
Sec. 14.6. Reserved
Sec. 14.7. Reserved
Sec. 14.8. Special move-on permits for manufactured homes
Sec. 14.9. Reserved
Sec. 14.10. Special use permits for temporary uses
Sec. 14.11. Special permits for essential services
Sec. 14.12. Reserved
Sec. 14.13. Consistency with the City's comprehensive plan
Sec. 14.14. Level of service standards
Sec. 14.15. Authorization to adopt Development agreements pursuant to Ch. 163, F.S
Sec. 14.16. Proportionate fair-share transportation program

Sec. 14.1. General.

The Land Development Regulation Administrator shall administer and enforce these Land Development Regulations directly or through aides and assistants. In the performance of his or her duties, the Land Development Regulation Administrator may request the assistance of any officer or agency of the City.

The Land Development Regulation Administrator shall use best endeavors to prevent violations or to detect and secure the correction of violations. He or she shall investigate promptly complaints of violations and report findings and actions to complainants.

If the Land Development Regulation Administrator finds a provision of these Land Development Regulations is being violated, he or she shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

The Land Development Regulation Administrator shall order either:

1. Discontinuance of illegal use of land, buildings, or structures;
2. Removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;
3. Discontinuance of illegal work in process; or
4. Shall take other lawful action authorized by these Land Development Regulations sufficient to ensure compliance with or to prevent violations of these Land Development Regulations.

It is the intent of these Land Development Regulations that questions of interpretation and enforcement shall first be presented to the Land Development Regulation Administrator and that such questions shall be presented to the board of adjustment only on appeal from a decision of (or failure to render a decision by) the Land Development Regulation Administrator.

The Land Development Regulation Administrator shall maintain written records which shall be public records of official actions regarding:

1. Land Development Regulation administration;
2. Complaints and actions taken with regard to the Land Development Regulations; and
3. Violations discovered by whatever means, with remedial action taken and disposition of all cases.

Sec. 14.2. Land Development Regulation Action on Building Permits.

The Land Development Regulation Administrator shall determine whether applications for building permits required by the Building Code of the City are in accord with the requirements of these Land Development Regulations, and no building permit shall be issued without written certification that plans submitted conform to applicable Land Development Regulations.

No building permit shall be issued by the Land Development Regulation Administrator except in conformity with the provisions of these Land Development Regulations, unless the Land Development Regulation Administrator shall receive a written order in the form of an administrative review, interpretation, special exception, or variance as provided by these Land Development Regulations, or unless he or she shall receive a written order from a court of competent jurisdiction.

Sec. 14.3. Application for Building Permit.

14.3.1. Information necessary for application. (See also Article 3 Site and Development Plan Review) The following procedures for building permit application apply except where they may differ from the procedures of the City's Building Code in which case the latter shall take precedence. Applications for building permits required by the Building Code of the City shall be accompanied by two copies of the plot and construction plans drawn to scale showing:

1. Actual shape and dimensions of the lot to be built upon;
2. Exact sizes and locations on the lot of existing structures, if any;
3. Exact size and location on the lot of the buildings or structures to be erected or altered;
4. Existing use of buildings or structures on the lot, if any;
5. Intended use of each building or structure or parts thereof;
6. Number of families the building is designed to accommodate;
7. Location and number of required off-street parking and off-street loading spaces; and
8. Such other information with regard to the lot and existing and proposed structures as may be necessary to determine and provide for the enforcement of these Land Development Regulations.

At the discretion of the Administrator, the application shall be accompanied by a survey of the lot prepared by a Land surveyor or engineer registered in Florida. Required property stakes shall be in place at the time of application.

14.3.2. Public record.

One (1) copy of the plot and construction plans shall be returned to the applicant by the Land Development Regulation Administrator, after marking such copy either approved or disapproved, and attested by the Land Development Regulation Administrator's signature on the plans. The second copy of the plot and construction plans, similarly marked, shall be retained by the Land Development Regulation Administrator as part of the public record.

14.3.3. Display of permit.

Building permits shall be issued in duplicate, and one (1) copy shall be kept on the premises affected prominently displayed and protected from the weather when construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been properly displayed, nor shall he or she perform building operations of any kind after notification the building permit has been revoked.

14.3.4. Expiration of building permit.

A building permit becomes invalid unless the work authorized by such permit is commenced in the form of actual construction within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after time the work is commenced; provided that extensions of time for periods not exceeding ninety (90) days each may be allowed. Such extensions shall be in writing by the Land Development Regulation Administrator.

14.3.5. Construction and use to be as provided in applications; status of permit issued in error.
Building permits issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. A use, arrangement, or construction different from that authorized shall be deemed a violation of these Land Development Regulations and punishable as found in article 15 these Land Development Regulations.

Statements made by the applicant on the building permit application shall be deemed official statements. Approval of application by the Land Development Regulation Administrator shall in no way exempt the applicant from strict observance of applicable provisions of these Land Development Regulations and all other applicable regulations, ordinances, codes, and laws.

A building permit issued in error shall not confer any rights or privileges to the applicant to proceed with construction, and the City Council shall have the power to revoke such permit if construction has not commenced.

Sec. 14.4. Certificate of Land Development Regulation Compliance.

14.4.1. General.

It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or premises or part of any building or premises created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Land Development Regulation Compliance has been issued by the Land Development Regulation Administrator stating that the proposed use of the structure or land conforms with the requirements of these Land Development Regulations. No permit for erection, alteration, moving, or repair of a building shall be issued until an application has been made for a Certificate of Land Development Regulation Compliance, and the Certificate shall be issued in conformity with the provisions of these Land Development Regulations upon completion of the work.

14.4.2. Temporary Certificate of Land Development Regulation compliance.

A temporary Certificate of Land Development Regulation Compliance may be issued by the Land Development Regulation Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may

include such conditions and safeguards as are necessary in the circumstances to protect the safety of occupants and the general public.

14.4.3. Records; violations.

The Land Development Regulation Administrator shall maintain a record of all Certificates of Land Development Regulation Compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Land Development Regulation Compliance shall be a violation of these Land Development Regulations and punishable as provided by article 15 of these Land Development Regulations.

Use, arrangement, or construction different from that authorized is hereby deemed a violation of these Land Development Regulations and punishable in accordance with article 15 of these Land Development Regulations.

Sec. 14.5. Assurance of Completion of Public Improvements.

To ensure required public improvements will be constructed in a properly and timely manner, the following procedures and regulations shall govern. Before a building permit may be issued, the applicant shall be required to present satisfactory evidence that full provision has been made for public improvements including, but not limited to, utility lines, sanitary sewers, storm sewers, construction or reconstruction of streets or alleys, streets signs, and traffic devices or signals. Where such public improvements are to be constructed by the applicant, the City Council herewith requires security in the amount of one hundred and ten (110) percent of the [engineer’s certified] estimated costs of completing such improvements and satisfactory to the City Council in the form of:

1. A deposit in cash or cashier's check, or
2. A performance and payment bond.

The purpose of this requirement is to ensure to the City Council that the public improvements required will be properly and timely completed and paid by the applicant. The form of such bond or sureties thereon shall be subject to the approval of the City Attorney as to legal form and correctness prior to the issuance of a building permit.

Sec. 14.6. Reserved.

-RESERVED-

Text previously found in this Section 14.6., which was entitled Special Permits for Bulkheads, Docks, and Similar Structures, can be found, as amended and renumbered, in Article 3.

Sec. 14.7. Reserved.

-RESERVED-

Text previously found in this Section 14.7., which was entitled Special Permits for Land and Water Fills, Dredging, Excavation, and Mining, can be found, as amended and renumbered, in Article 3.

Sec. 14.8. Special move-on permits for manufactured homes.

It shall be deemed a violation of these Land Development Regulations for any person, firm, corporation, or other entity to place or erect a manufactured home on a lot or parcel of land within the City for private use without first having secured a manufactured home move-on permit from the Land Development Regulation Administrator. Such permit authorizes placement, erection, and use of the manufactured home only at the location specified in the permit.

The responsibility of securing a manufactured home move-on permit shall be that of the person causing the manufactured home to be moved. The move-on permit shall be posted prominently on the manufactured home before such manufactured home is moved onto the site.

Sec. 14.9. Reserved.

Sec. 14.10. Special Use Permits for Temporary Uses.

Certain uses are temporary in character, varying in type and degree as well as length of time involved. Such uses may have little impact on surrounding and nearby properties, or they may present conflicts involving potential incompatibility of the temporary use with existing, abutting, adjacent or nearby uses.

The following Regulations shall govern temporary uses:

14.10.1. Special Use Permits issued by the Land Development Regulation Administrator.

Certain uses are of short duration and may not create incompatibility during the course of the use.

Therefore, the Land Development Regulation Administrator is authorized to approve Special Use Permits for the following activities, after it is determined that:

1. The owner has authorized use of the premises, via submission of a notarized letter of authorization for the proposed use and duration; and
2. The proposed use is compatible with existing, abutting, adjacent or nearby uses; and
3. There is sufficient open space available at the location to conduct the proposed use; and
4. Any nuisance or hazardous feature involved is suitably separated from adjacent uses; and
5. Excessive vehicular traffic will not be generated on minor residential streets; and
6. A vehicular parking problem will not be created:

   a. In any zoning district: special events, up to 4 days in duration.
   b. In any zoning district: Christmas tree, pumpkin, watermelon, and similar sales lots operated by nonprofit, eleemosynary organizations, up to 45 days in duration.
   c. In any zoning district: other uses which are similar to subsections (a) and (b) above and which are of a temporary nature where the period of use will not extend beyond 30 days.
   d. In any zoning district: a single manufactured home, travel trailer or modular building used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or Development of the premises upon which said structure is located. May also include a fenced outdoor storage yard for materials and equipment.
   Such uses shall be strictly limited to the time construction or development is actively underway, up to 12 months in duration.

e. In any zoning district: temporary religious or revival activities in tents, up to 7 days in duration.
f. In agricultural, commercial, and industrial districts: commercial circuses, carnivals, outdoor concerts, and similar uses, up to 7 days in duration.
g. In agricultural or rural zoning districts: On any un-platted legal parcel of record 2 or more acres in size - in addition to the principal residential dwelling, one additional mobile home used as an accessory residence, provided that such mobile home is occupied by persons related by blood, adoption, or marriage to the family occupying the principal residential use.

   Such mobile home is exempt from lot area requirements, however shall not be located within required yard areas.

   Such mobile home shall not be located within 50 feet of any building. A temporary use permit for such mobile home may be granted for a time period up to five years. When the temporary use permit expires, the applicant may reapply for a new temporary use permit.

Requests for such a permit shall be submitted in writing on city supplied forms and with supporting documentation, authorizations, and site plans showing locations of proposed uses to the Land Development Regulation Administrator, together with such reasonable fees as the City Council may determine in accordance with Article 1 of these Land Development Regulations.

Appropriate conditions and safeguards may be imposed by the LDR Administrator as deemed necessary and appropriate. Violation of such conditions and safeguards, when made a part of the terms under which the Special Use Permit is granted, shall be deemed a violation of these Land Development Regulations and punishable as provided in article 15 of these Land Development Regulations.

If the proposed use or location is determined by the LDR Administrator to be incompatible, or does not meet one or more of the required points of consideration, the request may be denied.

14.10.2. Special Use Permits issued by the City Council.

Certain uses may be proposed which are beyond the scope or duration of that which the LDR Administrator has the authority to approve administratively. Therefore, the City Council is authorized to approve Special Use Permits for the following activities, after it is determined that:

1. The owner has authorized use of the premises, via submission of a notarized letter of authorization for the proposed use and duration; and
2. The proposed use is compatible with existing, abutting, adjacent or nearby uses; and
3. There is sufficient open space available at the location to conduct the proposed use; and
4. Due consideration has been given to any testimony and evidence provided to the City Council at the public hearing, either for or against the request; and
5. Any nuisance or hazardous feature involved is suitably separated from adjacent uses; and
6. Excessive vehicular traffic will not be generated on minor residential streets; and
7. A vehicular parking problem will not be created:

   a. Any of the enumerated uses as listed under Section 14.10.1., (a. – f.), which are proposed to be greater in scale or scope, or for a longer duration, than that which is provided for, for a time certain duration as determined by the City Council.

b. In any zoning district: extraordinary uses proposed by any agency of municipal, county, state, or federal government, on publically owned property, for a time certain duration as determined by the City Council.

Requests for such a permit shall be submitted in writing on city supplied forms and with supporting documentation, authorizations, and site plans showing locations of proposed uses to the LDR Administrator, together with such reasonable fees as the City Council may determine in accordance with Article 1 of these Land Development Regulations.

The LDR Administrator shall post the subject property with public hearing signage as required in Article 3, and shall agenda the item on the next available City Council meeting agenda for consideration.

Appropriate conditions and safeguards may be imposed by the City Council as deemed necessary and appropriate. Violation of such conditions and safeguards, when made a part of the terms under which the Special Use Permit is granted, shall be deemed a violation of these Land Development Regulations and punishable as provided in article 15 of these Land Development Regulations.

If the proposed use or location is determined by the City Council to be incompatible, or does not meet one or more of the required points of consideration, the request may be denied.

Sec. 14.11. Special permits for essential services.

Essential services are permissible by special permit in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, solid waste disposal, telephone, television, radio, and electrical systems, including substations, lift stations, towers and antennas and pumping, aeration, or treatment facilities necessary for the performance of these services; provided, however, that:

1. Poles, wires, mains, hydrants, drains, pipes, conduits, telephone booths, school bus shelters, bicycle racks, bus stop benches, newspaper delivery boxes, mail boxes, police or fire call boxes, traffic signals and other similar structures, but not including buildings, are exempt from the definition of essential services. Such structures are permitted by right in any zoning district and are exempt from district setbacks.
2. For the purpose of these Land Development Regulations, gas and electrical generating plants shall not be considered to be essential services. These uses are barred from all zoning districts except where they are specifically permitted or permissible.
3. This section shall not be deemed to permit the erection of structures for:
   a. Commercial activities such as sales or the collection of bills, or
   b. Service establishment such as radio or television stations or studios in districts from which such activities would be otherwise barred.
4. The requirements of this section shall not apply to communication towers which are:
   a. Used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity;
   b. All communication towers existing on the effective date of these Regulations shall be allowed to continue to be used as they presently exist. Routine maintenance, including replacement of lights and modifications to accommodate the collocation of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate collocation on an existing communication tower, shall comply with the requirements of this section.

For purposes of this section, a communication tower that has received final approval in the form of either a special permit or building permit, but has not yet been constructed shall be considered an existing tower so long as such approval is otherwise valid and unexpired.

No rezoning, special permit or variance shall be required to locate a communication antenna on an existing structure; provided, however, that the communication antenna does not extend more than ten feet above the existing structure. Such structures may include, but not limited to, buildings, water towers, existing communication towers, recreational light fixtures and other essential public utility structures. In addition, no special permit shall be required to locate a communication antenna used by amateur radio operators, including citizens band, Very High Frequency and Ultra High Frequency Aircraft/Marine, or similar radio operators, or such antenna, which is exempt, or local authority preempted by federal or state law.

Notwithstanding anything herein to the contrary, this section shall not be construed to exempt communication towers or antenna for compliance with other City ordinances and Regulations such as building permit requirements.

Where permanent structures are involved in providing essential services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and Landscaping characteristics of adjoining properties.

The following standards shall apply to all new or expanded communication towers, except as exempted above:

14.11.1. Location:

Communication towers are allowed in all zoning districts, including residential districts, when the following requirements are met:

1. Every reasonable effort shall be made to locate the communication tower in a nonresidential zoning district, where feasible, based on engineering and economic considerations;
2. Where the applicant seeks to locate a communication tower in a residential district, the applicant shall demonstrate that no other industrial, commercial or agricultural zoned property is available to the applicant for this intended use;
3. If the proposed location is within a residential district, the proposed location will reasonably minimize the impact of the communication tower due to the height, use or appearance of the adjacent structures or surrounding area;
4. There are no existing building structures located within the area that are reasonably available to the applicant for this intended purpose and serve the applicant's propagation needs. Where existing building structures are located within the area, communication antennas may be attached thereto subject to the following:
    a. Communication antennas may be located on existing structures with a height of 20 feet or greater, so long as the antennas do not extend more than ten feet above the highest point of the existing structure, and as limited by subsection 3 below;
    b. Communication antennas may be located on existing structures with a height of less than 20 feet, so long as the antennas do not extend more than five feet above the highest point of the existing structure, and as limited by subsection 3 below;
    c. Notwithstanding subsections 1 and 2 above, communication antennas, as defined in section 2.1, shall not be located on single-family structures;

d. Communication antennas to be located on existing structures in public road rights-of-way may only be located in collector, arterial or limited access road rights-of-way;
e. No advertising shall be allowed on an antenna;
f. No signals, lights, or illumination shall be permitted on an antenna, unless required by any applicable federal, state or local rule, regulation or law;
g. Antennas shall comply with all applicable Federal Communications Commission emission standards;
h. Design, construction, and installation of antennas shall comply with all applicable local building codes; and
i. Accessory equipment buildings used in conjunction with antennas, if located on the ground, shall comply with the minimum accessory building setback requirements.

5. No other existing communication tower meeting the applicant's needs is located within the area is reasonably available to the applicant for purposes of co-location. Further, owners of communication towers must provide access and space for government-owned antennas where possible on a basis not less favorable than is required for private co-location; and
6. The proposed height of the communication tower is the minimum necessary by the applicant to satisfy the applicant's communications system needs at the location.

14.11.2. Design and Construction

The following criteria shall apply to the design and construction of communication towers:

1. All other applicable permits must be obtained, including Federal Communication Commission and City building permit approvals before construction. All tower facilities shall comply or exceed current standards and Regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal or state government with the authority to regulate towers and antennas. If such standards and Regulations are changed, the owner(s) shall bring such tower or antennas into compliance with such revised standards and Regulations to the extent required by such governmental agency;
2. All communications towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industries Association 222-E Standards or greater (at the option of the applicant) as published by the Electronic Industries Association, as may be amended from time to time. Communication tower owners shall be responsible for periodic inspections of such towers at least every two years to ensure structural integrity. Such inspections shall be conducted by a structural engineer with a current license issued by the State of Florida. The results of the inspection shall be provided in writing to the Land Development Regulation Administrator upon request;
3. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely within the parcel or property where the tower is located. However, the applicant may apply for a waiver of this restriction upon showing of need and adequate safety of surrounding property;
4. All communication tower supports and peripheral anchors shall be located within the parcel or property where all the tower is located;
5. Communication towers shall be marked and lighted as required by Federal Aviation Administration, or other state or federal agency of competent jurisdiction;
6. All accessory buildings or structures shall comply with other applicable provisions of the Land Development Regulations;

7. Setbacks for communication tower accessory buildings and structures shall comply with those required for the zoning district in which the tower is located. The City Council may reduce this setback by fifty (50) percent to allow placement of an additional equipment building or permitted accessory structure to encourage co-location/shared use of tower structures. Setbacks will be measured as provided within these Land Development Regulations. However, no communication tower shall be sited within 500 feet from the property line of any established permitted use for group living facility, school or hospital;
8. Communication towers and antennas shall be lighted with dual red and white lighting. No white lighting or strobe lighting shall be permitted after sunset or before sunrise;
9. The perimeter base of all communication towers must be enclosed within a security fence no less than eight feet in height with access secured by a locked gate; and
10. All communication tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address and telephone number of the communication tower owner and lessee if different from the owner and operator. Such identification shall also include the telephone number of a contact person.

Communication towers or antennas existing on the effective date of these regulations that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced, provided [that] the type, height and location of the tower on-site shall be of the same type, intensity (or lesser height or intensity e.g., a monopole in substitution for a lattice tower) as the original facility approved. Building permits to rebuild any such tower shall otherwise comply with the applicable City building code requirements together with the design and construction criteria required herein, and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permits expires, the communication tower shall be deemed abandoned as specified in this section.

Any communication tower or antenna found not to be in compliance with Code standards, or found to constitute a danger to persons or property, upon notice to the owner of the communications facility, such tower or antenna shall be brought into compliance or removed within ninety (90) days. In the event the use of any communication tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Land Development Regulation Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional ninety (90) days within which to:

1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
2. Dismantle and remove the tower.

At the earlier of one (1) year from the date of abandonment without reactivation or upon completion of dismantling and removal, any special permit and/or variance approval for the tower shall automatically expire.

The procedure in connection with the application and granting of special permits for essential services shall generally conform to that outlined herein; provided, however, that the criteria for the granting of a special permit for essential services shall be limited to a showing of the need for such services in the requested location, that it is in the public interest that such special permit be granted, and in compliance with the other provisions heretofore set out in this section.

Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Comprehensive Plan and these Land Development Regulations.

In addition, an application for a special permit for any communication tower or use of an alternative tower structure shall be made to the Land Development Regulation Administrator. Incomplete applications shall not be considered. A complete application shall contain the following items:

1. Inventory of existing communication towers owned/operated by applicant in the City. Each applicant for a tower site shall provide the City with an inventory of its existing communication towers that are either within the jurisdiction of City or within one-half (½) mile of the border thereof, including specific location, height and design of each tower. The City staff may share such information with applicants seeking to locate communication towers within City;
2. Description of area of service for the communication tower identifying the use of the tower or antenna for coverage or capacity;
3. Photographic simulations of the proposed telecommunications facilities illustrating the potential visual impact;
4. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped screening & buffer areas per buffer standards, and adjacent Land use;
5. Show legal description of the parent tract and leased parcel (if applicable). The location of the proposed communication tower in digital format compatible with the geographic information system of the City, if the City has such system or similar system in place at the time. Certification by a Florida licensed Land surveyor of the mean sea level elevation and topography;
6. Utilities inventory indicating the location of all water, sewer, drainage and power lines impacting the proposed tower site;
7. Report from a professional structural engineer, licensed in the State of Florida documenting the following:
    a. Tower height and design, including technical engineering, and other pertinent factors governing the proposed tower design. A cross section of the tower structure shall be included;
    b. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated; and
    c. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris.
8. Written statement from the Federal Aviation Administration, the Federal Communication Commission and any appropriate state review authority stating that the proposed tower site complies with Regulations administered by that agency or that the tower is exempt from such Regulations;
9. Letter of intent to lease excess space on the tower structure and to lease additional excess Land on the tower site under the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term "where feasible", as it applies to collocation, means the utilization of tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair utilization of the communication tower by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower and tower site that may be imposed by the owner include requirement for a reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and Land, rental and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the

tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites;

10. Evidence of applicant inability to collocate on a reasonable basis on an otherwise suitable existing communication tower for the location of proposed antenna;
11. Evidence that the communication tower is needed to meet the applicant's propagation requirements; and
12. The applicant shall provide any additional information which may be reasonable as requested by the City within 30 days from application in order to fully evaluate and review the proposed communication tower site and the potential impact of a proposed communication tower and/or antenna.

Sec. 14.12. Reserved

-RESERVED-

Text previously found in this Section 14.12., which was entitled Site and Development Plan Approval, can be found, as amended and renumbered, in Article 3.

Sec. 14.13. Consistency with the City's Comprehensive Plan.

These Land Development Regulations are required by law to be in conformance with the City Comprehensive Plan. Therefore, development subject to these Land Development Regulations shall conform to the City Comprehensive Plan.

14.13.1. Generally.

No development may be approved unless the proposed development conforms to the City Comprehensive Plan, and certain public facilities will be available at prescribed levels of service concurrent with the impacts of the proposed development on those facilities.

14.13.2. Determining conformance with the City comprehensive plan.

If a Development proposal is found to meet all requirements of these Land Development Regulations, it shall be presumed to be in conformance with the City's Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected party may, however, question the consistency of a development proposal with the City Comprehensive Plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards or the City Council, depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and shall support that determination with written findings.

14.13.3. Maintaining level of service standards.

The City shall require a concurrency review be made on applications for development approval and a Certificate of Concurrency be issued prior to development. The review shall analyze the development's impact on levels of service of traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the Land Development Regulation Administrator.

If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with future applications for development permits. A separate concurrency review shall not be

required for each development permit for the same project. Concurrency review addresses only the availability of public facilities and capacity of services, and a Certificate of Concurrency does not represent any other form of required Development approval.

The burden of meeting the concurrency test and showing compliance with the adopted levels of service shall be upon the applicant. If the application for development is not concurrent, the applicant shall be notified in writing that a certificate cannot be issued for the development.

Development approval shall be granted only if the proposed development does not lower the existing levels of service of public facilities and services below the adopted levels of service in the Comprehensive Plan.

14.13.3.1. Generally.

1. The adopted level of service shall be maintained. Development activity may be approved provided certain public services are available at prescribed levels of service concurrent with the impacts of Development although prescribed levels of service may be degraded during construction of new facilities if, upon completion, the prescribed levels will be met.
2. For purposes of these Land Development Regulations, the available capacity of a facility shall be determined by adding together:

    a. The total excess capacity of the existing facilities with the total capacity of new facilities. The capacity of new facilities may be counted only if one (1) or more of the following is shown:

        (1) Construction of new facilities are under way at the time of application.
        (2) The new facilities are the subject of a binding executed contract for the construction of facilities or provision of services at the time the development permit is issued.
        (3) The new facilities are included in the City annual capital budget.
        (4) The new facilities are guaranteed in an enforceable development agreement which include, but is not limited to, Development agreements pursuant to F.S. §§ 163.3220--163.3243, as amended, or an agreement or Development order pursuant to F.S. Ch. 380, as amended. Such facilities shall be consistent with the capital improvements element of the City comprehensive plan and approved by the City Council.
        (5) The developer has contributed funds to the City necessary to provided new facilities consistent with the capital improvements element of the City comprehensive plan. Commitment that the facilities will be built must be evidenced by a budget amendment and appropriation by the City or other governmental entity.

    b. Subtracting from subsection a. (above) the sum of:

        (1) The service demand created by existing Development or previously approved Development orders; and
        (2) The new demand for the service created concurrent with the proposed Development by the completion of other presently approved Developments.

3. The burden of showing compliance with these level of service requirements shall be upon the developer. To be eligible for approval, applications for Development shall provide sufficient information showing compliance with these standards.

14.13.4. Procedures for concurrency determination.

Public facilities and services for which level of service standards have been established are:

1. Traffic circulation,
2. Sanitary sewer,
3. Solid waste,
4. Drainage,
5. Potable water,
6. Recreation and Open Space, and
7. Public School Facilities.

Tests for concurrency are:

1. For traffic circulation:

    a. The City shall provide level of service information from the most recent Data and Analysis Report in support of the City comprehensive plan. If this level of service information indicates a level of service failure, the applicant may either:

        (1) Accept the level of service information found in the most recent data and analysis report supporting the City comprehensive plan, or
        (2) Prepare a more detailed highway capacity analysis as outlined in the Highway Capacity Manual, Special Report 209 (1985), or a speed and delay study following the procedure outlined by the Florida Department of Transportation, Traffic Engineering Office, in its Manual for Uniform Traffic Studies.

    b. If the applicant chooses to prepare a separate analysis, he or she shall submit the completed alternative analysis to the Land Development Regulation Administrator who shall review the alternative analysis for accuracy and appropriate application of methodology.
    c. If the Land Development Regulation Administrator determines the alternative methodology is appropriate and accurate and indicates an acceptable level of service, it shall be used in place of the most recent data and analysis in support of the City comprehensive plan.
    d. Proposed Development generating more than 750 trips a day shall be required to provide a trip distribution model in addition to requirements outlined above.

2. For sanitary sewer, solid waste, drainage, potable water, and recreation and open space:

    a. The City shall provide level of service information from the most recent data and analysis report in support of the City comprehensive plan.
    b. If such level of service information indicates the proposed project will not result in a level of service failure, the concurrency determination will indicate that adequate facility capacities at acceptable levels of service are available.
    c. If such level of service information indicates the proposed project will result in a level of service failure, the concurrency determination will indicate that adequate facility capacity at acceptable levels of service is not available on the date of application or inquiry.

14.13.5. Determination of project impact.

The impact of proposed development activity on available capacity shall be determined as follows:

14.13.5.1. Building permits.

The issuance of a building permit has more of an immediate impact upon levels of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place. The determination of the existence of the necessary facilities and services being in place shall be made by the Land Development Regulation Administrator as part of the Certificate of Concurrency compliance procedure. For traffic circulation, this determination shall apply to the adopted level of service standards for streets within the City jurisdiction. Public facility impacts shall be determined based upon the level of service of the facility throughout the facility geographic service area.

14.13.5.2. Other types of development orders.

Other types of development orders include, but are not limited to, approval of subdivisions, special permits, and site and development plan approval. These other types of development orders have less immediate impacts upon public facilities and services than the issuance of a building permit. However, public facilities and services are to be available concurrent with the ultimate impacts of these other types of development orders. Therefore, subject to the final development approval authority determining the necessary facilities or services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of such other types of development orders.

1. Provisions shall be included within the Development order which require the construction of additional and sufficient public facility capacity where public facilities, due to projected impacts of the development proposal, will not meet adopted levels of service; and
2. Such expansion of public facility capacity shall be constructed by the developer at the developer's expense or by the public or private entity having jurisdictional authority over the facility in a sufficiently timely manner so that necessary facilities and services will be in place when the impacts of the development occur and will be in conformance with the five-year schedule of improvements found in the current City Capital Improvements Element.

14.13.6. Development orders and permits.

For Development orders and permits, the following determination shall apply:

1. If an applicant requests, the Land Development Regulation Administrator shall make an informal, nonbinding determination of whether or not sufficient capacity exists in applicable public facilities and services to satisfy the demands of the proposed project including a determination of what public facilities or services will be deficient if the proposed project were approved.
2. Certain petitions such as land use amendments to the comprehensive plan and rezoning requests are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. Those development approvals may receive a non-binding concurrency determination.
3. A concurrency determination, whether or not requested as part of an application for development approval, is a nonbinding determination of what public facilities and services are available on the date of inquiry. The issuance of a Certificate of Concurrency Compliance is the only binding action which reserves capacity for public facilities and services.

14.13.7. Certificate of concurrency compliance.

A Certificate of Concurrency Compliance shall only be issued upon final development approval and shall remain in effect for the same period of time as the development order or permit granting final development approval. If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for twelve (12) months from the date of issuance.

14.13.8. Application priority.

In cases of competing applications for public facility capacity, the following order of priority shall apply:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;
2. Issuance of a building permit based upon previously approved Development orders permitting new Development;
3. Issuance of new Development orders permitting redevelopment;
4. Issuance of new Development orders permitting new development.

14.13.9. Concurrency management system.

The following conditions apply to the City's concurrency management system:

1. Amendments to the City Comprehensive Plan can be made twice each year, and, as otherwise permitted, as small scale amendments. In addition, changes can be made to the capital improvements element of the City Comprehensive Plan by ordinance if they are limited to technical matters listed in F.S. §§ 163.3161--163.3215, as amended.
2. No development order or development permit shall be issued which would require the City Council to delay or suspend construction of a capital improvement on the Five-Year Schedule of the Capital Improvements Element of the City Comprehensive Plan.
3. If, by issuance of a development order or development permit, a substitution of a comparable project on the five-year schedule is proposed, the applicant may request the City Council to consider an amendment to the five-year schedule in one (1) of the twice annual amendment reviews.
4. A development failing to meet the required level of service standards for public facilities shall require a halt to the affected development or a reduction of the level of service standard which will require an amendment to the City Comprehensive Plan.

Sec. 14.14. Level of Service Standards.

The City Council shall use the following level of service standards for making concurrency determinations:

14.14.1. Traffic circulation.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for traffic circulation as established in the traffic circulation element of the City comprehensive plan:

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
1	U.S. 90/Howard Street – W (From City of Live Oak west limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Principal Arterial	Urban	D
2	U.S. 90/Howard Street – E (From U.S. 129/S.R. 51/Ohio Avenue to City of Live Oak east limits)	2-U	Principal Arterial	Urban	D
3	U.S. 129/S.R. 51/Ohio Avenue (From City of Live Oak north limits to intersection of S.R. 51/11th Street)	4-D	Principal Arterial	Urban	D
4	U.S. 129/Ohio Avenue (From City of Live Oak south limits to S.R. 51/11th Street)	2-U	Principal Arterial	Urban	D
5	C.R. 795/C.R. 249/Houston Avenue (From City of Live Oak north limits to U.S. 90/Howard Street)	2-U	Urban Collector	Urban	D
6	S.R. 51 (From City of Live Oak west southwest limits through the Round-A-Bout to U.S. 129/Ohio Avenue)	2-U	Minor Arterial	Urban	D
7	C.R. 249/Nobles Ferry Road (From City of Live Oak north northwest limits to C.R. 795/Houston Avenue)	2-U	Urban Collector	Urban	D
8	C.R. 136/Duval Street (From City of Live Oak east limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
9	C.R. 136/11th Street (From City of Live Oak west limits to S.R. 51 and Walker Avenue at the Round-A-Bout)	2-U	Urban Collector	Urban	D
10	C.R. 10A/Helvenston Street (From City of Live Oak east limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
11	Walker Avenue and Winderweedle Street (From U.S. 90/Howard Street north on Walker Street to the intersection with Winderweedle Street, then east to U.S. 129/S.R. 51/Ohio Avenue	2-U	Urban Collector	Urban	D
12	C.R. 258/Pinewood Drive (From S.R. 51 to U.S. 129/ Ohio Avenue)	2-U	Urban Collector	Urban	D
13	Georgia Avenue and Fir Street (From C.R. 136/Duval Street to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
14	Lee Avenue (From C.R. 136/Duval Street to Helvenston Street)	2-U	Urban Collector	Urban	D
15	Parshley/7th Street and Woods Avenue (From U.S. 129/S.R. 51/ Ohio Avenue on Parshley Street west to Woods Avenue, then north to U.S. 90/Howard Street	2-U	Urban Collector	Urban	D
16	Walker Avenue	2-U	Urban Collector	Urban	D

	(From U.S. 90/Howard Street to C.R. 136/11th Street)				
17	Houston Avenue (From U.S. 90/ Howard Street to S.R. 51/11th Street)	2-U	Urban Collector	Urban	D
18	White Avenue (From C.R. 10A/Helvenston Street to U.S. 90/Howard Street)	2-U	Urban Collector	Urban	D
19	Railroad Avenue and Miller Street (From U.S. 90/Howard Street south to Miller Street, then west to U.S. 129/Ohio Avenue)	2-U	Urban Collector	Urban	D

14.14.2. Sanitary sewer.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer systems as established in the Sanitary Sewer Element of the City Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 64E-6 F.A.C., in effect on January 1, 2006.
City of Live Oak Community Sanitary Sewer System	134 gallons per capita per day.

14.14.3. Solid waste.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for solid waste facilities as established in the public facilities element of the City comprehensive plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	0.64 tons per capita per year.

14.14.4. Drainage.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for drainage systems as established in the drainage element of the City comprehensive plan:

LEVEL OF SERVICE STANDARD

For all projects which fall totally within a stream, or open lake watershed, detention systems must be installed such that the peak rate of post-development runoff will not exceed the peak rate of pre-development runoff for storm events up through and including either:

1. A design storm with a ten-year, 24-hour rainfall depth with Soil Conservation Service Type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational uses; or
2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.

All other stormwater management projects shall adhere to the standards as specified in Chapter 62-25, F.A.C., (rules of the Florida Department of Environmental Regulation) and Chapter 40B-4, F.A.C., (rules of the Suwannee River Water Management District), in effect on January 1, 2006.

Any Development exempt from Chapter 62-25, F.A.C., and which is adjacent to, or drains into, a surface water, canal, or stream, or which empties into a sinkhole, shall first allow the runoff to enter a grassed swale or other conveyance designed to percolate 80 percent of the runoff from a three-year, one-hour design storm, within 72 hours after a storm event.

14.14.5. Potable water.

New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water systems as established in the Potable Water Element of the City Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private Individual Water Wells	Standards as specified in Chapter 62-22, F.A.C., in effect on January 1, 2006.
City of Live Oak Community Potable Water System	164 gallons per capita per day, 20 pounds per square inch of volume.

14.14.6. Recreation and Open Space.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreation facilities as established in the Recreation and Open Space Element of the City Comprehensive Plan:

FACILITY or AREA DESIGNATION	LEVEL OF SERVICE STANDARD
Nature Reserve	.50 acres per 1,000 population.
Neighborhood Parks with Playgrounds	.50 acres per 1,000 population.
Regional/Community Parks	1.0 acres per 1,000 population.
Parkway	No parkways are located within the City Limits Therefore the threshold is not applicable.
Beaches and Public Access to Beaches	No beaches are located within the City Limits Therefore the threshold is not applicable.

Open Spaces	1.0 acres per 1,000 population.
Waterways	No waterways are located within the City Limits Therefore the threshold is not applicable.
Other Multi-function Recreational Areas or Facilities	4.0 acres per 1,000 population.

14.14.7. Public School Facilities.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the public school facilities as established in the Public School Facility Element of the City Comprehensive Plan:

ACTIVITY	LEVEL OF SERVICE STANDARD
Elementary Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
Middle Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
Middle/High Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
High Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.

Sec. 14.15. Authorization to adopt Development agreements pursuant to chapter 163, F.S.

14.15.1. Authority.

The City Council may, enter into Development agreements in accordance with the provisions of this section and sections 163.3220--163.3243, F.S., as amended.

14.15.2. Application.

A proposed Development agreement may be presented to the City Council only upon payment of an application fee of $2,500.00. The application shall set forth all of the items required to be included in a Development agreement pursuant to section 14.15.7.

14.15.3. Hearings. (See also Article 3)

The City Council shall conduct one public hearing on an application for Development agreement. Prior to the City Council public hearing, the planning and zoning board and local planning agency shall each hold one public hearing on the proposed Development agreement and forward their recommendations to the City Council.

14.15.4. Notice of hearings.

Notice for intent to consider a Development agreement shall be provided, as follows:

1. By placement of a public hearing sign prominently located on the land subject to the development agreement, at least ten days before any public hearings.
2. By publication, at least five days before any public hearing as provided for in section 14.15.3, in a newspaper of general circulation in the city.
3. Notice shall specify the location of land subject to the Development agreement; the proposed Development uses; the proposed population densities; the proposed building intensities; and, shall specify a place where a copy of the proposed Development agreement can be obtained.
4. The day, time, and place at which the public hearing before the City Council will be held shall be announced at the public hearing held before the local planning agency.

14.15.5. Criteria for review.

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Council shall determine:

1. Whether the Development agreement and the authorized Development is consistent with the comprehensive plan and Land Development Regulations; and
2. Whether it furthers the public health safety and welfare to enter into the Development agreement.

14.15.6. Contents of adopted development agreements.

An approved Development agreement shall contain, at a minimum, the following items:

1. A legal description and boundary survey of the Land subject to the Development agreement, and the names of its legal and equitable owners;
2. The duration of the agreement;
3. The development uses permitted on the land, including population densities, and building heights and intensities;
4. A description of public facilities that will serve the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
5. A description of any reservation or dedication of land for public purposes;
6. A description of all local development permits approved or needed to be approved for the development of the land;
7. Findings to show how the development permitted or proposed is consistent with the City's Comprehensive Plan and Land Development Regulations of the City;
8. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens; and

9. A statement indicating that the failure of the development agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

Requirements that the entire Development or any phase thereof be commenced or completed within a specific period of time may be prescribed within the terms of the development agreement.

14.15.7. Duration of a Development agreement.

The duration of a Development agreement shall not exceed ten years. It may be extended by mutual consent of the City Council and the developer, subject to public hearings before the planning and zoning board, local planning agency and City Council in accordance with section 14.15.3.

No Development agreement shall be effective or be implemented by the City unless the comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the Florida Department of Community Affairs in accordance with sections 163.3184, 163.3187 or 163.3189, F.S., as amended.

14.15.8. Consistency with the comprehensive plan and Land Development Regulations.

A Development agreement and authorized development shall be consistent with the Comprehensive Plan and the Land Development Regulations of the City.

14.15.9. Municipal laws and policies governing development agreements.

The laws and policies of the City governing the development of the land at the time of execution of the Development agreement shall govern the development of the land for the duration of the development agreement. The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City Council has held a public hearing and determined:

1. They are not in conflict with the laws and policies governing the development agreement and do not prevent Development of the Land uses, intensities, or densities in the Development agreement; or,
2. They are essential to public health, safety, and welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or,
3. They are specifically anticipated and provided for in the development agreement; or,
4. Substantial changes have occurred in pertinent conditions existing at the time of the approval of the development agreement; or,
5. The development agreement is based on substantially inaccurate information supplied by the developer.

Prior to conducting a public hearing to consider the application of subsequently adopted laws and policies, the City shall provide, 30 days written notice to all parties to the development agreement. No provision of section 14.15.9 shall abrogate any rights that may vest pursuant to common law.

14.15.10. Recordation and effectiveness.

The City shall record the development agreement, within 14 days of entering into the development agreement, with the clerk of the county. A copy of the recorded development agreement shall be

submitted to the Florida Department of Community Affairs within 14 days after the development agreement is recorded. A Development agreement shall not be effective until it is properly recorded in the public records of the county, and until 30 days after having been received by the Florida Department of Community Affairs pursuant to this section. The burdens of the Development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.

14.15.11. The City Council shall review land subject to a development agreement at least once every 12 months to determine if there has been a demonstration of good faith compliance with the terms of the development agreement. For each annual review conducted during the years six through ten of a development agreement, the review shall be incorporated into a written report, which shall be submitted to the parties to the development agreement and the Florida Department of Community Affairs.

If the City Council finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the City Council may revoke or modify the development agreement.

14.15.12. Amendment or cancellation of a Development agreement.

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

14.15.13. Modification or revocation of a Development agreement to comply with subsequently enacted state and federal law.

If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

14.15.14. Enforcement.

Any party, any aggrieved or adversely affected person as defined in section 163.3215(2), F.S., as amended or the Florida Department of Community Affairs may file an action for injunctive relief in the circuit court of competent jurisdiction to enforce the terms of a Development agreement or to challenge compliance of the Development agreement with the provisions of sections 163.3220--163.3243, F.S., as amended.

Sec. 14.16. Proportionate Fair-Share Transportation Program.

14.16.1. Purpose and intent.

The purpose of this section is to establish a method whereby the impacts of Development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share transportation program, as required by and in a manner consistent with section 163.3180(16), F.S.

14.16.2. Applicability.

The proportionate fair-share transportation program shall apply to all Developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City concurrency management system, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the concurrency requirements of this article of the Land Development Regulations. The proportionate fair-share transportation program does not apply to Developments of regional impact using proportionate fair-share under section 163.3180(12), F.S., or to Developments exempted from concurrency as provided in the comprehensive plan and this article of the Land Development Regulations, and/or section 163.3180, F.S., regarding exceptions and de minimis impacts.

14.16.3. General requirements.

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:

   a. The proposed Development is consistent with the comprehensive plan and applicable Land Development Regulations, and
   b. The five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the concurrency management system. The provisions of paragraph (2) of this general requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the capital improvements element of the comprehensive plan or an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system.

2. The City may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share transportation program by contributing to an improvement that, upon completion, will satisfy the requirements of the concurrency management system, but is not contained in the five-year schedule of capital improvements in the capital improvements element or a long-term schedule of capital improvements for an adopted long-term concurrency management system, where the following apply:

   a. The City adopts, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next regularly scheduled annual capital improvements element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the local planning agency, and determined to be financially feasible pursuant to section 163.3180(16)(b)1., F.S., consistent with the comprehensive plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.
   b. If the funds allocated for the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of Development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more

improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.
The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system at the next regularly scheduled annual capital improvements element of the comprehensive plan update.

3. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the Florida Department of Transportation for the state highway system.

14.16.4. Intergovernmental coordination.

Pursuant to policies in the intergovernmental coordination element of the comprehensive plan and applicable policies in the North Central Florida Strategic Regional Policy Plan, the City shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

14.16.5. Application process.

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share transportation program pursuant to the requirements of this section.
2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system, then the Florida Department of Transportation will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City that includes an application fee, as established by a fee resolution, as amended, by the City, and the following:
   a. Name, address and telephone number of owner(s), developer and agent;
   b. Property location, including parcel identification numbers;
   c. Legal description and survey of property;
   d. Project description, including type, intensity and amount of Development;
   e. Phasing schedule, if applicable; and
   f. Description of requested proportionate fair-share mitigation method(s).
4. The City shall review the application and certify that the application is sufficient and complete within 30 calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share transportation program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within 30 calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 calendar days of receipt of the written notification, then the application will be deemed abandoned. The City Council may, in its discretion, grant an extension of time not to exceed 60 calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

5. Pursuant to section 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for Development impacts to facilities on the strategic intermodal system requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.
6. When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a strategic intermodal system facility, no later than 60 calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than 15 calendar days prior to the City Council meeting when the agreement will be considered.
7. The City shall notify the applicant regarding the date of the City Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Council.

14.16.6. Determining proportionate fair-share obligation.

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of Land, and construction and contribution of facilities.
2. A Development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in section 163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed Development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."
OR
Proportionate Fair-Share = S[[(Development Tripsi)/(SV Increasei)] × Costi]
<u>Where:</u>

Development Trips i =	Those trips from the stage or phase of Development under review that are assigned to roadway segment "I" and have triggered a deficiency per the Concurrency Management System;
SV Increase i =	Service volume increase provided by the eligible improvement to roadway segment "I" per section E;
Cost i =	Adjusted cost of the improvement to segment "T". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical Development costs directly associated with construction at the anticipated cost in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements element of the comprehensive plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.
   a. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Council. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

$Cost_n = Cost_0 \times (1 + Cost________growth_{3yr})^n$

<u>Where:</u>

Cost n =	The cost of the improvements in year n;
Cost 0 =	The cost of the improvement in the current year;
Cost________growth 3yr =	The growth rate of costs over the last three years;
n =	The number of years until the improvement is constructed.

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

$Cost________growth_{3yr} = [Cost________growth_{-1} + Cost________growth_{-2} + Cost________growth_{-3}]/3$

<u>Where:</u>

TABLE INSET:

Cost________growth 3yr =	The growth rate of costs over the last three years;
Cost________growth -1 =	The growth rate of costs in the previous year;
Cost________growth -2 =	The growth rate of costs two years prior;
Cost________growth -3 =	The growth rate of costs three years prior.

   b. The most recent Florida Department of Transportation Costs report, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted Florida Department of Transportation Work Program shall be determined using this method in coordination with the Florida Department of Transportation.

5. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
6. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the City property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the Land and a Certificate of title or title search of the Land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that Development, then the applicant must

also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and Regulations.

14.16.7. Proportionate fair-share agreements.

1. Upon execution of a proportionate fair-share agreement the applicant shall receive City concurrency approval. Should the applicant fail to apply for a Development permit within 12 months of the execution of the proportionate fair-share agreement, then the proportionate fair-share agreement shall be considered null and void, and the applicant shall be required to reapply.
2. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final Development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months after the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to the determining proportionate fair-share obligation subsection herein and adjusted accordingly.
3. All developer improvements authorized under this section must be completed prior to issuance of a Development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits.
4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final Development order or recording of the final plat.
5. Any requested change to a Development project subsequent to a Development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the proportionate fair-share agreement. The application fee and any associated advertising costs to the City are non-refundable.

14.16.8. Appropriation of fair-share revenues.

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the capital improvements element of the comprehensive plan, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the City Council, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.
2. In the event a scheduled facility improvement is removed from the capital improvements element of the comprehensive plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of Development pursuant to the requirements of this section.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in section 339.155, F.S., and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions

and public contributions to seek funding for improving the impacted regional facility under the Florida Department of Transportation's Transportation Regional Incentive Program. Such coordination shall be ratified by the City Council through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

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ARTICLE FIFTEEN – ENFORCEMENT AND REVIEW

Sec. 15.1. Complaints regarding violations
Sec. 15.2. Persons liable
Sec. 15.3. Procedures upon discovery of violations
Sec. 15.4. Penalties and remedies for violations

Sec. 15.1. Complaints Regarding Violations.

When the land development regulation administrator receives a written, signed complaint alleging a violation of these land development regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing the action taken or to be taken.

Sec. 15.2. Persons Liable.

The owner, tenant, or occupant of a building or land or part thereof or an attorney, architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains a situation that is contrary to the requirements of these land development regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 15.3. Procedures Upon Discovery of Violations.

1. If the land development regulation administrator finds a provision of these land development regulations is being violated, he or she shall send a written notice to the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the land development administrator's discretion.
2. The final written notice (the initial written notice may be the final notice) shall state what action the land development administrator intends to take if the violation is not corrected and shall advise that the land development regulation administrator's decision or order may be appealed to the board of adjustment in accordance with Article 3.
3. Notwithstanding the foregoing, in cases when delay would pose a danger to the public health, safety, or welfare, the land development regulation administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this article.

Sec. 15.4. Penalties and Remedies for Violations.

1. A violation or an act in process constituting a violation of a provision of these land development regulations or a failure to comply with any of its requirements, including violation of a condition or safeguard established in connection with granting a variance, special exception or special permit, shall constitute a misdemeanor of the second degree, punishable as provided in F.S. ch. 775, as amended. A person, firm or corporation who violates these land development regulations or fails to comply with any of its requirements shall, upon conviction of a misdemeanor of the second degree, be fined or imprisoned, or both, as provided for in F.S. § 125.69, as amended, and, in addition, shall pay all costs and expenses involved in the case.
2. If the offender fails to pay a penalty imposed in accordance with the foregoing within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the

nature of debt. A civil penalty may not be appealed to the board of adjustment if the offender was sent a final notice of violation in accordance with this article and did not take an appeal to the board of adjustment within the prescribed time.

3. Each day a violation continues after notification by the land development regulation administrator that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified in this article.
4. Any one, all, or combination of the foregoing penalties and remedies may be used to enforce these land development regulations.

ARTICLE SIXTEEN:

-RESERVED-

Text previously found in this Article 16, which was entitled Amendments, can be found, as amended and renumbered, in Article 3.

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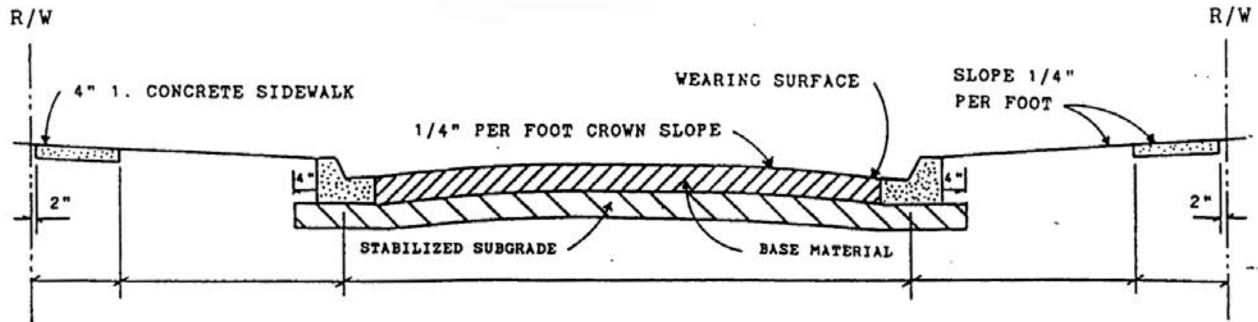
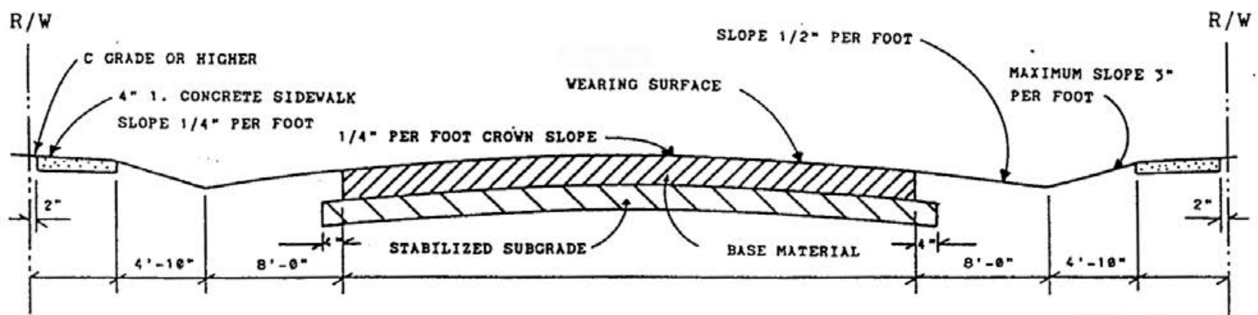
APPENDIX A

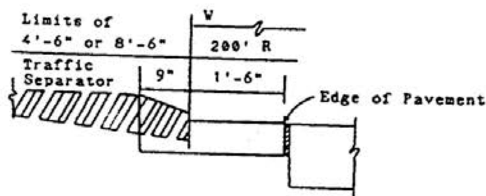
STREET CROSS SECTION AND CURB STANDARDS



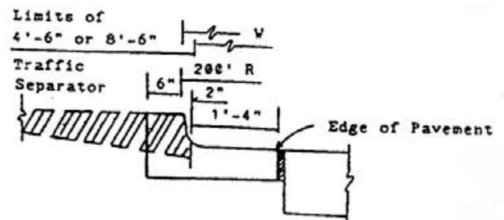
CURB SECTION



SWALE SECTION



TYPE E CURB AND GUTTER



TYPE F CURB AND GUTTER

ALTERNATE CURB SECTIONS

NOTE: CURB AND SIDEWALKS SHALL BE CAST OF 2,500 P.S.I. CONCRETE

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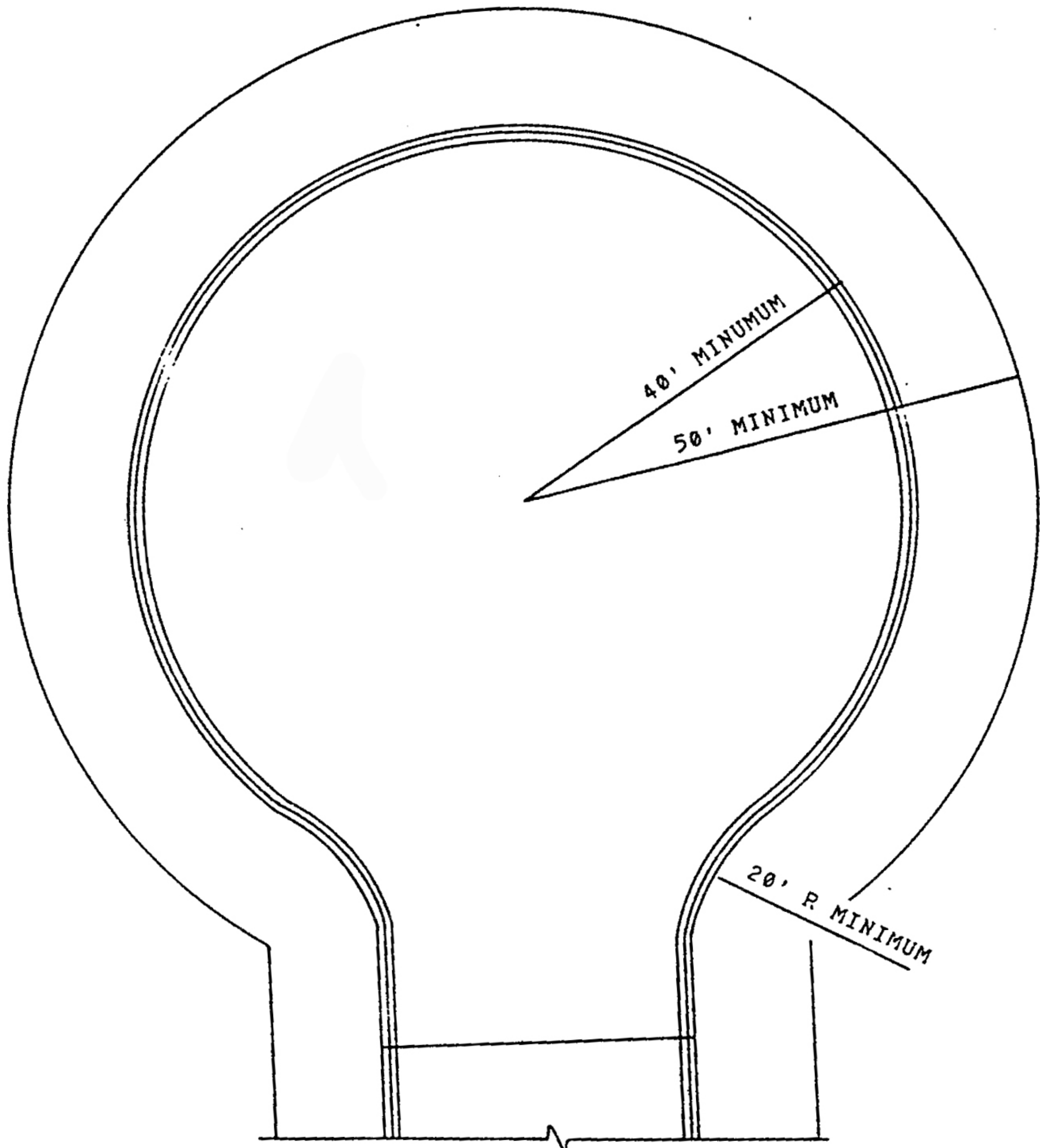
CUL-DE-SAC DETAIL



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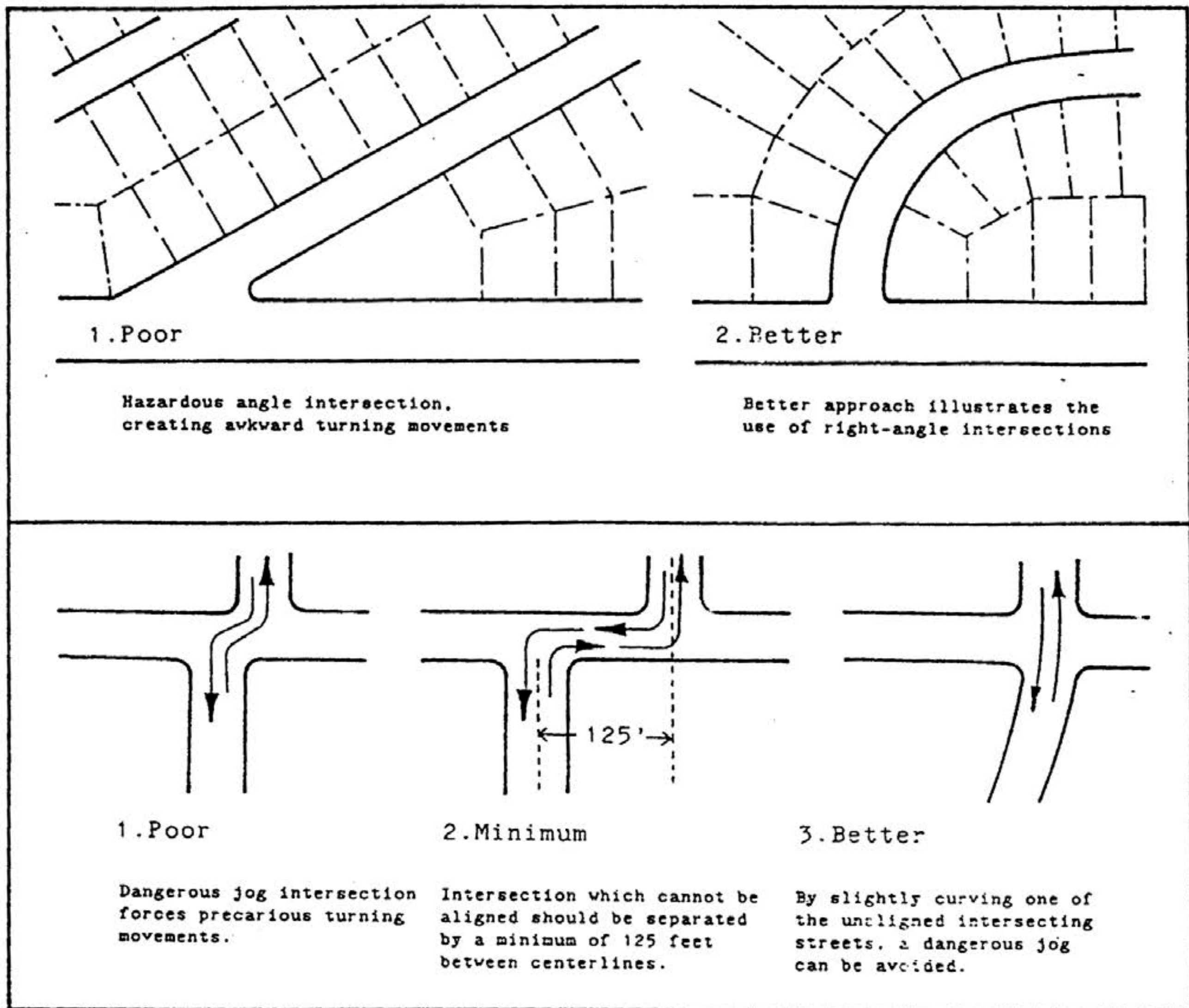
INTERSECTION DESIGN STANDARDS



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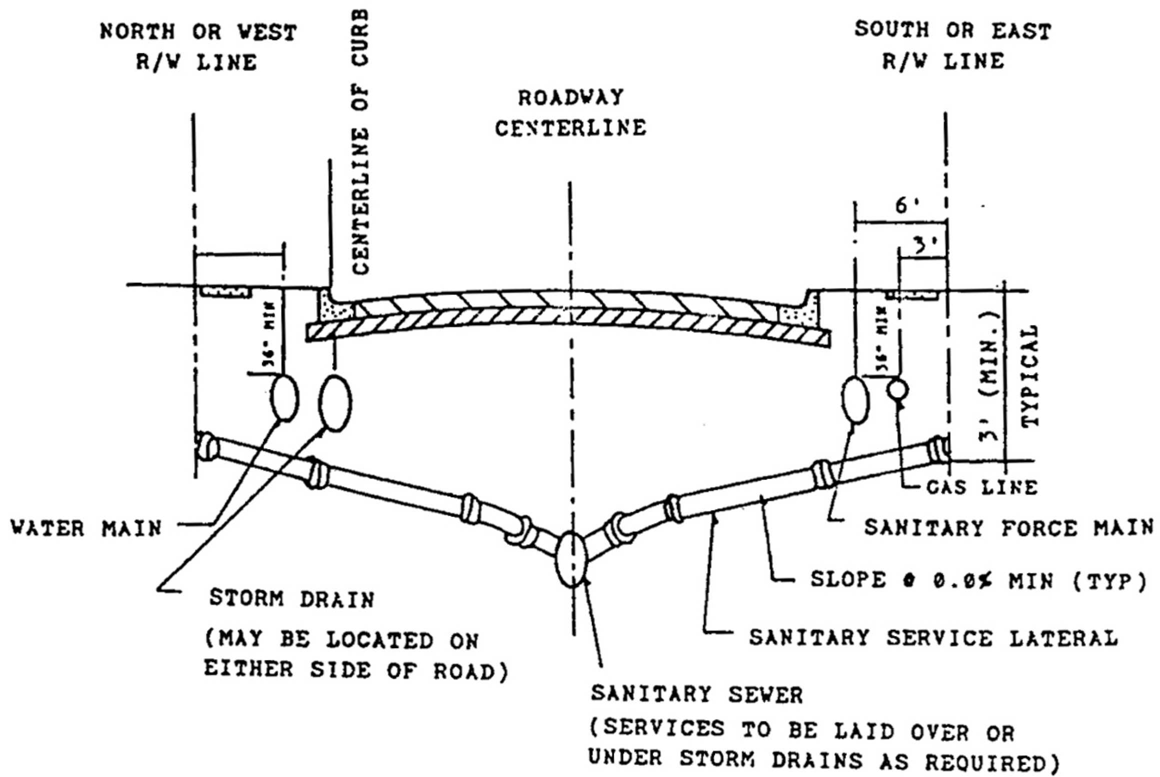
UTILITY LOCATION



TYPICAL SECTION LOCAL AND COLLECTOR STREETS

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CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, as provided under F.S. Ch. 472, and is in good standing with the Board of Land Surveyors, does hereby certify that on ______________, ______________, he completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a correct representation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed as shown thereon as required by F.S. Ch. 177; and that said land is located in Section __________, Township and Range _____________, City of Live Oak, Florida.

NAME____

DATE ________________________ Registration Number____________________

CERTIFICATE OF THE SUBDIVIDER'S ENGINEER

THIS IS TO CERTIFY, that on ___________________, ___________________, Registered Florida Engineer, as specified within F.S. Ch. 471, License No. ________________, does hereby certify that all required improvements have been installed in compliance with the approved construction plans and, as applicable, any submitted "as-built" blue prints in accordance with the requirements of the city council of the City of Live Oak, Florida.

_____________________________________(SEAL)
Registered Florida Engineer

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CERTIFICATE OF APPROVAL BY COUNTY HEALTH DEPARTMENT

Examined on ______________________________

AND

Approved by ______________________________
County Health Department

CERTIFICATE OF APPROVAL BY THE ATTORNEY FOR THE CITY OF LIVE OAK, FLORIDA

Examined on ______________________________

AND

Approved as to legal form and sufficiency by Approved by

____
City Attorney

CERTIFICATE OF APPROVAL BY CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA

THIS IS TO CERTIFY, that on ______________________________ the foregoing plat was approved by the City of Live Oak, Florida.

______________________________ Attest: ______________________________
Mayor City Administrator

Filed for record on: _________________________ By: ______________________________
City Clerk

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CERTIFICATE OF ESTIMATED COST

I, ____, Registered Florida engineer, as specified within F.S. Ch. 471, License No. ________________________, do hereby estimate that the total estimated cost of installing all required improvements for the proposed subdivision to be titled ________________________, is $______________________.

___________________________________(SEAL)
Registered Florida Engineer

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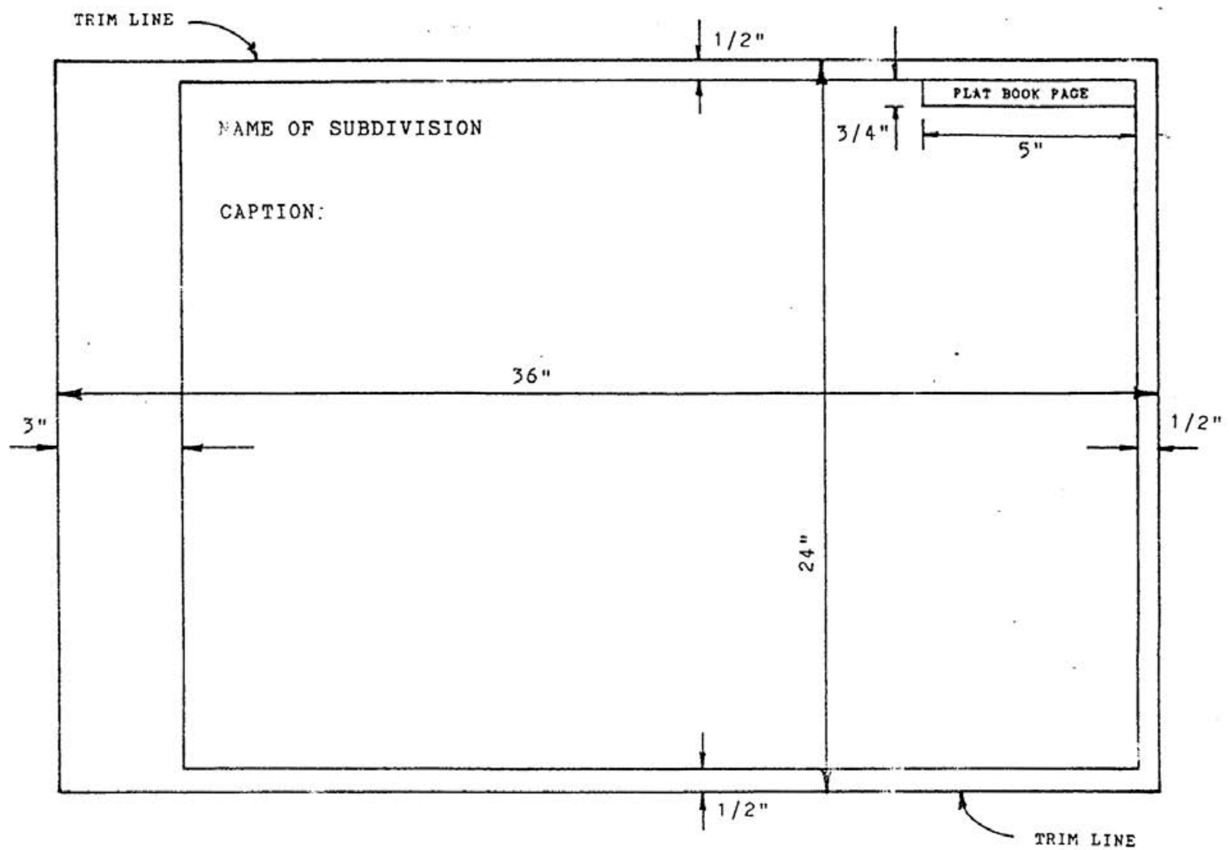
PRELIMINARY AND FINAL PLAT SIZE SPECIFICATIONS



SIZE OF SHEET FOR RECORD PLAT

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MAINTENANCE BOND – PAGES A-17 to A-22

CITY OF LIVE OAK
SUBDIVISION
MAINTENANCE BOND

DATE POSTED: ____________________
EXPIRATION DATE: ____________________

RE: ___________Subdivision/Plat/Permit No.:____
Owner/Developer/Contractor: ____
Project Address: ____

KNOW ALL PERSONS BY THESE PRESENTS: That we, _________________________ (hereinafter called the "Principal"), and _______________________, a corporation organized under the laws of the State of ____________________, and authorized to transact surety business in the State of Florida (hereinafter called the "Surety"), are held and firmly bound unto the City of Live Oak, Florida, in the sum of ____ ____ dollars ($________________________________), lawful money of the United States of America, for the payment of which sum we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents. THE CONDITIONS of the above obligation are such that:

WHEREAS, the above named Principal has constructed and installed certain improvements in connection with a project as described above within the City; and

WHEREAS, in order to provide security for the obligation of the Principal to repair and/or replace said improvements against defects in workmanship, materials or installation for a period of tweve (12) months after written and final acceptance of the same and approval by the City; and

WHEREAS, in order to enable the City to release the performance bond filed by the Principal with the City in connection with such improvements;

NOW, THEREFORE, this Maintenance Bond has been secured and is hereby submitted to the City. It is understood and agreed that this obligation shall continue in effect until released in writing by the City of Live Oak, but only after the Principal has performed and satisfied the following conditions:

A. The work or improvements installed by the Principal and subject to the terms and conditions of this Bond are as follows: (insert complete description of work here)

____
____
____

B. The Principal and Surety agree that the work and improvements installed pursuant to the Performance Bond or other security instrument filed with the City in the above-referenced project shall remain free from defects in material, workmanship and installation (or, in the case of

landscaping, shall survive,) for a period of twelve (12) months after written and final acceptance of the same and approval by the City. Maintenance is defined as acts carried out to prevent a decline, lapse or cessation of the state of the project or improvements as accepted by the City during the twelve (12) month period after final and written acceptance, and includes, but is not limited to, repair or replacement of defective workmanship, materials or installations.

C. The Principal shall, at its sole cost and expense, carefully replace and/or repair any damage or defects in workmanship, m aterials or installation to the City-owned real property on which improvements have been installed, and leave the same in as good condition as it was before commencement of the work.

D. The Principal and the Surety agree that in the event any of the im provements or restoration work installed or com pleted by the Principal as desc ribed herein, fail to rem ain free from defects in materials, workmanship or installation (or in the case of landscaping, fail to survive), for a period of twelve (12) m onths from the date of acceptance of the work by the City, the Principal shall repair and/replace the sam e within ten (10) days of demand by the City, and if the Principal should fail to do so, then the Surety shall:

1. Within twenty (20) days of demand of the City, make written commitment to the City that it will either:

    a). remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the City; or

    b). tender to the City within an additi onal ten (10) days the am ount necessary, as determined by the City, f or the City to rem edy the def ault, up to the total bond amount.

    Upon completion of the Surety' s duties under either of the options above, the Surety shall then have fulfilled its obligations under this bond. If the Surety elects to fulfill its obligation pursuant to the requirements of subsection B(1)(b), the City shall notify the Surety of the actual cost of the rem edy, upon completion of the remedy. The City shall return, without interest, and overpayment made by the Surety, and the Surety shall pay to the City any actual costs which exceeded the City's estim ate, limited to the bond amount.

2. In the event the Principal fails to make repairs or provide maintenance within the time period requested by the City, then the City, its employees and agents shall have the right at the City's sole election to enter onto said property described above for the purpose of repairing or maintaining the im provements. This provision shall not be construed as creating an obligation on the part of the City or its representatives to repair or maintain such improvements.

E. Corrections. Any corrections required by the City sh all be commenced within ten (10) days of notification by the City and co mpleted within thirty (30) days of the date of notification.

If the work is not performed in a timely manner, the City shall have the right, without recourse to legal action, to take such action under this bond as described in Section D above.

F. Extensions and Changes. No change, extension of time, alteration or addition to the work to be performed by the Principal shall affect the obligation of the Principal or Surety on this bond, unless the City specifically agrees, in writing, to such alteration, addition, extension or change. The surety waives notice of any such change, extension, alteration or addition thereunder.

G. Enforcement. It is specifically agreed by and between the parties that in the event any legal action must be taken to enforce the provisions of this bond or to collect said bond, the prevailing party shall be entitled to collect its costs and reasonable attorney fees as a part of the reasonable costs of securing the obligation hereunder. In the event of settlement or resolution of these issues prior to the filing of any suit, the actual costs incurred by the City, including reasonable attorney fees, shall be considered a part of the obligation hereunder secured. Said costs and reasonable legal fees shall be recoverable by the prevailing party, not only from the proceeds of this bond, but also over and above said bond as a part of any recovery (including recovery on the bond) in any judicial proceeding. The Surety hereby agrees that this Agreement shall be governed by the laws of the State of Florida. Venue of any litigation arising out of this Agreement shall be in Suwannee County Superior Court.

H. Bond Expiration. This bond shall remain in full force and effect until the obligations secured hereby have been fully performed and until released in writing by the City at the request of the Surety or Principal.

DATED this ________ day of ________________, 200_______.

SURETY COMPANY	DEVELOPER/OWNER
(Signature must be notarized)	**(Signature must be notarized)**
By: ______________________	By ______________________
Its ______________________	Its ______________________
Business Name: ______________	Business Name: ______________
Business Address: ____________	Business Address: ____________
City/State/Zip Code: __________	City/State/Zip Code: __________
Telephone Number: ___________	Telephone Number: ___________

CITY OF LIVE OAK

By: ________________________________ Date: ________________________
Its ______________________________

City of Live Oak
101 White Avenue S.E.
Live Oak, Florida 32064
(386) 362-2276

APPROVED AS TO FORM:

____
Office of the City Attorney

FORM P-1 / NOTARY BLOCK
(Use For Individual/Sole Proprietor Only)

STATE OF FLORIDA)
) ss.
COUNTY OF SUWANNEE)

I certify that I know or have satisfactory evidence that ____________________________ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated:

____

____
(print or type name)
NOTARY PUBLIC in and for the
State of Florida, residing
at:____________________________________

My Commission expires: _______________

FORM P-2 / NOTARY BLOCK (Use For Partnership or Corporation Only)

(Developer/Owner)
STATE OF FLORIDA)
) ss.
COUNTY OF SUWANNEE)

I certify that I know or have satisfactory evidence that ____________________________ is the person who appeared before me, and said person acknowledged as the __________________________________ of __________________________________that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: ____________________________________

____

____

(print or type name)

NOTARY PUBLIC in and for the
State_of_Florida, residing_at:
____
My Commission expires: _____________

(Surety Company)
(STATE OF FLORIDA)
) ss.
(COUNTY OF SUWANNEE)

I certify that I know or have satisfactory evidence that ____________________________ is person who appeared before me, and said person acknowledged as the __________________________________ of __________________________________that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: ______________________________

____

____
(print or type name)

NOTARY PUBLIC in and for the
State_of_Florida, residing at
____
My_Commission expires: ______________